

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 316/96

New Delhi: this the 28th day of August, 2000.

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Tushar Ranjan Mohanty,
S/o Shri Rabi Narayan Mohanty,
Computer Literate,
Inter-State Council Secretariat,
Ministry of Home Affairs,
Vigyan Bhavan Annexe,
Maulana Azad Road,
New Delhi-11Applicant.

(Applicant in person).

Versus

Union of India,
through
the Secretary,
Department of Statistics,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan,
Sansad Marg,
New Delhi-1Respondents.

(Shri J.K. Mehan, SO with Sh. N. K. Sharma,
deputt. rep.)

ORDER

Mr. S.R. Adige, VC(A):

In this OA bearing No. 316/96 applicant impugns respondents' order dated 4.1.96 (Annexure -A8).

2. To the extent that this impugned order refers to applicant, para 5 thereof is relevant, and reads thus

"5. The fifth order of Promotion No. 11024/22/88-ISS(Vol. VII) dated 28.2.95 by which Shri T.R. Mohanty was promoted to JAG w.e.f. 26.10.92 on adhoc basis and w.e.f. 29.3.93 on regular basis is being cancelled. Separate orders are being issued simultaneously in this regard."

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3. These separate orders which were simultaneously issued on 4.1.96 are placed at Annexure-A 10. By these orders respondents' earlier order dated 17.2.95 promoting ^{an applicant} ~~him~~ to ISS Gr.III retrospectively w.e.f. 24.11.87 and order dated 28.2.95 promoting him to ISS Gr.IV (JAG) on adhoc basis w.e.f. 26.10.92 and on regular basis w.e.f. 29.3.93 with all attendant benefits, have been cancelled retrospectively, i.e. with effect from the date of issue of those orders, without effecting recovery of pecuniary benefits already enjoyed by him.

4. In the present OA applicant has not impugned Annexure-A 10 order dated 4.1.96.

5. Applicant had also filed OA No.317/96 inter alia challenging respondents' order dated 4.1.96 promoting him to ISS Gr.III w.e.f. 8.4.1993. That OA was disposed of by order dated 2.2.98 quashing and setting aside applicant's position in the list annexed with the aforesaid order dated 4.1.96 and to that extent alone. Respondents were directed to recalculate the vacancies which became available each year and consider applicant's case for promotion from an earlier year in the light of the availability of vacancies calculated afresh and in accordance with rules and instructions, with consequential benefits including fresh promotions.

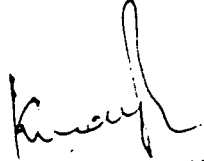
6. Pursuant to the above, respondents have issued order dated 31.8.98 by which applicant's date of promotion from Gr.IV to Gr.III has been shown as 2.4.93. Applicant has separately challenged the same in OA No.2791/99 in which he has claimed promotion to Gr.III w.e.f. 1.8.91. That OA has been

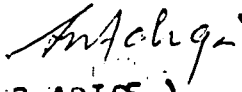
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heard in part and arguments therein have not yet concluded.

7. In view of these subsequent developments, and particularly the fact that after issue of impugned A-8 order dated 4.1.96 and A-10 dated 4.1.96, respondents have issued order dated 31.8.98 which applicant has separately challenged in OA No.2791/99, no orders need be passed in the present OA. However, the contentions advanced in the present OA will also be considered while disposing of OA No.2791/99.

8. This OA is disposed of accordingly. No costs.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADICE)
VICE CHAIRMAN (A).

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