

4

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA 2531/89

Shri Hari Prasad Banódha

Date of decision: 6.1.1993.

Versus

Union of India

...Respondent

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member(A)

For the petitioner

None

For the respondent

Shri M.L. Verma, Counsel.

1. Whether reporters of local papers may be allowed to see the judgement? *Nv*
2. To be referred to the Reporter or not? *yes*

*I.K. Rasgotra*  
(I.K. Rasgotra)  
Member(A)

5

In the Central Administrative Tribunal

Principal Bench: New Delhi

OA No.2531/89

Date of decision: 6.1.1993.

Shri Hari Prasad Banodha

...Petitioner

Versus

Union of India through the  
Director of Agriculture &  
Cooperation, Directorate of  
Economics & Statistics, Ministry  
of Agriculture, New Delhi

...Respondent

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

None

For the respondents

Shri M.L. Verma, Counsel.

Judgement(Oral)

Neither the petitioner nor his counsel was present when the case was taken up. As this is a very old matter filed on 12.12.1989, I consider it appropriate to dispose of the case on merits with the assistant of Shri M.L. Verma, learned counsel for the respondent.

2. [The case of the petitioner is that he was appointed as computer in the Directorate of Economics and Statistics on the recommendation of the Departmental Promotion Committee (DPC). The petitioner was appointed as Technical Clerk vide order dated 28.6.1989.] The promotion was made, however, on notional basis w.e.f. 25.2.1982 giving him the benefit of increments but actual financial benefit with effect from the date of issue of the orders, i.e., 28.6.1989. It is against this background that the petitioner has filed this petition praying for the payment of back wages for the period 1982 to 1989 when his promotion was treated as notional and other consequential benefits.

[ ]  
Substituted as  
under:-  
The Case of  
Petitioner is that  
he was appointed  
as Computer in  
the Directorate of  
Economics and  
Statistics. On  
the recommendation  
of Departmental  
Promotion Committee  
(DPC), the petitioner  
was appointed  
as Technical  
Clerk vide  
order dated  
28.6.1989.

See order dated  
10.3.93 in RA  
45/93

The respondents admit that he was promoted as regular Technical Clerk w.e.f. 25.2.1982 on regular basis against a reserved vacancy vide order dated 28.6.1989. He, however, could not be given the financial benefit of retrospective promotion as the posts were earlier filled up on ad hoc basis. [The petitioner belongs to SC community and in the seniority list he was quite low. He did not even come within the zone of consideration for ad hoc promotion in accordance with the roster required to be maintained for SC/ST for adhoc promotion in terms of Department of Personnel and Administrative Reform's OM No.36011/14/83-Estt.(SCT) dated 30.2.1983 and OM dated 30.9.1983. The petitioner's grievance that Shri J.K. Maurya, another SC candidate was promoted on ad hoc basis is also not relevant as Shri Maurya was the seniormost eligible SC candidate for ad hoc promotion available in 1980 when there were 5 vacancies out of which one was reserved for SC candidate.]

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See order dated 10.3.93 in RA 45/93

2. In view of the clear statements made by the respondents in paragraphs 4.5, 4.6 and 5.3 and in absence of any material to repel them from the petitioner, I am satisfied that no injustice has been done to the petitioner in promoting him notionally from February 1982, giving him the benefit of increments <sup>and financial benefits</sup> w.e.f. June, 1989.

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3. The petitioner has further claimed that his pay has not been fixed, giving him the benefit of FR-22C. There is no clear answer available in the counter-affidavit in this regard. Since the petitioner was promoted from the post of Computer to the post of Technical Clerk I am of the opinion that when the petitioner was entitled to the benefit of FR 22C on promotion. If that benefit has not been granted to him while fixing his pay on promotion as on 25.2.1982 the

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7

same is ordered to be granted to him along with arrears which may accrue to him from 28.6.1989. The O.A. is disposed of with the above direction. The said direction shall be implemented most expeditiously but preferably within three months from the date of communication of this order. No costs.

*I.K. Rasgotra*  
(I.K. Rasgotra)  
Member(A)

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