

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.245/2018.

Date of Decision: 13.04.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Mr. Haribhau Gole,
Age 51 years,
S/o. Mr. Dhanaji Gole,
Residing at Shani Place, D-202,
Madamapur Road, Neral,
Tal-Karjat, Dist Raigad.

Employed with Debts Recovery Tribunal No. 1,
Scindia House, Ballard Estate,
N.M. Marg, Mumbai 400001.

....Applicant

(By Advocate Shri Sushant Valimbe)

Versus

1. Union of India,
The Under Secretary,
Ministry of Finance,
Department of Financial Services,
Jeevan Deep Building, 10, Parliament Street,
New Delhi 110001.
2. The Assistant Registrar,
DRT-1 Mumbai, Scindia House,
Ballard Estate, N.M. Marg,
Mumbai 400001.
3. Section Officer,
DRT-1 Mumbai, Scindia House,
Ballard Estate, N.M. Marg,
Mumbai 400001.

... Respondents

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out
for Admission, Applicant appeared with Shri

Sushant Valimbe, learned Advocate for him. We have carefully perused the case record.

2. The Applicant is presently working as MTS (Multi Tasking Staff) under Respondent No.2. He seeks promotion to the post of LDC from 30.03.2016. According to him, he is eligible and submitted representations for considering him for promotion after rendering qualifying service of 3 years as MTS. However, it was not considered. Hence he approached this Tribunal.

3. The record shows that Assistant Registrar, DRT-I has been arrayed as Respondent No.2. However, the Registrar is the administrative head of DRT and hence the applicant is directed to carry out necessary amendment in the description of Respondent No.2 by deleting the word 'Assistant' therefrom. It is stated that post of Registrar is vacant and Assistant Registrar is holding additional charge of the post of Registrar. The Respondent Nos.1 & 3 are not the necessary parties to OA.

4. In this OA, the following reliefs are sought:

“8.a) That the Original Application be allowed.

8.b) That the Applicant be promoted to the post of LDC in DRT-I.

8.c) That no junior person be promoted to the post of LDC in DRT-I.

8.d) Stay on Departmental Promotion Committee to give the promotion to Junior Multi-Tasking Staff.

8.e) That the enforcement of the Notification No.G.S.R. 1565(E) dated 22.12.2017 under powers conferred upon it by Section 36 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 and in supersession of the Debts Recovery Tribunal-I, Mumbai (Group C and D) (Non-Gazetted) Recruitment Rules, 1988 be stayed.

8.f) Interim and Ad-interim reliefs with respect to prayers clauses (b), (c) and (d).

8.g) Any other order the Hon'ble Court deems fit and proper.”

5. According to applicant, he submitted representation dated 12.02.2018 (Annexure A-10) to the In-charge Registrar DRT-I, Mumbai. However, no action was taken. Thereafter, he submitted another representation dated 05.03.2018 (Annexure A-11) which was forwarded by the In-charge Registrar DRT-I, Mumbai to the Under Secretary, Ministry of Finance, Department of Financial Services, Jeevandeep Building, New Delhi. However instead of it, nothing

has been heard from the other end. As such there is no adverse order rejecting the applicant's claim.

6. In view of above, we are of the considered view that ends of justice will be better served, in case appropriate directions are issued in the matter. Hence, Respondent No.2 - Registrar DRT-1 is directed to consider and pass a reasoned and speaking order on the pending representations of applicant with the approval of the Presiding Officer DRT -I Mumbai Region, within a period of three weeks from the date of receipt of certified copy of this order.

7. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

8. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping all the legal pleas open.

9. Registry is directed to issue copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.