

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: **6 FEB 1995**  
CCC 8719

APPLICATION NO: 1392 of 1994.

APPLICANTS:- Sri.Pralay Sankar Dhar, Bangalore-7

v/s.

RESPONDENTS:- Secretary, Ministry of Defence, New Delhi  
and seven others.,

To

1. Sri.G.R.Ramesh, Advocate,  
No.55, Railway Parallel Road,  
Kumara Park West, Bangalore-560 020.
2. Sri.M.Vasudeve Rao, Addl.C.G.S.C.  
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 30-01-1995.

Issued on  
6/2/95

*[Signature]*

o/c

*[Signature]*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1392/94

MONDAY, THE 30TH DAY OF JANUARY, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)

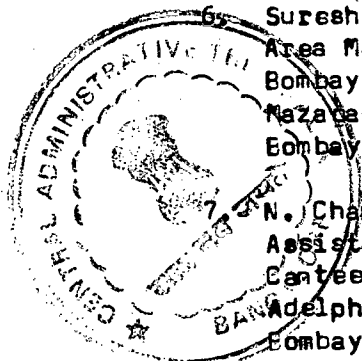
SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri Pralay Sankar Dhar,  
S/o late Shri Nalini Kant Dhar,  
aged 40 years, Area Manager,  
Canteen Stores Depot,  
Trinity Church Road,  
Agram Post, Bangalore-560 007. ... Applicant

( By Advocate Shri G.R. Ramesh )

Vs.

1. The Union of India,  
Ministry of Defence,  
New Delhi - 110 001,  
by its Secretary.
2. The Chairman & General  
Manager, Canteen Stores Deptt.,  
Adelphi, No. 119, Maharishi  
Karve Road, Bombay - 400 020.
3. The Chairman, Departmental  
Promotion Committee,  
Canteen Stores Department,  
Adelphi, 119, Maharishi  
Karve Road, Bombay - 400 020.
4. Mohan Lal Sarkar,  
Area Manager, Canteen Stores  
Department Depot, Jallandar  
Cantonment - 144 005.
5. Kiran Pal Singh, Assistant  
General Manager (MS), Canteen  
Stores Department, Adelphi,  
119, Maharishi Karve Road,  
Bombay - 400 020.
6. Suresh Chand Sharma,  
Area Manager,  
Bombay Area Depot,  
Mazgaon Docks,  
Bombay - 400 010.
7. N. Chandrashekhar,  
Assistant General Manager(GS),  
Canteen Stores Department,  
Adelphi, 119, Maharishi Karve Road,  
Bombay - 400 020.



8. M.K. Gupta,  
Assistant General Manager (Secy),  
Canteen Stores Department,  
Adelphi, 119 Maharishi Karve  
Road, Bombay - 400 020.

... Respondents

( By Addl. Central Govt. Standing Counsel,  
Shri M. Vasudeva Rao )

ORDER

Shri V. Ramakrishnan, Member (A)

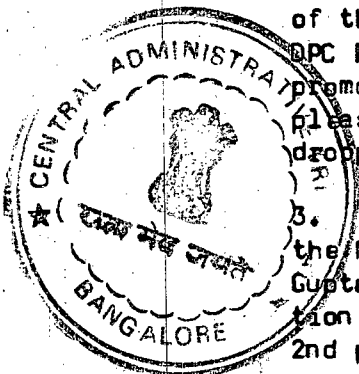
We have heard both sides. Respondent 8, who is likely to be affected if the applicant gets the relief, is called and absent. As he has been served but not represented he is placed ex parte.

2. Shri M.V. Rao for the department makes available to us the copy of letter from the Secretariat, Board of Control, Canteen Services, New Delhi dated 23.11.94 addressed to the General Manager, Canteen Stores Department, Bombay - 20. This letter No. 95033/q/XX/BOCCS dated 23.12.94 which is taken on record reads as follows:

"1. Reference your letter No. 3/Pers/A-3/CC-279/683 dated 12 Oct 94 and DA No. 1392/94 filed by Shri PS Dhar, v/s UOI & others.

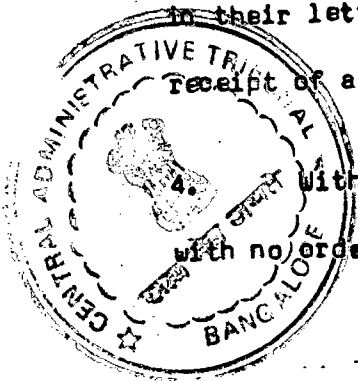
2. The Competent Authority in Ministry of Defence have decided to revoke officiating promotion of Shri PS Dhar as AGM/MSG and promote him on regular basis as AGM/MSG with the date of the promotion ordered based on recommendations of the second DPC held on 24 Jun 94 in which juniors to Shri PS Dhar have been promoted. It is requested that the Hon'ble CAT/ Bangalore may please be informed accordingly so that DA No. 1392/94 could be dropped.

3. It has further been decided by the Competent Authority in the Min of Def that the regular promotion in respect of Shri MK Gupta to the post of AGM/MSG be converted as officiating promotion as per the sealed cover procedure being last man of the 2nd panel of the DPC of AGM/MS held on 24 Jun 94."



3. The relief sought for in the present application is that the applicant should be promoted on a regular basis to the post of Assistant General Manager with effect from the date his juniors were promoted. The private respondents are admittedly junior to the applicant. As is seen from para 2 of the letter dated 23.12.94 referred above, the relief sought for by the applicant has been granted by the department. We accordingly direct the department to implement the commitment made in their letter referred to above within one month from the date of receipt of a copy of this order and keep the applicant informed.

