

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 4102 OF 2016.**

(The Central Board of Trustees, Employees Provident Fund Organization & others .vs. Shri Govardhan Rajaldas Rochwani)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. H.N. Verma, Advocate for petitioners,

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : AUGUST 24, 2016.

The petitioners - Employees Provident Fund Organization and others challenge the judgment and order passed by the learned Central Administrative Tribunal in Original Application No. 2147/08 dated 22.1.2014, thereby allowing the Original Application of the respondent employee.

Mr. H.N. Verma, learned Counsel appearing for the petitioners, submits that the learned Tribunal has grossly erred in ignoring Clause 2(b) of Points of Doubts and Clarification on Time Bound Promotion Scheme which provides that the employees selected to inter regional transfers should be considered for promotion provided those officials are at present regular UDCs and they have completed 17 years service in the clerical cadre. The learned Tribunal has relied on the Circular of the Union of India dated 3.6.1992 which provides that the time bound promotion is allowed on the basis of number of years in clerical service by the official. It further provides that seniority of official in the cadre of UDC is not relevant at all and further

provides that the official should have put in minimum of 17 years of service in the organization. The learned Tribunal has also relied on the following judgments of Their Lordships of the Apex Court in the cases of **Dwijen Chandra Sarkar .vs. Union of India AIR 1999 SC 598, Union of India .vs. V.N. Bhat AIR 2004 SC 3200 and Scientific Advisor to Raksha Mantri .vs. V.M. Joseph AIR 1998 SC 2318** in support of the finding that while considering the question of promotional benefit, it is only the number of years spent in the service which shall have to be taken into consideration. Admittedly, the employee had completed 17 years of service on 1.8.1999 which is the date which has been found to be relevant date by the learned Tribunal for grant of the promotional benefit to the respondent employee.

In that view of the matter, it cannot be said that the learned Tribunal has committed any error to warrant interference in the extraordinary jurisdiction. The Writ Petition is rejected.

Judge

Judge

J.

CERTIFICATE

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