

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. CA 1369/89

Date of decision: 09.02.1990.

Shri Raj Kumar

...Applicant

Vs.

Union of India & Another

..Respondents

For the Applicant

..Shri K.N.R. Pillay,
Counsel

For the Respondents

..Shri O.N. Moolri,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporters or not? No

JUDGMENT (ORAL)

(Shri D.K. Chakravorty, Administrative Member)

The applicant, while working as Chief Telephone Operator in the DRM Office Exchange, Northern Railway, New Delhi, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- (i) to quash the impugned order dated 1.1.1988 at Annexure A-XI downgrading the post in the scale of Rs.700-900(RS) to grade Rs.550-750 (RS) and to direct the respondents to consider him for proforma promotion to grade Rs.700-900 from 1.3.1982 with grant of arrears from 1.3.83 as in the case of all similar promotions; and
- (ii) to direct the respondents to grant him all

consequential benefits including arrears of pay and allowances and pensionary and other retirement benefits.

2. The pleadings in this case are complete. We have heard the learned counsel of both parties and have also perused the records of the case carefully. The admitted factual position is that there was a vacancy in the grade of Rs.700-900 (RS) from 1.8.1982 but the same was not filled due to the pendency of a writ petition in the High Court in which the High Court had granted stay of promotions. Consequently, the promotion of the applicant could not be made. It is also common ground that the High Court has since then vacated the stay order.

3. When the case came up for hearing on 21.11.1989, the Tribunal was informed that the applicant has submitted a representation for promotion and that the same was pending in the office of the respondents. In view of this, the Tribunal directed the respondents to dispose of this representation, as expeditiously as possible, but in any event before 9.1.1989, to which date the case had been adjourned for further directions.

4. As there is no dispute about the factual position, we dispose of the present application with the following directions:-

(i) The respondents shall consider the representation submitted by the applicant for promotion to the grade of

Yashoo

Rs.700-900 (RS) with effect from 1.8.1982. In case he is found suitable for promotion, he should be given notional promotion with effect from 1.8.1982. He would also be entitled to arrears of pay and allowances from 1.8.1982 till 31.8.1989, the date of his superannuation, in accordance with the rules. The pay of the applicant so revised should also be taken into account for recomputing the pension and retirement benefits payable to the applicant. The respondents shall issue revised sanction regarding pension and retirement benefits within a period of two months from the date of communication of this order.

(ii) The parties will bear their own costs.


(D.K. CHAKRAVORTY)

ADMINISTRATIVE MEMBER

9-2-1990


(P.K. KARTHA) 9/2/90
VICE CHAIRMAN(J)