

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 104/2000
M.A. NO. 799/2000
in
O.A. NO. 1779/1996

(10)

New Delhi this the 8th day of May, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Union of India & Ors. Applicants

(By Shri R.L.Dhawan, Advocate)

-Versus-

Krishan Kumar Jain Respondent

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicants who are respondents in the O.A., seek review of an order passed on 29.2.2000 in O.A. No. 1779/96. Aforesaid O.A. had been disposed of in the absence of the parties and their advocates on merits in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. One of the grounds set out for review is as under :

"8. That in para 4.7 of the counter it has been submitted by the respondents that senior-most Booking and Commercial Supervisor grade Rs.1600-2660 on the Division as a whole and not on a particular Station, is considered for officiating promotion as CPS grade Rs.2000-3200 against a short term vacancy, and that the applicant was not eligible for officiating promotion as CPS grade Rs.2000-3200 by virtue of his seniority. It is respectfully submitted that those material facts have not been considered by this Hon'ble Tribunal while passing their judgment."

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Aforesaid contention has been considered in the order passed in the O.A. by observing as follows :

(11)

"4. In our view, the contention raised by the respondents is unsustainable. It is not a case of regular promotion. Hence there is no question of any written test or viva voce test. Similarly though ordinarily, it is the seniormost Booking & Parcel Supervisor in the Division as a whole and not at a particular station who is considered for officiating promotion as Chief Parcel Supervisor, it cannot be gainsaid that the applicant has officiated to the said post, may be on the basis of his seniority at a particular station where he has officiated....."

Review is also sought on the following ground :

"10. that there is error of law in the judgment when this Hon'ble Tribunal have directed the respondents to grant officiating allowance in grade Rs.2000-3200 from 11.9.95 to 29.2.96 to the applicant on the basis of his seniority at Ludhiana. It is submitted that such direction is taken by the respondents they could be violative of Art 14 and 16 of the Constitution as in similar cases, as per policy, officiating allowance is granted by the respondents on the basis of divisional seniority."

Aforesaid contention has also been considered by observing as under :

....If he has rendered the service of Chief Parcel Supervisor grade Rs.2000-3200 for the aforesaid period between 11.9.1995 to 29.2.1996, he will be entitled to be paid for the same. We direct accordingly. Since aforesaid monetary entitlement has been denied to the applicant for the last almost four years, we direct that the same will carry interest at the rate of 12% per annum from 1.3.1996 till payment. Applicant will also be entitled to consequential retiral benefits if the same are due under the rules."

(11)

[Signature]

(12)

2. As far as the service rendered in the ~~post~~ of Chief Parcel Supervisor grade is concerned, the same was for a period between 11.9.1995 and 29.2.1996. Since applicant had not been paid aforesaid salary which he was entitled to have been paid by the 1st of March, 1996, interest has been granted from 1.3.1996.

3. In the circumstances, we find that no case is made out for review. Present application is accordingly rejected.

V. Majotra

(V. K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

O /as/