

248-

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. CCP. NO. 139/88 in
O.A. 1437/87
MP 262/92

DATE OF DECISION: 3.2.1992

Dr. A.K. Dass.

... Petitioner.

Versus

Shri K.L. Sikha,
The General Manager(Personnel),
Northern Railway, Baroda House,
New Delhi.

... Respondent.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. P.C. JAIN, MEMBER(A).

For the Petitioner.

... Shri V.P. Sharma,
Counsel.

For the Respondents.

... Shri R.L. Dhawan,
Counsel.

JUDGEMENT (ORAL)

(Hon'ble Mr. Justice V.S. Malimath,
Chairman)

We had directed on the last occasion that the judgement of the Tribunal should be complied with, failing which the respondents shall remain personally present on 5.2.1992.

A request has been made to dispense with the personal presence of the respondents, on the ground that the judgement of the Tribunal has since been complied with vide order dated 31.1.92.

The said order says that the petitioner has been promoted to the Senior Scale w.e.f. 29.9.1987 i.e. the date on which his junior was promoted. It further says that the payment of arrears of Rs.15189/- after deducting Provident Fund recovery of Rs.1381/- has already been arranged by cheque No.821055/016422 dated 31.1.1992. This, according to the respondents, is due compliance. We are inclined to accept this contention. However, learned counsel for the petitioner submits that the petitioner's case should have been further considered for subsequent promotions.

✓ We do not think, having regard to the context, that there was

such a direction. It is not possible to say so particularly having regard to the fact that ~~an~~ express permission has been granted by the Tribunal to the respondents to proceed with the disciplinary proceedings against the petitioner and if he was found guilty to punish him. This itself is sufficient to indicate that the Tribunal did not intend to direct consideration of the petitioner's case for further promotions. We are satisfied that there has been compliance and, therefore, there is no need to continue these proceedings further. If the petitioner has any complaint, we make it clear that nothing said herein shall come in his way to work out his rights in accordance with the rules.

With these observations, this CCP is disposed of.

In view of the above, MP No. 262/92 also stands disposed of.

P.C. Jain
(P.C. JAIN)
MEMBER(A)

February 3, 1992.

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

February 3, 1992.