

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(S)

O.A. NO: 396/91  
T.A. NO: ----

199

DATE OF DECISION 11.8.92

P.K.Pednekar

Petitioner

Mr.Shankaranarayanan with Mr.Gopalakrishnan

Advocate for the Petitioners

Versus

Union of India and ors.

Respondent

Mr.Ranganathan proxy for Mr.J.P.Deodhar

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~Ms.~~ 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 ?

Ne.

mbm\*

*Ms. Savara*  
(Ms.Usha Savara)

MD

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.396/91

P.K.Pednekar,  
C/o.P.Sankaranarayanan,  
16, Bahar, Uttam Society,  
St.Anthony's Road,  
Chembur,  
Bombay - 400 071.

.. Applicant

vs.

1. Union of India,  
through  
The Secretary,  
Ministry of Commerce,  
Udyog Bhavan,  
Maulana Azad Road,  
New Delhi - 110 011.
2. Parveen Kumar,  
Assistant Chief Controller  
of Imports & Exports,  
(Admn.)  
New C.G.O.Building,  
New Marine Lines,  
Churchgate,  
Bombay - 400 020.
3. The Joint Chief Controller of  
Imports & Exports,  
New C.G.O. Building,  
New Marine Lines,  
Churchgate,  
Bombay - 400 020. .. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,  
Vice-Chairman.

Hon'ble (Ms:Usha Savara, Member(A))

Appearances:

1. Mr.Shankaranarayanan with  
Mr.Gopalakrishnan for the  
Applicant.
2. Mr.Ranganathan proxy for  
Mr.J.P.Deodhar,  
for respondents.

JUDGMENT:

(Per Ms.Usha Savara, Member(A))

Date: 11.8.92

This application has been filed  
assailing the reversion of the applicant from  
the post of Licensing Assistant to the post of  
UDC on 27-3-1991, and transferring him to Pune.  
The applicant was appointed as LDC in 1967 in  
the office of the Chief Controller of Import  
Exports, Goa and was further promoted as UDC  
on 10-8-79 and confirmed on 1.2.82. He was  
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promoted as Licensing Assistant(L.A.in short) w.e.f. 7.5.1984 and worked on the same post till 27.3.91, when he was reverted to the post of UDC and also transferred to Pune. The relief claimed by the applicant is the declaration that the impugned order dtd. 27.3.91 is illegal, arbitrary and violation of articles 14 and 16 of the Constitution; that the applicant is entitled to continue as L.A. and is entitled to all consequential benefits and he be given seniority as available to him on 27.3.91 and further the respondents be directed to transfer him to Goa.

2. The respondents have resisted the claim of the applicant. They have explained that the promotion of the applicant to the post of L.A. was purely on an ad hoc basis, and the office order clearly stipulated that the said promotion did not give any right to the promotee to continue in the said post. It was pleaded by the learned counsel for the respondents that the reversion of the applicant to his substantive post of UDC was based on the judgment delivered by the Hon'ble C.A.T., Ahmedabad Bench on 14.8.87. The seniority list had to be re-examined by the office, and a fresh seniority list had to be drawn. The applicant who was promoted as L.A. in ad hoc capacity on the basis of earlier seniority list had, therefore, to be reverted to his substantive post of UDC as a consequence of the revision of the seniority as ordered by the Hon'ble Tribunal. As there was no vacancy at Goa the applicant had to be transferred to Pune to accommodate him. He has since been promoted as L.A. on ad hoc basis in June, 1991, but his transfer could not be cancelled. It was also mentioned that out of a

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total service of 24 years, he has been in Goa for 22 years.

3. A similar matter had come up for consideration before us in O.A.No.132/1991 - Reetha Lonappan v. Union of India and ors. It was decided that so far as promotions on ad hoc basis <sup>are</sup> concerned, there is no reason why the applicants should be reverted till regular selection is not made. In case regular selection is made, they should also be considered.

4. Following the ratio laid down by the above case, the reversion order is quashed, and the applicant is deemed to have continued on the post of L.A. till June, 1991 when he has been promoted again on ad hoc basis. There is no evidence of arbitrariness in the transfer of the applicant, and this prayer of the applicant is rejected. In the result the application is partly allowed with no order as to costs.

*U.S. SAVARA*  
(Ms. USHA SAVARA)  
Member (A)

*U.C. SRIVASTAVA*  
(U.C. SRIVASTAVA)  
Vice-Chairman

MD