

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 987/1993.

Wednesday, this the 3rd day of September, 1997.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha,
Vice-Chairman,
Hon'ble Shri P.P.Srivastava, Member(A).

S.S.Rahate,
C/o.Telemc,
Dist. Engg.
Anviker Building,
Aurangabad.

... Applicant.

V/s..

1. Chief General Manager,
Maharashtra Telecom Circle,
Bombay - 400 001.

2. General Manager,
Telecom Marathwada area,
Bhagya Laxmi Building,
Somesh Colony,
Nanded.

3. Telecom District Engineer,
Anviker Building,
Aurangabad.

... Respondents.

(By Advocate Shri S.S.Karkera)

O R D E R

(Per Shri Justice R.G.Vaidyanatha,
Vice-Chairman)

This is an application seeking promotion and for consequential directions. The application came up for final hearing to day when nobody represented for the applicant. Even the applicant is absent. We have heard the learned counsel for the respondents and perused the materials on record. The applicant

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has also filed an application for amendment of the application.

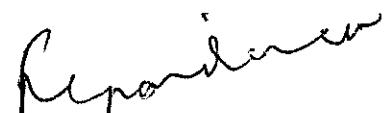
2. The only grievance of the applicant is that he has not been given promotion and he wanted an order of promotion at the hands of this Tribunal. But this relief has become infructuous since it is now admitted that the applicant has been promoted as per order dt. 30.11.1993. The learned counsel for the Respondents placed before us the copy of the order dt. 30.11.1993 which shows that the applicant has been granted promotion. Even the applicant has admitted this fact in his amendment application in M.P.299/94. Therefore, we hold that the applicant's main relief in the application about getting promotion has become infructuous, since he has already been promoted.

3. By way of amendment application, the applicant wants notional date of seniority with retrospective effect from 1.4.1987. The learned counsel for the respondents has brought to our notice that he was not given promotion earlier in view of departmental enquiry held against him. He has made available to us the copy of the order dt. 19.3.1990 under which the Disciplinary Authority has imposed a punishment of stopping increments of the applicant for 3 years. In view of the fact that when applicant has suffered punishment during disciplinary enquiry he cannot claim promotion for notional increment as of

right. In our view, the applicant's claim for retrospective notional fixation of seniority is not ~~maintainable~~ compatible in law in view of disciplinary proceedings and punishment imposed thereof. The amendment application is liable to be rejected. In our view, there is no merit either in the O.A. or in the Amendment Application.

4. In the result, both the O.A. and M.P. 299/94 are hereby dismissed. No costs.


(P.P. SRIVASTAVA)
MEMBER(A).


(R.G. VAIDYANATHA)
VICE-CHAIRMAN

B.