

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A.NO.501/86

DATE OF DECISION

6/7/92

SHRI HARBANS SINGH .. Petitioner

Shri D.C. Vohra .. Counsel for the petitioner

Versus

Union of India & Others.. Respondents

Shri N.S.Mehta .. Counsel for the respondent

CORAM

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

Hon'ble Shri I.P. Gupta, MEMBER(A)

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

JUDGEMENT

(Delivered by Hon'ble Shri I.P. Gupta, Member(A))

In this application, the applicant had requested for inclusion of his name in this select list at Serial No.20 before the name of Shri P.N. Kapur, who, according to him was junior to him. The applicant had also prayed for appointment to officiate as section officer from 25-11-1985 when the said select list was issued.

2. The counsel for the applicant contended that by order 17-7-86, the applicant has already been approved for inclusion in the select list for officiating promotion and this select list was made operative for one year with effect from 3-7-1986.

3. He further contends that the applicant has also, mean-while, been permitted to officiate as Section Officer and he is so officiating. His only request is that from the date he had been so officiating as Section Officer, he should be paid the emoluments of Section officer and from that date the other financial benefits, such as, increment, re-fixation of pay etc. should accrue to him. The

learned counsel for respondent stated that if the applicant had already been working as Section Officer and if he had not been paid his dues as section officer, from the date he has been actually working, there should be no difficulty in making the payment of such dues. Infact, he added that if the applicant had actually been working as section officer, he must have been paid his dues already.

4. In the above view of the matter, we direct that in case the applicant has not been paid his emoluments as section officer from the date he has already been allowed to officiate as section officer by virtue of the approval dated 27-6-90 for inclusion in the selection list of 25-11-85 at S.No.20, he should be paid all his dues accordingly as section officer, as early as possible, preferably within a period of three months from the date of receipt of this order. Further, on promotion by virtue of select list of Nov.1985, according to his position, his annual increment after promotion ~~Dr. increment at E.S.~~ in lower post if due in August, 1985 and if held up, and other benefits including re-fixation of his pay on appointment as section officer should also be available to him. In fact we would even direct that on being allowed to officiate as section officer on the basis of his position in the select list, as corrected by Memo. of 27-6-90 and on the basis of available vacancies, the applicant should actually get financial benefits from the date he was allowed to so officiate, irrespective of the fact whether he actually worked as section officer or not, since the applicant cannot be made to suffer for any correction made in his favour regarding his position in the select list later and consequential promotion as section officer, if given to him from a retrospective date.

*I. P. Gupta*  
(I.P. GUPTA) 6/7/92  
MEMBER(A)

*Ram Pal Singh*  
(RAM PAL SINGH) 6.7.92.  
VICE CHAIRMAN(J)