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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No.191/2001 in OA No.1495/2000

New Delhi, this 27th day of August, 2001

Hon'ble Shri M.P. Singh, Member(A)

Hon'ble Shri Shanker Raju, Member(J)

Laxmi Nath

S/o Shri Durjan Singh

Working as Fitter Grade I

Under IOW, Northern Railway, Rewari ... Petitioner

(By Shri M.K. Gaur, Advocate)

versus

1. Shri S.P. Mehta

General Manager

Northern Railway, Baroda House

New Delhi

2. Shri D.A. Anand

D.R.M.

Northern Railway, Bikaner Dn.

Bikaner (Raj)

... Respondents

(By Shri B.S. Jain, Advocate)

ORDER(oral)

Shri Shanker Raju:

By an order dated 19.12.2000 in OA No.1495/2000 the respondents are directed to grant promotion to the applicant as Fitter Grade-II with effect from 6.8.1986 and as Fitter Grade-I with effect from 18.9.1989, the dates respectively from which his junior was promoted to the aforesaid ranks. The applicant will be entitled to all the consequential benefits arising from his promotion in the aforesaid terms.

2. In compliance to the directions of the Tribunal the respondents have issued an order dated 26.2.2001 whereby the applicant has been granted promotion from retrospective dates in Fitter Grade-II w.e.f. 6.8.1986



(2)

and Fitter Grade-I w.e.f. 18.9.1989 along with arrears on pay and allowances amounting to Rs.30,168/- have also been given the petitioner.

3 Learned counsel for the petitioner states that his juniors have also been accorded promotion in the grade of Master Craftsman (MCM) so the applicant is also entitled for the same benefits as the promotion also arising as a consequential benefits as per the orders of this Tribunal.

4. Strongly rebutting the contentions the learned counsel for the respondents, Shri B.S. Jain contended that the respondents have substantially complied with the directions of the Tribunal and the issue of promotion to the next grade i.e. MCM was not a issue in the present OA. As such if there is any dispute regarding promotion to a junior as MCM, the same can be agitated in a separate proceeding and the present CP is liable to be dismissed.


5. We have carefully considered the rival contentions of the parties.

6. We are of the confirmed view of the ratio laid down by the Apex Court in the case of J. S. Parihar Vs. Ganpat Duggar & Ors. JT 1996 (9) S.C. 611 wherein it has been held that a new relief cannot be claimed in a CP. Learned counsel for the applicant is also satisfied partially with the complinace of the directions of the Tribuanl and the promotion in the grade of MCM was not the issue in the present OA.

(3)

7. In this view of the matter, the present CP is dismissed as directions have been substantially complied with by the respondents. Notices are discharged. However, ~~admission~~ⁱⁿ keeping in view the claim of the applicant, the applicant is granted liberty to claim promotion as MCM in a fresh OA in accordance with law.

S. Rajm
(SHANKER RAJU)
Member(J)


(M.P. SINGH)
Member(A)

/ravi/