

Central Administrative Tribunal  
Principal Bench: New Delhi

CP 45/97 in OA 1157/94

(A)

New Delhi, this the 8th day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Shri S.P.Biswas, Member (A)

Shri Rama Kant Sharma,  
Sr. Booking Clerk,  
Railway Station,  
Aligarh (UP) ....Petitioner

(By Advocate Sh.Rama Krishna proxy  
for Shri B.S.Mainee)

-Versus-

1. Shri Shanti Narain,  
General Manager,  
Northern Railway,  
New Delhi.
2. Shri A.K.Jain,  
Divisional Railway Manager,  
Northern Railway,  
Allahabad. ....Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (Oral)  
(Dr.Jose P. Verghese, Vice-Chairman (J))

The order complained against is dated 7.2.1996 and the said order was passed by this court on the basis of an order of the respondent dated 12.12.1995 in which proforma promotion was given to the petitioner. Respondents have now filed a compliance affidavit to which an objection is being raised by the petitioner that they have not paid the arrears of pay after pay fixation. Learned counsel for the petitioner submits that since this court has given all consequential benefits which should include arrears of pay as well. We are unable to agree with this contention of the petitioner since the order dated 12.12.1995 has already been passed by the respondents prior to the date of the judgement

granting proforma promotion and this court passed the order on the basis of that order, we cannot accept the contention that the consequential benefits should include the arrears of pay as well.

Learned counsel for the respondents submitted that under para 228 of the Indian Railway Establishment Manual (Vol.I) no arrears can be paid on the basis of proforma promotion. We agree with the submission made by the respondents since in this case the proforma promotion has been granted by them on their own much prior to the judgement of this court. It is not the case of the petitioner that the promotion granted to him was not at the instance of the court order rather it has been already granted by the respondents prior to our orders and the same being only a proforma promotion, no arrears of pay now be granted.

In view of the circumstances of the case, Contempt of courts proceedings are dropped and notices are discharged.

  
(S.P. Biswas)  
Member (A)

NA

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)