

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No:s. 197/93 and 198/93

Transfer Application No:
xxxxxxxxxxxxxxxxxxxxxxxxxxxx

DATE OF DECISION 19.10.93

Shri M.A.Sebastian & Sh.E.N.Kidav Petitioner

Shri M.S.Ramamurthy Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Sh.A.I.Bhatkar for Sh.M.I.Sethna Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri

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 ?


(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

6

OA.NO. 197/93 and OA.NO. 198/93

1. Shri M.A. Sebastian ... Applicants
2. Shri E.N. Kidav

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S. Deshpande

Appearance

Shri M.S. Ramamurthy
Advocate
for the Applicants

Shri A.I. Bhatkar
for Shri M.I. Sethna
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 19.10.1993

(PER: M.S. Deshpande, Vice Chairman)

Having heard the learned counsel at some length, I find that since the applicant is not willing to go on promotion to New Delhi where he has been posted and since there was a stay against the order of promotion/transfer, the order of promotion was cancelled and the applicant was given a posting in the original post at Bombay. Now prayer (a) would not survive. The consequence of that the applicant was not accepting the promotion and was debarred from it for one year and that there was no quarrel about this rule position.

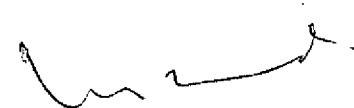
2. The anxiety of the applicant is that even if he would be considered for promotion after a period of one year for which he was debarred, he may not be given promotion and posting at Bombay and therefore ^{he should} give a



(2)

suitable direction to the respondents. I do not think that such a direction is permissible. The department should consider the applicant's request in the conditions which would then be prevailing.

3. With these observations the application is disposed of.


(M.S. DESHPANDE)
VICE CHAIRMAN