

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.846 of 1988

New Delhi, this the 2nd day of December, 1993.

Hon'ble Mr B.N.Dhoundiyal, Member(A).
Hon'ble Mr B.S.Hegde, Member(J.)

Hari Lal Gera, U.D.C., India Security Press,
Nasik Road- 422101.

.. .. Applicant.

(By Mr M.G.Kapoor, Advocate).

vs.

1. Union of India through Secretary,
Ministry of Finance, Department of
Economic Affairs, North Block,
New Delhi-110001.
2. General Manager,
India Security Press,
Nasik Road-422101. Respondents.

(by Mr N.S.Mehta, Advocate).

ORDER (oral)

The applicant Shri Hari Lal Gera was appointed as Office Peon on 4.4.1955 in the Ministry of Finance, Department of Expenditure and on his promotion as L.D.C. on 18.9.1967 joined the India Security Press, Nasik. On 27.1.1975, he was promoted as U.D.C. but his confirmation was delayed and vide order dated 4.7.1983, he was confirmed on the basis of the recommendations of the D.P.C. retrospectively w.e.f.2.4.1979. It appears that because of this delayed confirmation, his promotion to the next higher post of Head Clerk, AIC, Assistant Store-keeper or Deputy Accountant was not considered at the appropriate time. He has prayed that he be promoted to the next higher grade of Head Clerk,

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AIC, Assistant Store-Keeper and Deputy Accountant with effect from the date, the person next below him has been promoted with consequential benefits and the arrears of pay and allowances from the same date be allowed with interest at penal rate.

2. Heard the learned counsel for the parties. The learned counsel for the respondents has given us a table showing the position regarding the holding of D.P.C. from 14.11.1984 onwards. He has also produced in original, the proceedings of the D.P.C. held on 1.6.1983. From a perusal of these documents, it is clear that even though the applicant was allowed confirmation in 1983 from 2.4.1979, he was not considered by the D.P.C. held on 1.6.1983 on the ground that he was yet to be confirmed. This clearly indicates that benefits consequential to his retrospective confirmation, on the post of U.D.C., have not been extended to him. In view of this, the applicant is entitled to succeed and the O.A. is disposed of with the following directions:-

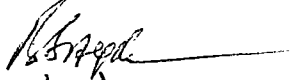
- i) the respondents shall constitute a review D.P.C. to consider the case of promotion of the applicant to the post of Head Clerk, AIC, Assistant Store Keeper or Deputy Accountant from 1.6.1983 onwards and record its findings on the basis of the relevant A.C.Rs as in case of his juniors.
- ii) The applicant shall be given promotion from the year in which he is selected for promotion on the basis of the recommendations of the review D.P.C. His seniority, in

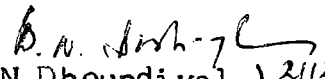
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the cadre of Assistant Inspector(C), shall be re-fixed accordingly and if the date of promotion is earlier than 20.7.1990 when he was promoted as AIC, he shall be given notional promotion from the earlier date with the benefit of re-fixation of pay on the date of his actual promotion, taking into account the increments due.

iii) the process of constitution of the Review D.P.C., consideration of the case of the applicant and issuance of orders shall be completed within a period of four months from the date of communication of this order.

3. With the above directions, the O.A. stands disposed of with no order as to costs.


(B.S. Hegde)
Member(J).


(B.N. Dhoundiyal) 2/12/93.
Member(A).