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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1019/94

Transfer Application No:

DATE OF DECISION: 7th Nov. 94.

R.M.Ramchandani

Petitioner

Shri G.R.Menghani

Advocats for the Petitioners

Versus

Union of India & Anr.

Respondent

Shri M.I.Sethna

Advocate for the Respondent(s)

CORAM :

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

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

1. To be referred to the Reporter or not ? NO'
2. Whether it needs to be circulated to other Benches of the Tribunal ? NO,


(M.S.DESHPANDE)
V.C.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

O.A.1019/94

R.M.Ramchandani

... Applicant.

V/s.

Union of India & Anr

... Respondents.

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

APPEARANCES :

Shri G.R.Menghani, Counsel for
applicant.

Shri M.I.Sethna, Counsel for
respondents.

ORAL JUDGEMENT :

DATED : 7th Nov. 94.

¶ Per. Shri M.S.Deshpande, Vice-Chairman. ¶

After hearing the Learned Counsel for the parties, it is apparent that the applicant had filed a transfer application No.421/86 seeking seniority and consequent promotion and that claim was dismissed by the judgement delivered by the tribunal on 10/1/92. The matter has been taken to the Supreme Court by filing a special Leave Petition and the Supreme Court passed a speaking order dismissing the SLP on 22/7/94. The point that has been raised by Shri Menghani, Learned Counsel for the applicant is that the applicants junior Shri Narang had made a representation to the President and the President directed the DPC to review the matter and grant him seniority according to rules and Shri Narang thereafter came to be promoted by the order dt. 6/5/94- (Ex.F). It is urged that since Shri Narang's case has been considered, the applicant's case should also have been considered and non-consideration of the applicant was discriminatory and violative of Article 14 & 16 of the Constitution.

The Supreme Court in its judgement dt. 25/7/94 observed as follows:-

It is urged in the additional affidavit that one Shri G.S.Narang made a representation to the President and the President directed the DPC to reconsider the matter and grant him appropriate relief according to the rules and that the applicant is also entitled to the same benefit. We are not having any material before us as to under what circumstances the case of G.S.Narang was directed for reconsideration by the Review DPC. Accordingly we do not find any ground warranting interference. The SLPs are accordingly dismissed."

Shri Menghani urged that the ground~~s~~ which was taken up on the basis of Narang's promotion was not considered by the Supreme Court because of absence of material before it. There is no indication in the judgement that the applicant had sought relief from the Supreme Court to ~~p~~ursue the matter before the tribunal on the basis of considerations which were made in respect of Narang and that such relief was granted. Evidently, the appeal before the Supreme Court was that the petitioner should receive the same benefit as Narang. That claim was placed before the Supreme Court and was considered by it and rejected. In view of this, it is not open to the applicant to make a grievance before us afresh. With this direction, The application is dismissed.


(P.P.SRIVASTAVA)
M(A)

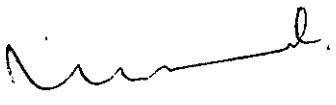

(M.S.DESHPANDE)
V.C.

abb.