

Central Adminisrative Tribunal
Principal Bench

C.P.No.156/01 in
M.A.No.2105/2002
O.A.No.862/1993

(49)

Hon'ble Shri S.A.T.Rizvi, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 26th day of November, 2002

C.L.Sethi
s/o Sh. R.D.Sethi
r/o 497/1A, Bholanath Nagar
Shahdara
Delhi - 110 032. ... Applicant

(By Advocate: Shri A.K.Bhera)

Vs.

Shri P.S.Bhatnagar
Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat
I.P.Stadium
New Delhi - 110 002. ... Respondent

(By Advocate: Ms. Avnish Ahlawat, through Sh. Mohit Madan)

O R D E R (Oral)

By Shri S.A.T.Rizvi, M(A):

By an order passed on 1.4.1992 in OA No.2877/1991 with OA No.2429/1990, this Tribunal, interalia, directed the respondents to consider the applicant's case for promotion to a duty post in the Delhi Andaman & Nicobar Islands Civil Service (DANICS), by constituting a review DPC. The Tribunal further directed that the applicant, if found fit for promotion, shall be promoted w.e.f. the date his immediate junior was so promoted, and that in that event he would be entitled the arrears of pay and allowances.

2. The aforesaid directions were reiterated by this Tribunal on 26.7.1999 in OA No.862/93 in the following terms:

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"We therefore set aside the impugned order dated 3.11.92 passed by the Lt. Governor, Delhi and direct that he shall take action strictly in accordance with the directions given by the Tribunal in OA 2877/91 and pass an order as early as possible

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3. Non - compliance of the aforesaid directions, led to the filing of CP No.156/2001 which was disposed of by this Tribunal on 24.8.2001 with the following directions:

"..... we dispose of the present CP with a direction to the respondents to consider according ad hoc promotion to the applicant w.e.f. 22.1.1990 as per the directions given by this Tribunal in OA No.2877/91 and reiterated in OA No.862/93

4. Due to non-compliance of the aforesaid directions, the applicant ~~has~~ filed a MA seeking revival of the CP (No.156/2001), which was allowed vide Tribunal's order dated 11.9.2002.

5. The learned counsel appearing on behalf of the respondents submits that the aforesaid orders of this Tribunal have been fully complied with and in support of this claim has taken us through the orders issued by the respondents on 21.9.2002 (R-1) and 24.9.2002(R-2) and the copy of the acquaintance roll placed at Page 85/86 of the paper book.

6. A perusal of the aforesaid orders issued by the respondents, would show that the orders of this Tribunal have been substantially complied with.

7. Learned counsel appearing on behalf of the applicant, however, argues that although the applicant has been placed in a higher pay grade w.e.f. the date his next junior was promoted, the pay grade given to

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him is less than the grade enjoyed by his next junior, namely, Sh. M.L.Verma. According to him, the said Sh. Verma was at the material time working in the pay grade of Rs.8000-13500. Accordingly, applicant too should have been placed in the aforesaid grade of Rs.8000-13500 subject to fulfilment of the prescribed conditions. He further submits that after placing the applicant in the aforesaid grade, calculations regarding payment of arrears and retiral benefits should have been made and he should have been paid accordingly.

8. In the aforesaid facts and circumstances and having regard to the fact that the orders of the Tribunal have been substantially complied with, we find it proper to dispose of the present CP with a direction to the respondents to consider the matter further in the light of the observations made above, in accordance with rules, expeditiously and in any event within three months from the date of receipt of a copy of this order. We direct accordingly.

9. In the event, the respondents find that the applicant ought to have been placed in the pay grade of rs.8000-13500, on the ground that the said pay grade was available to Shri M.L.Verma on the material date, they will pass orders placing him in the aforesaid higher pay grade, if necessary, in consultation with MHA. We order accordingly.

10. CP is disposed of in terms of the aforesaid directions. Notices issued are discharged.

S. Raju

(Shanker Raju)
Member(J)

S. A. T. Rizvi

(S.A.T.Rizvi)
Member(A)