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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

CP NO. 313/2003 IN  
OA NO. 2181/2000

This the 4th day of March, 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)  
HON'BLE SH. S.A. SINGH, MEMBER (A)

Sh. P. Singhal  
s/o Sh. Ved Prakash Singhal  
now resident of D-43  
2nd, M.S. Hostel Building,  
Nizam Place,  
234/4, AJC Bose Road,  
Calcutta-20.

(By Advocate: Sh. Shyam Babu)

Versus

1. Mr. Deepak Chatterjee,  
Secretary,  
Department of Supplies  
Ministry of Commerce,  
Nirman Bhawan,  
New Delhi.  
  
now Secretary,  
Ministry of Commerce,  
Niramn Bhawan,  
New Delhi.
2. Ms. Neena Ranjan  
Director General Supplies  
and Disposal,  
5, Sansad Marg,  
New Delhi-110001.

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

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard learned counsel for the parties.

2. In compliance of the directions given by this Tribunal respondents have issued an order dated 3.3.2004 giving promotion to the applicant; w.e.f. 1.6.91. Counsel for applicant submits that though in para 3 they have mentioned that officers will be entitled to exercise a fresh option for fixation of their pay in the grade of Deputy Director (QA)

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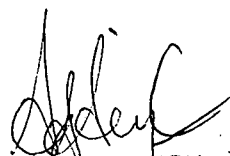
under FR 22(1)(a)(1) if so desired by them. Such option is to be exercised within one month of issue of this order. However, there is no mention of consequential arrears of pay from the same date.

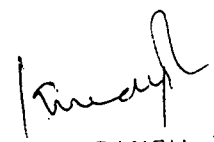
3. Counsel for applicant has also pointed out that when this OA was allowed, the Court had directed the respondents to hold a review DPC for considering the eligible candidates alongwith the applicant for the post of Deputy Director w.e.f. 1991, 1992, 1993, 1994 and 1995 on the basis of yearwise vacancies and in accordance with Recruitment Rules in existence at the relevant time and if applicant is found fit, appoint him as Deputy Director of Inspection on that basis with all consequential benefits. Respondents had been directed to comply with the directions.

4. Earlier in compliance of the same order, promotion order was issued antedating the promotion of the applicant w.e.f. 1.6.96 and in that order department has specifically mentioned that the consequential arrears of pay should be paid to the applicant from the same date. This order had been further modified when the promotion had been still antedated to 9.8.93 by order dated 25.8.2003. In that order also a similar language is used that official will be entitled to exercise option for fixation of pay in the grade of Deputy Director under FR 22 (1)(a)(1) to be exercised within one month of issue of this order. Applicant submits that in pursuance of the said order applicant has been given consequential benefits/arrears also and he has already received. Counsel for respondents also admits that consequential arrears in pursuance of order dated 25.8.2003 have already been paid.

Law

5. We find no difficulty why the applicant will not be paid the arrears now, when his promotion is still antedated to 1.6.91. Thus, we hold that the directions given by this Tribunal have been fully complied with and applicant shall be paid arrears in accordance with the rules and after exercising the option under FR 22(1)(a)(1). Accordingly, CP stands disposed of.

  
( S.A. SINGH )  
Member (A)

  
( KULDIP SINGH )  
Member (J)

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