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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ BOMBAY BENCH

O.A. No. 67/92 198
~~XXXXXXXXXX~~

DATE OF DECISION 19-9-92

Smt. S G Kamble Petitioner

Mr. Sankaranarayanan Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. Ranganathan for Mr. J P Deodhar Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

The Hon'ble Mr. M Y Priolkar, 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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MGIPRND-12 CAT/86-3-12-86-15,000

Sin
V.C.

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD; BOMBAY-1

OA No. 67/92

Smt. S G Kamble
Section Head
7/C Kapil Vastu
R. No. 244; S V Road; Girgaum ..Applicant

V/s.

1. Union of India
through Secretary
Ministry of Commerce
Udyog Bhavan
Maulana Azad Road;
New Delhi 11
2. Parveen Kumar
Assistant Chief Controller
of Imports & Exports (Admn.)
New CGO Building
New Marine Lines; Churchgate
Bombay 20
3. The Jt. Chief Controller
of Imports & Exports;
New CGO Building
New Marine Lines
Churchgate; Bombay-20 ..Respondents

Coram: Hon.Shri Justice S K Dhaon, V.C.
Hon.Shri M Y Priolkar, Member(A)

APPEARANCE:

Mr. Sankaranarayanan
Advocate
for the applicant

Mr. Ranganathan
for Mr. J P Devadhar
Counsel
for the respondents

ORAL JUDGMENT: DATED: 19.8.92
(PER: S K Dhaon, Vice Chairman)

On 17.4.1989, 70 persons, including the applicant, ~~had been~~ promoted. These promotions were purely on an ad hoc basis. It was also made clear that the promotion would not give any right to the persons promoted to continue in the grade or claim seniority in the post on the basis of the promotion. On

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27.3.91 a general order was passed by which 21 persons including the applicant were reverted to their original posts. The applicant feels aggrieved by the order of reversion. Hence this application.

2. A reply has been filed on behalf of the respondents. The material averments are these. A seniority list had been prepared and in order to implement the said list on 17.4.89 ad hoc promotions were made. The said list was challenged before the Ahmedabad Bench of this Tribunal. On 14.8.1987 the Bench at Ahmedabad passed an order, the material portion which runs :

"..... We direct that the seniority list for the Upper Division Clerks be drawn-up afresh on the basis of the aforesaid directions, within a period of three months of the date of this order, after hearing the persons who are also adversely affected."

In pursuance of the said direction of the Tribunal, a fresh seniority list was prepared and the said list was issued in March 1991. In order to implement the fresh seniority list, the impugned order of reversion was passed.

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3. We are satisfied that even though the applicant had been allowed to work on the higher post on officiating basis for about three years, the order of reversion, in the facts and circumstances of the instant case, is not an arbitrary one. The respondents were duty bound to implement the directions of the Tribunal and, therefore, draw up a fresh list and thereafter they were equally duty bound to implement the said list. However, in the reply filed, it has not been categorically stated that in pursuance of the fresh list, promotions have been made and some one is working on the post on which the applicant had been promoted.

We make it clear that the respondents shall not fill up the post held by the applicant by making any other ad hoc appointment. So long as the post is not filled up by a regular incumbent, the applicant may be allowed to continue in the higher post.

4. With these directions this application is disposed of finally, ^{but} with no order as to costs.

(M Y Priolkar)
Member (A)

(S K Dhaon)
Vice Chairman