

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 12/93
Transfer Application No.

Date of Decision : 7/6/85

Shri R.R.Galhali

Petitioner

Shri C.Nathan

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri P.M.Pradhan

Advocate for the
respondents

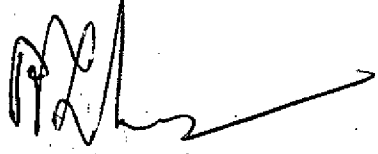
C O R A M :

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

The Hon'ble Shri P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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OA.NO. 12/93

Shri R.R.Galgali

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri C.Nathan
Advocate
for the Applicant

Shri P.M.Pradhan
Advocate
for the Respondents

JUDGEMENT

Dated: 7/6/95

(PER: P.P.Srivastava, Member (A))

The applicant was working as Director (Administration & Planning) in the office of Chief General Manager Telecom, West Zone, Lower Parel, Bombay 13. He has since retired according to the counsel for the applicant. The applicant along with another 87 Divisional Engineers were promoted to the Junior Administrative Grade by order dated 18.6.1992. The name of the applicant in the list of promotion appeared at Sr.No.3. The case of the applicant is that his juniors have been given the posting orders before him and thereby they are drawing more pay than him. The applicant, therefore, prays that he should be treated as posted in higher grade w.e.f. 18.6.1992, that is the date of order by which all the 88 Divisional Engineers were promoted to Junior Administrative Grade or to any other date on which his juniors were given the posting in Junior Administrative Grade. The applicant has specifically brought out the posting of one Shri Balkrishan, whose name

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appeared at Sr.No. 78 in the promotion list and he has been posted in Maharashtra Circle, Solapur and has joined there before him.


2. The respondents have brought out that the applicant was on medical leave much earlier than the date of promotion order, i.e. 18.6.1992. According to the respondents he was on medical leave from 25.5.1992 to 30.11.1992 and he was given posting as Director (P&A) in the office of C.G.M.Projects, Bombay w.e.f. 1.12.1992 on promotion when he resumed duty on expiry of his leave. The respondents have also brought out that the applicant had represented that he should be posted in M.T.N.L., Bombay which was also considered by the respondents and he was re-alloted to MTNL on 5.1.1993 where he resumed charge in Junior Administrative Grade w.e.f. 19.1.1993. As far as the posting of Balkrishan is concerned, the respondents have brought out that Balkrishan was posted as TDM Solapur on 28.7.1992 when the applicant was on medical leave and therefore the applicant cannot have any grievance against the posting of Shri Balkrishan.

3. We have considered the facts of the case and the arguments of both the counsels. Since the applicant was on medical leave from 25.5.1992 to 30.11.1992, he cannot have any grievance of posting being made during that period. As soon as he joined duty he was given posting in the higher grade from 1.12.1992. The respondents have also brought out in their written statement in Para 12 that the benefit of pay and allowances of Junior Administrative Grade Officer was given to the applicant from the day he resumed duty on expiry of medical leave i.e. 1.12.1992.






4. In the circumstances, we are of the view that there is no merit in the case of the applicant for being considered for promotion from an earlier date than the date 1.12.1992 which has already been granted to him. The OA. is, therefore, dismissed as being devoid of any merit. There would be no order as to costs.



(P.P.SRIVASTAVA)
MEMBER (A)



(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.