

Central Administrative Tribunal  
Principal Bench

O.A. No. 692 of 1996

New Delhi, dated this the 8 February, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

S/Shri

1. Ishwar Das,  
S/o late Shri Jagat Ram  
R/o D-878, Netaji Nagar, New Delhi.
2. DineshChandra Dabral,  
S/o Shri S.N. Dabral  
R/o Sector 12, Qr. No. 954,  
R.K. Puram,  
New Delhi.
3. Daulat Ram,  
S/o Shri Sumer Singh,  
R/o 126, Masjid Moth,  
New Delhi.
4. Kartar Chand,  
S/o Shri Ragha Ram  
Hyd. Centre, CWC,  
Room No. 504, Sewa Bhawan,  
New Delhi.
5. Ghanshyam Singh,  
S/o Shri Sugan Singh,  
R/o C-152, LIG Flats, DDA Flats,  
Motia Khan,  
New Delhi.
6. J.P. Sharma,  
S/o Shri Indraj Sharma,  
R/o Vill. Nariyala,  
P.O. Fatehpur Billoch,  
Faridabad.
7. K.K. Bose,  
S/o Shri G.K. Bose,  
R/o Middle Ganga Division No.3,  
Akash Deep Panna Lal Park,  
Varanasi. .... Applicants  
(By Advocate: Shri S.K. Bisaria)

Versus

1. Union of India through  
Secretary,  
Ministry of Water Resources,  
Shram Shakti Bhawan,  
New Delhi.
2. Chairman,  
Central Water Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi. .... Respondents  
(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

(5)

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

Applicants seek promotion as Draftsmen Gr.II w.e.f. 29.9.87 instead of 28.12.89 along with arrears of pay and allowances and other consequential benefits.

2. Applicants had earlier filed O.A. No. 2114/89. Their grievance was that as Ferro Printers in CWC, they were being discriminated against as compared to Tracers in the Department while amending the Recruitment Rules in 1986. In this background, they specifically sought a declaration that they stood promoted as Draftsmen Grade II w.e.f. 29.9.87 (i.e. the date on which person who they claimed were junior to them working as Tracers had been promoted to that grade) with all consequential benefits. That O.A. was disposed of by order dated 18.5.94 (Annexure A-2) by which it was declared that Ferro Printers were to be treated as Draftsmen Grade III from 30.6.86 along with Tracers, and applicants were to be considered for promotion to the posts of posts of Draftsmen Grade II in the light of that order.

3. Applicants thereafter filed C.P. No. 59/95 alleging wilful non-implementation of the Tribunal's order dated 18.5.94, but subsequently applicants' counsel appeared in Court on 15.3.96 and prayed that the C.P. be dropped as respondents had implemented the Tribunal's directions in O.A. No. 2114/89. Accordingly that C.P. was dropped.

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4. Meanwhile respondents had issued orders dated 14.11.95 (copy taken on record) promoting applicants as Draftsmen Gr. II (pursuant to the Tribunal's order dated 18.5.94) actually w.e.f. 9.8.95 and notionally w.e.f. 28.12.89/5.7.91.

5. Applicants now seek the antedating of their promotion to September, 1987 with arrears of pay and allowances for the intervening period.

6. Applicants have not denied in rejoinder the specific averment of respondents in Paragraph 4(a) of their reply that Tracers junior to applicant (now Draftsmen Grade III) were promoted to Draftsmen Grade II on regular basis only from 28.12.89. Applicants have an enforceable legal right to consideration for promotion only from the date of regular (and not ad hoc) promotion of their juniors; and as those junior to applicants were promoted as Draftsmen Grade II on regular basis only w.e.f. 28.12.89, we see nothing illegal or arbitrary in respondents promoting applicants also as Draftsmen Grade II w.e.f. 28.12.89.

7. As regards arrears of pay and allowances applicants assert in Paragraph 4(f) of the O.A. that in an identical case respondents have granted promotion as Draftsmen Grade II on regular basis with benefit of arrears of pay and allowances, but respondents in the corresponding paragraph of their reply state that the said case relates to one Shri

Ashok Kumar who was promoted as Draftsman Grade II on ad hoc basis and actually worked as such from 3.7.86 till 28.12.89 on which date he was regularly promoted as Draftsman Grade II and was thus given the benefit of pay protection, whereas applicants did not actually work as Draftsmen Grade II from 29.9.87 or even from 28.12.89. These averments have not been specifically denied by applicants in rejoinder with any material to show that they actually discharged the duties of Draftsmen Grade II for the aforesaid period. Under the circumstances they would not be entitled to arrears.

8. The O.A., therefore, fails and is dismissed. No costs.

*Lakshmi Swaminathan*  
(Mrs. Lakshmi Swaminathan)  
Member (J)

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

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