

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 520/91

Transfer Application No:

DATE OF DECISION: 9.8.1994

Shri R.G.Manani

Petitioner

Shri S.P.Kulkarni

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri R.C.Kotiankar

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S.Hegde, Member (J)

The Hon'ble Shri M.R.Kolhatkar, Member (A)

1. To be referred to the Reporter or not? X

2. Whether it needs to be circulated to other Benches of the Tribunal? X

M.R.Kolhatkar
(M.R.KOLHATKAR)
MEMBER (A)

B.S.Hegde
(B.S.HEGDE)
MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA. NO. 520/91

(7)

Shri Radhakrishin Gangaram Manani ... Applicant
V/S.
Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (J) Shri B.S.Hegde
Hon'ble Member (A) Shri M.R.Kolhatkar

Appearance

Shri S.P.Kulkarni
Advocate
for the Applicant

Shri R.C.Kotiankar
Advocate
for the Respondents

ORAL JUDGEMENT
(PER: B.S.Hegde, Member (J))

Dated: 9.8.1994

Heard both the parties and we have perused the
pleadings.

2. The short point for consideration is whether the
respondents are justified in giving the 'one time bound
promotion' to Mr.K.H.More w.e.f. 2.2.1989 and in so far
as the applicant is concerned from 9.2.1990. Accordingly,
he prayed for the following reliefs : (1) to quash and
set aside the impugned order dated 3.8.1990 and direct
the respondents to hold review DPC etc.

3. We are told by the counsel that both have been
considered for 'one time bound promotion' by the 3.5.1990
DPC. [~] Incidentally, applicant was also considered by the DPC
along with one More and others in 1988-89, the said DPC on
the basis of their records of service recommended promotion
to Shri More w.e.f. 2.2.1989 and to the applicant w.e.f.
9.2.1990. Admittedly, both have joined service in 1972 and

(B)

completed 16 years of service in 1988. Therefore, when we put a question to the learned counsel for the respondents why More had been given 'one time bound promotion' earlier than the applicant, he submits, that on the basis of performance and service records. However, we see no justification in giving a different date of 'one time bound promotion' to different people since both ~~were~~ considered by the same DPC and the date of promotion should be uniform. ^{when promotion is by reason of rejection of application} No reasons have been given by the respondents for giving a separate date of promotion to More ~~and in particular applicant is not said to be unfit~~

4. In the circumstances, we are satisfied that the criteria adopted by the respondents is ~~not~~ justified and hence we direct the respondents to refix the seniority of the applicant w.e.f. 9.2.1989 after completion of 16 years of service. This may be implemented within a period of one month from the date of receipt of this order. After refixation of seniority, the same be communicated to the applicant. We are told that the applicant is retiring from service by the end of this month, i.e. 31.8.1994. The OA. is disposed of in the light of the above.

M.R.KOLHATKAR

(M.R.KOLHATKAR)

MEMBER (A)

B.S.HEGDE

(B.S.HEGDE)

mrg.