

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 38 OF 2020

Mayur Kamble

..... Petitioner

*V e r s u s*

Union of India & Ors.

..... Respondents

Mr. Parag Rao, Advocate for the Petitioner.

Mr. Pravin Faldessai, Assistant Solicitor General for the Respondents.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 9<sup>th</sup> June, 2020

P.C.

Heard Mr. Parag Rao, the learned Counsel for the petitioner and Mr. Faldessai, the learned Assistant Solicitor General for the respondents.

2. The petitioner challenges the order dated 01.06.2020 made by the Central Administrative Tribunal (CAT) declining the petitioner interim stay, insofar as his reversion from the post of Joint Commissioner of Income Tax to the post of Deputy Commissioner of Income Tax.

3. Mr. Rao, the learned Counsel for the petitioner, submits that in terms

of the OM dated 24.12.1986, an adhoc appointee, who has held the post on adhoc basis for more than one year, need not be reverted merely on the ground of pendency of disciplinary proceedings. He submits that, in any case, the incident which is the alleged cause in initiation of the disciplinary proceedings relates to the year 2015 and, therefore, there was absolutely no good ground to revert the petitioner. He pointed out that almost 170 officers who were similarly promoted on adhoc basis along with the petitioner, have not been ordered to be reverted.

4. Mr. Faldessai, the learned Assistant Solicitor General, defends the impugned order on the basis of reasoning reflected therein.

5. The challenge in this petition is only to an interim order. The impugned order applied for by the petitioner was virtually in the nature of final relief which is ordinarily not required to be granted at the interim stage. Accordingly, we are not persuaded to interfere with the interim order made by the CAT. However, it does appear that there has been no detailed consideration of the petitioner's contention particularly in the context of the applicability or otherwise of the 1986 OM. Therefore, the interest of justice will be met if we request the Central Administrative Tribunal to dispose off

petitioner's OA No.243 of 2020 as expeditiously as possible and, in any case, within a period of two months from today. We, accordingly, request the Central Administrative Tribunal to dispose off petitioner's OA No.243 of 2020 on its own merits in accordance with law as expeditiously as possible and, in any case, within a period of two months from today. In so disposing off the petitioner's original claim, the CAT may not be influenced by any of the prima facie observations made in the impugned order dated 01.06.2020. So also, the hearing of OA No.243 of 2020 cannot be deferred until the conclusion of disciplinary proceedings against the petitioner. It is necessary to note that the main contention of the petitioner is that the pendency of the disciplinary proceedings is not a good or a valid ground for order of reversion. Interests of justice requires that this ground is considered at the earliest by the CAT.

6. Therefore, though the impugned order is not been interfered with, directions are issued in the aforesaid terms. All contentions of all parties are expressly left open for detailed consideration by the CAT while disposing off OA No.243 of 2020.

7. Mr. Faldessai, the learned Assistant Solicitor General, states that the

respondents will not seek any undue adjournment in the matter. He says that if any further pleadings are necessary, they will be completed within 15 days from today. The statements are accepted.

8. This petition is disposed off in the aforesaid terms.

9. All concerned to act on the basis of an authenticated copy of this order.

**M. S. JAWALKAR**

**M. S. SONAK, J.**

arp/\*