

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1065/98

Date of Decision: 19.2.1999

Shri Ravendra Mohan Dayal _____ Applicant.

Applicant in person

Advocate for
Applicant.

Versus

State of Maharashtra and others Respondent(s)

Shri V.S.Masurkar for Respondent No.1

Advocate for
Shri S.S. Kulkarni for respondent No. 3 Respondent(s)

CORAM:

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

Hon'ble Shri. D.S. Bawejia. Member (A)

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

(2) Whether it needs to be circulated to other Benches of the Tribunal? *No*

R. G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No.1065/98

Friday the 19th day of February 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S. Baweja, Member (A)

Ravendra Mohan Dayal
C/o Publicity and
Information Officer
(Forests) Maharashtra
State, 47/2 Pune-Satara
Road, Bidewadi Corner,
Parwati, Pune.

... Applicant.

Applicant in person.

V/s.

State of Maharashtra through
Chief Secretary
Government of Maharashtra
Mantralaya, Mumbai.

Union of India through
Secretary,
Ministry of Environment
and Forests, CGO Complex
Lodhi Road, New Delhi.

Shri S.B. Kulkarni
IFS (retired)
14 Rambaug Colony
Paud Road,
Opposite Tuja Bhawani
Mandir, Kothrud,
Pune.

... Respondents.

By Advocate Shri V.S. Masurkar for respondent No.1.

Shri S.S. Kulkarni for respondent No.3.

O R D E R (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman ¶

This is an application filed by the
applicant challenging his non selection in Super
Time Scale in Indian Forests Service in Maharashtra
cadre. The learned counsel for respondent No.1
opposes the application.


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2. The applicant's main grievance is that in spite of the order of this Tribunal dated 10.1.1997 in O.A. 1276/93 in quashing the adverse remarks and a direction to promote him in Super Time Scale, the State Government has not yet selected him though many of his juniors have already been selected in Super Time Scale.

3. At the time of hearing the applicant has brought to our notice that he has given representation dated 23.7.98 (page 97 of the paper book) where he has mentioned all the detailed facts and his claim for promotion in Super Time Scale, in view of the order passed by this Tribunal in the previous O.A. Now we are told that the representation is still pending and no order is passed by the State Government. In our view, at this stage it is not necessary to go into the merit~~s~~ of the case. Now the applicant states that he has submitted one more representation during the pendency of the O.A. on 10.2.1999, which is also pending for consideration by the State Government.

4. After hearing both the sides we feel that the State Government should be directed to dispose of the representations on time bound basis. Hence we do not want to express any opinion on the merits of the case.

5. In the result the O.A. is disposed of with a direction to the State Government to consider and dispose of the representations dated 23.7.98 and 10.2.1999 by a speaking order as early as possible preferably within a period of eight weeks from the date of receipt of this order. Needless

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to say that if any adverse order is passed by the administration then the applicant can challenge the same according to law. All contentions of the applicant on merits are left open. We also direct that till the disposal of the representations the State Government should keep one post of Super Time Scale in the Indian Forests Service Maharashtra cadre be kept vacant. In the circumstances of the case there will be no order as to costs.

Since we are disposing of the O.A. today, M.P. 66/99 does not survive. Accordingly M.P. 66/99 is disposed of.

DASTI.

D. R. J. (S. Bawej)
(D.S. BAWEJA)

MEMBER (A)

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI

C.P. 19/99 in
Original Application No.1065/98

Monday the 31st day of May 1999.

CORAM:Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Baweja, Member (A).

Ravendra Mohan Dayal ... Applicant.
Applicant in person.

V/s.
Union of India and others. ... Respondents.
By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)
¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman)(

C.P. 19/99 has been filed by the applicant alleging that the respondents have not complied with the order of the Tribunal dated 19.2.1999. The respondents have filed reply opposing the C.P. We have heard applicant in person and Shri V.S. Masurkar counsel for respondent No.1.

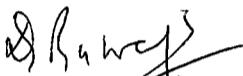
2. After hearing both sides we find that in pursuance of the order of the Tribunal dated 19.2.1999, the respondents have passed an order dated 5.5.1999 rejecting the claim of the applicant for promotion.

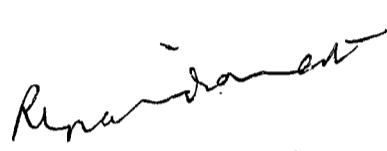
The question is whether the respondents have passed a speaking order in respect of the applicant or not. If once such a speaking order is passed by the Competent Authority then there is no question of contempt. The question whether the order of Competent authority is right or wrong is not a matter which can be gone into while hearing a contempt Petition. If the

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applicant is aggrieved by the order of the administration certainly it cannot be gone into in a C.P. We find that the Competent Authority has passed an order dated 5.5.1999 with some reasons that the applicant is not entitled to promotion.

3. In view of the above reasons the C.P. is disposed of. This order is without prejudice to the right of the applicant in challenging the order of the Competent Authority dated 5.5.1999 as per law.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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