

Central Administrative Tribunal  
Principal Bench

O.A. No. 379 of 1999

6

New Delhi, dated this the 4th October, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri D.K. Mandal,  
S/o Shri B.C. Mandal,  
Executive Engineer, CPWD,  
R/o C II/18, DDUH Residential Complex,  
Hari Nagar,  
New Delhi-110064. ... Applicant

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India through  
the Secretary,  
Dept. of Urban Affairs & Employment,  
Ministry of Urban Affairs,  
Nirman Bhawan, New Delhi.
2. Director General Works,  
C.P.W.D., Nirman Bhawan,  
New Delhi. ... Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks reliefs as per Para 8 of the O.A.

2. We have heard applicant's counsel Shri Tiwari and respondents' counsel Shri Arif.

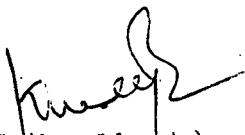
3. Shri Tiwari states at the Bar that it is only relief 8(c) that still survives in as much as applicant has not been granted consequential benefits pursuant to his promotion as Executive Engineer (Civil) including backwages.

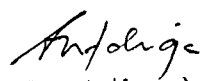
(7)

4. Respondents admit in their reply that applicant could not be considered for ad hoc promotion Executive Engineer (Civil) in the DPC held in December, 1995 because of their own mistake.

5. Applicant cannot be penalised for mistakes committed by respondents. Under the circumstances the relief prayed for by applicant in Para 8(c) is allowed to the extent that respondents are directed to grant applicant benefits consequential to his promotion as Executive Engineer (Civil) on ad hoc basis with effect from the date his immediate junior was so promoted, including arrears of back wages. These directions should be implemented within three months from the date of receipt of a copy of this order.

6. The O.A. succeeds and is allowed to the extent as aforesaid. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

/GK/