

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 02/93.

Dated : 10.08.99

Mulchand Jamnadas

Applicant.

Advocate for
Applicant.

Versus

Union of India & two others.

Respondents.

Mr. V.S. Masurkar

Advocate for
Respondent(s)

CORAM :

Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

Hon'ble Shri B.N.Bahadur, Member (A).

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

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

R.G.Vaidyanatha

(R.G.VAIDYANATHA)
VICE-CHAIRMAN

B.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.2 of 93.

Tuesday, this the 10th day of August, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri B.N.Bahadur, Member(A),

Mulchand Jamnadas,
At, Po. : DIU,
Pin Code No.362 520.Applicant.

Vs.

1. Union of India,
through : The Secretary,
Ministry of Home Affairs,
Central Secretariat,
North Block,
New Delhi.
2. The Administrator,
Administration of U.T. of
Daman and Diu,
Administrator's Secretariat,
P.O. : MOTI DAMAN.
Pin Code - 396 220.
3. C.H.Dalal,
Mamlatdar,
At Po. : DIU,
Pin Code : 362 520.Respondents.
(By Advocate Mr.V.S.Masurkar)

: O R D E R (ORAL) :

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

This is an application filed by the applicant claiming promotion to the post of Assistant Secretary or the Chief Officer under the Administration of Diu and Daman. He is also challenging the promotion of third respondent Mr.C.H.Dalal for the said post. The respondents have filed reply opposing the application. To day, when the case is called out for final hearing, the applicant and counsel were absent, we have heard

...2. *My*

Mr.V.S.Masurkar, the learned counsel for R-1 and R-2 and we have perused the materials on record.

2. The applicant's main grievance is that he is senior in the feeder cadre and he is entitled to be promoted to the post of Assistant Secretary or Chief Officer. His further grievance is that the third respondent Mr. Dalal is junior to the applicant, but the administration has promoted the third respondent and therefore his promotion order should be quashed.

Since the applicant's main grievance is that he is not promoted, now the learned counsel for the official respondents placed before us a Promotion Order dt. 26.10.1995 (which is taken on record) under which the applicant has been promoted to the post of Grade II Civil Services against the deputation post of Chief Officer in the pay scale Rs.2,000-60-2300-EB-75-3200-100-3500 plus other permissible allowances. Though the order is dated 26th October, 1995, it is made clear that the order of promotion is given effect from 29.12.1992. The impugned order of promotion of R-3 Mr.Dalal is also dt.29.12.1992 and the same pay scale is given there also (vide Ex.A-1 to the OA). Now, therefore, we find that the applicant has been promoted from 29.12.1992 itself and is given the same grade and same pay scale as was given to Mr.Dalal.

3. In our view, the applicant's claim is substantially satisfied by the order of promotion dt. 26.10.1995 now placed before us.

The applicant has not raised any seniority dispute by amending the OA in the promoted post as between himself and

Mr. Dalal. Hence, we cannot express any ~~information~~^{Opinion} on that point and the question is left open. In these circumstances, we hold that the application has now become infructuous in view of the promotion of the applicant during the pendency of the O.A.

4. In the result, the OA is disposed of subject to the above observations. No order as to costs.

B.N.Bahadur

(B.N.BAHADUR)

MEMBER(A)

R.G.Vaidyanatha

(R.G.VAIDYANATHA)

VICE-CHAIRMAN

B.