

Central Administrative Tribunal
Principal Bench

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O.A. No. 2327 of 1997

New Delhi, dated this the 10th AUGUST, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri I.S. Bhama,
S/o Shri Marchand,
R/o A-1/244, Paschim Vihar,
New Delhi. ... Applicant

(By Advocate: Shri B.B. Raval)

Versus

Union of India through
the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi. ... Respondent

(By Advocate: Shri R.N. Singh proxy
counsel for Shri R.V. Sinha)

ORDER

MR. S.R. ADIGE, VC (A)

In this O.A. read with M.A. No. 961/99 by which the prayer to amend the O.A. was allowed by Tribunal's order dated 24.11.99, applicant prays for the following reliefs:

i) That a Writ of Mandamus or a Writ in the form of Mandamus or direction/directions be issued to the Respondents commanding them to promote the applicant to the post of Dy. Director General (DDG) with effect from the same date i.e. 31st January, 1989 on which Smt. Bina Devi was promoted though posthumously vide an order dated 4th October, 1996, so as to avoid any discrimination against the applicant.

ii) In view of relief a (i) being granted, the Respondents may also be directed to pay the applicant the difference of pay and allowances as well as pension and arrears with 18% interest till date of realisation along with all other benefits like seniority, further promotion etc., that may accrue as a result of this retrospective promotion with effect from

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31st Janaury, 1989.

iii) AWARD exemplary cost for this avoidable litigation thrust upon the applicant with a further request to pass any other order/orders or direction/directions or grant any other relief/reliefs as deemed fit and proper in the light of the facts and circumstances of the case.

2. In this connection along with M.A. No. 961/99 applicant has himself annexed a copy of respondents' order dated 4.12.98 promoting him as Dy. Director General, All India Radio/Doordarshan (DDG, AIR/DD) on notional basis w.e.f. 31.1.89 with all consequential benefits and entitling him to all monetary benefits including pensionary benefits on his retrospective promotion to the grade of DDG w.e.f. 31.10.89.

3. From the aforesaid it is clear that applicant's claim as set out in his relief paraⁿ have already been ^{granted} ~~not~~ ~~wish~~ by respondents, save and except his claim for payment of interest @ 81% p.a. on arrears.

4. This claim for interest has ^{specifically} ~~specifically~~ been considered and rejected by a C.A.T., Principal (Single) Bench order dated 21.8.98 in O.A. No. 2260/97 I.S. Bhama Vs. U.O.I. as being hit by constructive Res Judicata. Nothing has been shown to us to establish that the aforesaid order dated

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21.8.98 has not become final. The same claim for interest, therefore, cannot now be agitated before the Division Bench.

5. The O.A. is, therefore, dismissed. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)
"gk"

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