4. With the above observations, the matter is finally disposed of with no order as to costs.



Sir

Sir

( A.N. VUJJANARADHYA )  
MEMBER (J)

TRUE COPY

( V. RAMAKRISHNAN )  
MEMBER (A)

TCV

*[Handwritten signature]*  
06/02/95

Deputy Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1392/94

MONDAY, THE 30TH DAY OF JANUARY, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri Pralay Sankar Dhar,  
S/o late Shri Nalini Kant Dhar,  
aged 40 years, Area Manager,  
Canteen Stores Depot,  
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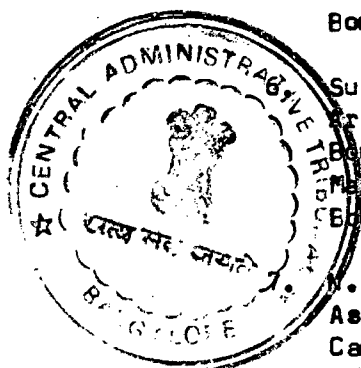
( By Advocate Shri G.R. Ramesh )

Vs.

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by its Secretary.
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3. The Chairman, Departmental  
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Canteen Stores Department,  
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4. Mohan Lal Sarkar,  
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Mazagaon Docks,  
Bombay - 400 010.

N. Chandrashekar,  
Assistant General Manager(GS),  
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8. M.K. Gupta,  
Assistant General Manager (Secy),  
Canteen Stores Department,  
Adelphi, 119 Maharishi Karve  
Road, Bombay - 400 020.

... Respondents

( By Addl. Central Govt. Standing Counsel,  
Shri M. Vasudeva Rao )

ORDER

Shri V. Ramakrishnan, Member (A)

We have heard both sides. Respondent 8, who is likely to be affected if the applicant gets the relief, is called and absent. As he has been served but not represented he is placed ex parte.

2. Shri M.V. Rao for the department makes available to us the copy of letter from the Secretariat, Board of Control, Canteen Services, New Delhi dated 23.11.94 addressed to the General Manager, Canteen Stores Department, Bombay - 20. This letter No. 95033/q/XX/BOCCS dated 23.12.94 which is taken on record reads as follows:

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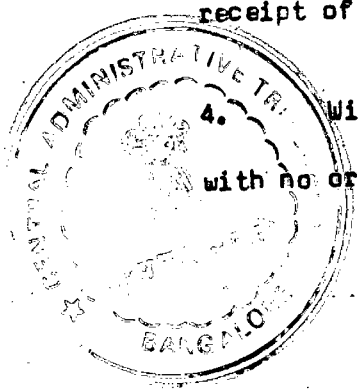
2. The Competent Authority in Ministry of Defence have decided to revoke officiating promotion of Shri PS Dhar as AGM/MSG and promote him on regular basis as AGM/MSG w.e.f. the date of the promotion ordered based on recommendations of the second DPC held on 24 Jun 94 in which juniors to Shri PS Dhar have been promoted. It is requested that the Hon'ble CAT/ Bangalore may please be informed accordingly so that OA No. 1392/94 could be dropped.

It has further been decided by the Competent Authority in the Min of Def that the regular promotion in respect of Shri MK Gupta to the post of AGM/MSG be converted as officiating promotion as per the sealed cover procedure being last man of the 2nd panel of the DPC of AGM/MS held on 24 Jun 94."



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4. With the above observations, the matter is finally disposed of with no order as to costs.



*Sir*

*Sir*

( A.N. VUJJANARADHYA )  
MEMBER (J)

( V. RAMAKRISHNAN )  
MEMBER (A)

TCV

TRUE COPY

*[Signature]*  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

MA 284/95 in O.A. 1392/94.

Shri. Pralay Shankar Dhar<sup>-6</sup> Vs. UOI by M/O Defence & Tech.

Date

Office Notes

Orders of Tribunal

VR(MA)

27-6-95

M.A.No.284/95

Heard Shri.G.R.Ramesh. He prays for clarification of the judgement of the Tribunal in O.A.No.1392/94 disposed on 30-1-1995 to the effect that the seniority of the applicant will be kept above the private respondents 4 to 8 in that OA. O.A.No.1392/94 was disposed of on the basis of the letter from the Secretariat, Board of Control, Canteen Services, New Delhi dated 23-11-94 where the Department had mentioned that the applicant would be promoted on regular basis as AGM/MSG w. w.e.f. the date of promotion ordered based on recommendation of the second DPC held on 24-6-94 in which juniors to Shri.P.S Dhar have been promoted. In other words the Department had <sup>stated</sup> stated that they would implement recommendations of DPC held on 24-6-94 including the order of merit contained therein. In view of the order, the Tribunal directed the Department ~~that~~ to implement their commitments made within one month.

2. Shri.Ramesh also states that the applicant apprehends that his seniority will not be maintained

...2/-



In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

O.A. 1392/94

MA 284/95 in O.A. 1392/94.

Application No.....of 199

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
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- 2 -

on the basis ~~of~~ of the recommendation of DPC. I see no basis for such apprehension and do not think on the basis of hypothetical assumption <sup>or</sup> of clarification can be issued. When the position taken by the Department with regard to seniority is made known to the applicant and if the applicant is of the view that the commitment made in letter dated 23-11-94 have not been implemented by the department, it is open to him to <sup>take</sup> appropriate steps as per law.

3. With the above observations M.A.No.284/95 is disposed of.

Sd/-

MEMBER(A)

TRUE COPY

*[Signature]*  
 Section Officer  
 Central Administrative Tribunal  
 Bangalore Bench  
 Bangalore



7.11.95  
 file received today  
 to  
 13/11/95