

In the Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.2532/89

Date of decision: 6.1.1993.

Shri Laxmi Narain

...Petitioner

Versus

Union of India through the  
Director of Agriculture &  
Cooperation, Directorate of  
Economics & Statistics,  
Ministry of Agriculture,  
Govt. of India, 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)

This matter stands concluded vide our judgement  
in OA 2531/89 - Shri Hari Prasad Banodha vs. Union of  
India decided on 6.1.1993. Accordingly, identical benefits  
shall be granted to the petitioner herein by the  
respondents in the time frame fixed in the said case.  
No costs.

  
(I.K. Rasgotra)  
Member(A)

Photocopy of The Judgement in OA 2531/89 handed  
over to the petitioner  
placed on record.

11.1.1993

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 assistance 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.

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.

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 and financial benefits benefit of increments w.e.f. June, 1989.

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

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

RECEIVED NOV 20 1961 \$100.00 DATED (1962) DECEMBER 11 1963  
AND THIS DAY RECEIVED BY CONSIDERING THE SUM OF \$361.00  
AND DUE TO BE REMOVED AND REMAINED ON REASONS AYUUM  
REPOSES SET AND APPROVED THEREFORE FOR SALE AT  
A PUBLIC AUCTION AND BEING ATTRIBUTED TO THE  
Said VETIS TO THE REVENGE OF THIS TRUST PURCHASE

Established 28 Nov 1970 Devt Dept  
Accordance with the above recommendations made and to revert to  
you to consider at the 2.0 hrs Q.P. C.R. suggesting at such  
opportunities as I am indicating and may make before or before  
the Commission ends of such need and collected or made  
the said minutes, S.C.R. shall be given the necessary  
attention accordingly  
S.C.R. shall be requested to consider  
and use all said said family history and recommendations and  
in respect thereof to indicate and advise, which need to  
be at the earliest-possible time in accordance to the table of  
the family and with reference to the following and advise  
according and as I attach enclosed to this and on behalf  
of the Bharatiya Janata Party and the members and supporters  
of the party please do not make any statement or statement  
that can be construed as being in any way derogatory to the