

Central Administrative Tribunal, Principal Bench

Original Application No. 922 of 2002

New Delhi, this the 18th day of March, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Govindan S. Tamai, Member(A)

Madhukar
S/o Shri Yudhisthir
R/o 51, Delhi Administration Flats
Greater Kailash-I
New Delhi-48

.... Applicant

(By Advocate: Shri Kalyan Dutt, proxy for Shri A.K. Behra)

Versus

1. Union of India through
The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi-1
2. Government of NCT of Delhi through its
Chief Secretary,
Delhi Secretariat, I.G. Stadium,
New Delhi-2

.... Respondents

(By Advocate: Shri Rajinder Nischal)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, Shri Madhukar/applicant was praying for quashing of the order dated 1.3.2001 whereby sealed cover procedure had been adopted with respect to the promotion of the applicant. He wanted a direction to promote him to the Junior Administrative Grade (JAG) with effect from the date his immediate junior had been promoted.

2. The application was being contested.

3. During the course of submissions, learned counsel for the applicant had drawn our attention to the notification of 25.2.2003 issued by the Ministry of Home

18 Reg

Affairs, promoting the applicant in the JAG w.e.f. 16.12.93.

4. Part of the relief has been granted. To that extent, there is little controversy. The grievance of the applicant presently is that consequential benefits have not been granted. The order now produced, reads:

"The President is pleased to appoint Shri Madhukar, Grade-I officer of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra & Nagar Haveli Civil Service (DANICS) to the Junior Administrative Grade of the Service with effect from 16th December, 1993.

2. On such appointment, the name of Shri Madhukar will appear at Sl.No.94-A below the name of Shri K.K.Jindal and above the name of Shri Rajiv Kale in the Ministry of Home Affairs Notification No.14016/46/94-UTS-II dated 9th August, 1996."

5. Indeed, perusal of the order shows that consequential benefits have not been accorded to the applicant. We take liberty of mentioning to the other decision of this Tribunal between the parties in O.A.2647/99 decided on 26.7.2000. The operative part of the same reads:

"8. After the review DPC makes its recommendations, the respondents should take a final decision thereon within two weeks of its receipt. In the event that the applicant is promoted, such promotion will take effect from the date of promotion of his immediate junior and he will be entitled to all consequential benefits. No costs."

6. Even on earlier occasion, this Tribunal had directed that in case the applicant is promoted from the date his junior had been promoted, consequential benefit was to be given to him. The same has not been given. In

MS Ag

fact, whenever there is a decision of this Tribunal between the parties, this is a necessary consequence of any such benefit that would have accrued.

7. Accordingly we direct that respondents shall give the necessary consequential benefits accruing to the applicant from the date he has been promoted in the ~~present~~ order dated 25.2.2003. O.A. is disposed of.

(Govindan S. Tampi)
Member (A)

/dkm/

Ag
(V.S. Aggarwal)
Chairman.