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Central Administrative Tribunal
Principal Bench: New Delhi

C.P. No. 92/99 In
O.A. No. 567/93

New Delhi this the 26th day of October 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs. Shanta Shastri, Member (A)

1. Mrs. Kiran Devi
W/o late Shri Ranbir Singh
R/o 756/46, Trinagar
Delhi-110 035
2. Shri Jasbir Singh
S/o late Shri Ranbir Singh
R/o 756/46, Trinagar
Delhi-110 035.

...Petitioners

(By Advocate: Shri Shyam Babu)

Versus

1. Shri Omesh Sehgal
Chief Secretary
Now Govt. of NCT Delhi
5, Sham Nath Marg
Delhi-110 054.
2. Shri V.N. Singh
Commissioner of Police
Police Headquarters,
I.P. Estate,
New Delhi-110 002
3. Shri Dinesh Bhatt
Deputy Commissioner of Police
(Provisioning & Lines) Delhi
Old Police Lines
Delhi.
4. Shri S.K. Jain
Now Addl. Commissioner of Police (HQ)
Police Headquarters
I.P. Estate
New Delhi-110 002.

...Respondents

(By Advocate: Shri S.K. Sinha proxy for
Shri Vijay Pandita)

ORDER (Oral)


By Reddy, J.-

Heard the counsel for the petitioner and
the respondents.

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2. This C.P. arises out of the order passed in OA- 567/93 dated 14.12.98. The applicant's husband died on 22.7.98. The deceased filed the OA questioning the order dated 5.2.93 seeking promotion as ASI w.e.f. 17.2.86 with consequential promotions. During the pendency of the OA the applicant has expired and the deceased widow as well as his son have filed MA No. 1771/98 seeking impleadment and MA was allowed. Consequently the OA was prosecuted by the applicants in the MA. While disposing of the OA the Tribunal quashed the impugned order dated 5.2.93 and directed the respondents to consider whether the deceased was fit for promotion as ASI between the period from 17.2.86 to 23.6.89 and if he was accordingly found suitable for promotion, his legal heirs would be entitled to such consequential benefits as flow therefrom.

3. The present C.P. is filed by the L.Rs of the applicant in the above OA. The complaint of the petitioner is that they were not granted the financial benefits of promotion of the applicant though he was found suitable to be promoted from 17.2.86. In the reply it was stated that the directions given by the Tribunal were fully complied with. The applicant was granted proforma promotion from 17.2.86 till he died on 22.7.98 and during that period no pay and allowances of post of ASI were allowed but the period was counted for the purpose of seniority, grant of annual increments and fixation of pay etc. It is, therefore, contended by the learned counsel for respondents that as the deceased



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applicant was not found eligible for financial benefits, the petitioners therein are equally not entitled for the same.

4. It is true as contended by the learned counsel for petitioners that the petitioners are not interested in the promotion of the deceased or his pay fixation, they are only interested in the financial benefits of promotion. But no direction was given in the order for the grant of financial benefits. It was only stated that they ^{be} given all the benefits ^{that} flow from the grant of promotion. It only follows that whatever the benefits the deceased could have got out of the promotion the petitioners would equally be eligible. It is true that the petitioners are not interested for fixation of higher pay by virtue of the promotions of the applicant. What they are interested in is only the financial benefits but nothing was stated in the order as to hold that the petitioners should be given the financial benefits. If the petitioners are aggrieved by this order dated 12.3.99 which was passed in compliance of the directions given in the judgment, it is open to them to question the same in a fresh proceeding. It cannot now be said that there is any violation of the order of this Tribunal by the respondents.

5. In the circumstances, C.P. fails and accordingly dismissed. Notices issued to the alleged contemners are discharged.

Shanta S
(Mrs. Shanta Shastry)
Member (A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)