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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

DATED THIS DAY 28th May 1992

Present:

Hon'ble Shri Justice Ram Pal Singh ..Vice-Chairman(J)

Hon'ble Shri PS Habeeb Mohamed ..Member (A)

APPLICATION No. 206/1986

Shri Bishan Chandra, ... Applicant

S/o Shri Hira Lal,

C-254,

Delhi Administration Flats,

Timarpur,

Delhi -110 007

(Shri G.R. Matta, Advocate)

vs.

The Chief Secretary,

... Respondent

Delhi Administration,

5, Sham Nath Marg,

Delhi -110 054.

(Shri M.M. Sudan, Advocate)

This application having come up for orders before this Tribunal today, Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J), made the following:

O R D E R

1. Shri G.R. Matta for the applicant present. None has appeared for the respondent. Since the case is being shown continuously in the cause list and the case being old, we proceeded to decide it finally.

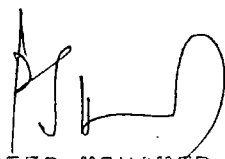
2. The applicant was in the employment of Delhi Administration as Grade-II Officer of Delhi Administration Subordinate Service. He went on deputation to Foreign Service on 22/10/1982 to the Central Ware Housing Corporation, a Government of India Undertaking. In his

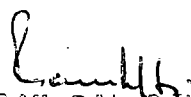
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absence, the respondents have accepted the position that the promotion of the applicant was due, and they according to service rules, gave performa promotion to the applicant by order dated 13th October, 1983. In the order of promotion (Annexure-1) dated 13-10-1983 he has been shown in the correct position at item 41. Subsequently when the List was prepared the applicant was shown as going down in the list of seniority.

3. It is apparent that this order of demoted seniority was passed at the back of the applicant and no notice was issued by the respondent to the applicant. This was clearly in contravention of the principles of natural justice. Consequently this O.A. is allowed and it is directed that he be allowed to draw his pay fixed on the basis of his performa promotion and arrears of pay granted to him with effect from the date of his joining the parent Department on his reversion. The respondent shall calculate his arrears accordingly and his seniority be fixed correctly as early as possible preferably within a period of 4 months from the date of the communication of the copy of this order. The parties shall bear their own cost.


(P.S. HABEEB MOHAMED)
Member (A)


(RAM PAL SINGH)
Vice-Chairman (J)