

CENTRAL ADMINISTRATIVE TRIBUNAL, PRTNCTPAI BENCH

OA No. 1851/2002

New Delhi, this the 28th day of August, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member(A)

versus

1. Chief Secretary
Govt. of NCT of Delhi
IP Estate, New Delhi
2. Secretary, Planning
Govt. of NCT of Delhi, Delhi
3. Joint Director
Planning Department
Level 6, B Wing, Delhi Sachivalaya
New Delhi
4. Director of Family Welfare
Malkaganj, New Delhi

. . . Respondents

(Shri Vijay Pandita, Advocate)

ORDER(oral)

Justice V.S. Aggarwal

Applicant had preferred OA No.2873/2001. This Tribunal had disposed of the same on 18th October, 2001 with the following directions:

"After the applicant was exonerated by the Court of Additional Session Judge, he has filed a review petition before the Lt. Governor, Govt. of NCT of Delhi on 10.7.2000 (Annexure A-15). The same is pending consideration with the Lt. Governor. In the aforesated circumstances of this case and having regard to the submissions made by the learned counsel, we find it proper and in the interest of justice to dispose of the present OA at this very stage even without issuing notices by directing the Lt. Governor to consider the aforesaid representation and pass a reasoned and a speaking order thereon as expeditiously as possible and in any event within a period of one month from the date of receipt of a copy of this order. We also direct the respondent No.1 to consider the pleadings contained in the present OA in addition to the aforesaid representation while deciding the matter. We direct accordingly."

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2. Subsequently, the Lt. Governor of Delhi on 28.11.2001 revoked the appellate order and exonerated the applicant of the charge levelled against him in the disciplinary proceedings. The penalty so inflicted has been set aside. By virtue of the present application, applicant seeks that his seniority should be fixed keeping in view the exoneration from the charge and his pay and allowances should be paid.

3. We find from the short affidavit filed that an attempt has been made to state that the directions have been complied by the order dated 27.1.2003 which reads:-

"On the recommendation of the Departmental Promoting Committee the Chief Secretary, Govt. of NCT of Delhi is pleased to regularise the appointment of Shri R.D. Prasad (SC) on the post of Statistical Officer in the pay scale of Rs.2000-3500 (pre-revised) (Rs.6500-10500) against the post reserved for SC category w.e.f. 03.1.1997, the date his junior Sh. H.R. Arya (SC) was promoted. The seniority of S/Sh. R.D. Prasad & H.R. Arya will be refixed at their due places in the grade of Statistical Officer.

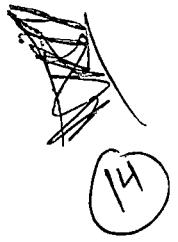
Shri R.D. Prasad will be entitled for payment of arrears of pay and allowances w.e.f. 03.01.1997.

This order supersedes all previous orders of this Government on the subject.

Shri R.D. Prasad, Statistical Officer is adjusted against a vacancy of Statistical Officer in Planning Department for the period from 03.01.1997 to 25.02.1999 for pay purposes."

4. Perusal of the above said facts shows that it has been decided that the applicant is entitled to pay and allowances w.e.f. 3.1.1997. We are informed that arrears of pay and allowances have not still been made. We therefore direct that arrears of pay and allowances should be made within two months from today, in default

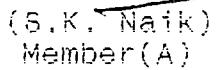
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applicant would be entitled to interest @ 9% per annum on the due amount from 27.1.2003 till the payment is made.

5. As regards the second plea, perusal of the order referred to above shows that the applicant has been placed in the post of Statistical Officer w.e.f. 3.1.1997, the date his junior H.R. Arya was promoted. The order does not indicate as to what is the exact position of seniority of the applicant in that grade. It is directed that the seniority list should indicate the exact position of seniority of the applicant.

6. OA is disposed of as aforesaid.


(S.K. Naik)

Member(A)


(V.S. Aggarwal)

Chairman