

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**NEW BOMBAY BENCH**O.A. No. 777/91
T.A. No.

198

DATE OF DECISION 9.4.1992Shri A.S.Bhalerao PetitionerShri S.R.Borulkar Advocate for the Petitioner(s)

Versus

Union of India & Ors. RespondentShri J.G.Sawant Advocate for the Respondent(s)**CORAM**

The Hon'ble Mr. Justice U.C.Srivastava, Vice Chairman

The Hon'ble Ms. Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(S)

OA.NC. 777/91

Shri Anil Sakharam Bhalerao
V/S.

... Applicant

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice U.C.Srivastava
Hon'ble Member (A) Ms. Usha Savara

Appearance

Mr. S.R.Borulkar
Advocate
for the Applicant

Mr. J.G.Sawant
Advocate
for the respondents.

ORAL JUDGEMENT

Dated: 9.4.1992

(PER: U.C.Srivastava, Vice Chairman)

As the pleadings are complete and the parties also agree that the case may be heard and disposed of finally, it is being heard and disposed of finally.

2. The applicant who is a member of Scheduled Caste was promoted to the post of U.D.C. in the scale of Rs.1200-2040 in the office of the Director of Supplies. Now, the appointment of the applicant was challenged by the Respondent No.4 on the ground that as a matter of fact he was entitled to promotion and the post has wrongly been given to the said Bhalerao. This matter came before a Division Bench of this Tribunal of which one of us, (U.C. Srivastava) was a Member in Original Application No. 560/87. The application filed by Respondent No. 4 was allowed with the following observation:-

"Apparently, the applicant has been wrongly deprived of his promotional post. As such we direct that the applicant shall be appointed by the respondents against this promotional

(W)

(6)

post expeditiously say within a month, but however we make it clear in view of the fact, that if Mr. Bhalerao has already been promoted, he may be allowed to continue in the next cadre post and the post kept for adjustment, if necessary in future."

It appears that the parties submitted to the said orders. In pursuance of our directions the said Respondent No. 4 has been promoted and the applicant has now tried to challenge the said appointment of Respondent No. 4 in view of the fact that he is being reverted. As the Respondent No. 4 has been promoted in pursuance of our directions, it is no longer open for the applicant to challenge his appointment. Obviously, we did make an observation that in case the applicant has already been promoted, he may be allowed to continue. Of course, what we meant to say ~~was that~~ he may be allowed to continue on any ex-cadre post or in a post which may be created for him which can even now be done. With the above observations it is open for the respondents to allow the applicant to continue to hold the post of UDC on some ex-cadre post or newly created supernumerary post for him. This application is otherwise dismissed. Respondent No. 4 herein had already been promoted to the post of UDC before the judgement was delivered in the earlier case. The application stands disposed of accordingly.

Usha Savara
(MS. USHA SAVARA)

MEMBER (A)

U.C. Srivastava
(U.C. SRIVASTAVA)
VICE CHAIRMAN

mrj.