

Central Administrative Tribunal
Principal Bench

O.A. 2481/97
with
O.A. 2207/97 and
OA 2189/97

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New Delhi this the 19th day of November, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

O.A. 2481/97

G.S. Nagainch,
Station Engineer Doordarshan Maintenance Centre,
Bilaspur (MP) ... Applicant.

By Advocate Shri B.S. Jain.

Versus

1. Union of India through
Secretary, Ministry of I & B,
Shastri Bhawan,
New Delhi.
2. Director General,
All India Radio,
Akashwani Bhawan, Parliament Street,
New Delhi. ... Respondents.

By Advocate Shri R. Narasimhan, proxy for Shri A.C.
Aggarwal.

O.A. 2207/97

P.K. Saroj,
S/o Shri N.M. Saroj,
Station Engineer,
AIR Almora. ... Applicant.

By Advocate Shri B.S. Jain.

Versus

1. Union of India through
Secretary, Ministry of I & B,
Shastri Bhawan,
New Delhi.
2. Director General,
All India Radio,
Akashwani Bhawan, Parliament Street,
New Delhi. ... Respondents.

By Advocate Shri V.S.R. Krishna.

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O.A. 2189/97

Y.K. Singh.

S.E.

HPT Bundi, Rajasthan.

... Applicant.

By Advocate Shri B.S. Jain.

Versus

1. Union of India through
Secretary, Ministry of I & B,
Shastri Bhawan,
New Delhi.

2. Director General,
All India Radio,
Akashwani Bhawan, Parliament Street,
New Delhi.

... Respondents.

None for the respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The aforesaid three O.As have been taken up together for hearing. Learned counsel for the parties have submitted that the issues are similar and accordingly they are being disposed of also by a common order.

2. Learned counsel for the parties have submitted that the facts in this case are similar to the facts in the cases previously dealt with by the Tribunal in **P. Dass & Ors. Vs. Secretary, Ministry of Information and Broadcasting & Ors.** (O.A. 1886/97), decided on 21.5.1998 and **Saji Kumar and Ors. Vs. Union of India & Anr.** (O.A. 2153/97 with connected cases), decided on 7.8.1998, with regard to the direction to the respondents to hold review DPCs to consider the applicants for promotion to the higher posts of Senior Time Scale, in accordance with the earlier judgements. However, Shri B.S. Jain, learned counsel for the applicants, has again vehemently reagitated the issue regarding the date from

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which the applicants would be entitled to the pay and allowances as a consequence of their promotion to the higher posts. According to him, the respondents should be directed to pay the higher pay and allowances with arrears from the date juniors to the applicants were promoted or at least from the date of promotion in 1994 instead of the contrary directions given by the Tribunal in the aforesaid cases. He has submitted that although admittedly the applicants have filed the present O.As in 1997 as in the cases of P. Dass & Ors. and Saji Kumar and Ors. (supra) who have also filed the O.As in 1997, but in the present cases at least the applicants should be entitled to arrears of pay and allowances as well as the higher pay from the dates they have claimed. This has been opposed by the learned counsel for the respondents who have submitted that these cases are barred by limitation and the applicants have no cause of action.

3. After careful consideration of the averments in these O.As and the submissions made by the learned counsel for the applicants, we are unable to agree with ^{Ld. Counsel's} ~~his~~ contention regarding the dates of payment of the consequential benefits following the review DPC to be held for promotion of the applicants to the higher posts of Senior Time Scale. The earlier judgements of the Tribunal, referred to above, have become final and binding and the respondents have also implemented them. In the circumstances since the present O.As have been filed by similarly situated persons, they will be entitled to similar reliefs. The learned counsel for the respondents have opposed the grant of any relief stating that the applicants have no cause of action and it is barred by

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limitation. There is no good ground to take a different view from the view taken by the Tribunal in P. Dass's case and Saji Kumar's case (supra). The present cases admittedly are in all fours with the aforesaid cases.

4. In the result, O.As 2481/97, 2207/97 and 2189/97 are allowed with a direction to the respondents to hold review DPCs to consider the applicants for promotion to the higher posts of Senior Time Scale. This shall be done within three months from the date of receipt of a copy of this order. The applicants shall be entitled to consequential benefits in accordance with law. However, it is clarified that they shall only be entitled to pay and allowances from the dates they have filed these applications in the Tribunal i.e. 13.10.1997, 16.9.1997 and 12.9.1997 respectively. No order as to costs.

Let a copy of this order be kept in O.A. 2207/97 and 2189/97.

(K. Muthukumar)
Member(A)

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'

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CO. CTR