

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

94

CCP 206/89 in
O.A. No. 383/1987
T.A. No.

199

DATE OF DECISION 10.10.1991

Shri Narain Prasad

Petitioner

In person

Advocate for the Petitioner(s)

Versus

General Manager, Northern Railway Respondent
and Another

Shri S.N. Sikka

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? / No
4. Whether it needs to be circulated to other Benches of the Tribunal? / No

JUDGMENT(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The petitioner in this CCP is the original applicant in O.A. 383/1987 which was disposed of by judgment dated 11.7.1988.

The operative part of the judgment reads as under:-

" In the conspectus of facts and circumstances, we set aside the impugned order dated 25.4.1984 and direct that the pay and seniority and other consequential benefits including the pensionary benefits should be restored to the applicant on the basis of the order of condonation of break in service passed in July, 1978. The amount of Rs.10,930.15 recovered from the applicant should be refunded to him with 10% rate of interest, to be reckoned from May, 1984 till the date of payment. Orders regarding revised pension, retirement benefits and the refund of the recovered amount as also payment of arrears of salary should be issued and payments effected within a period of three months from the communication of this order".

2. The petitioner who appeared in person has contended that the respondents have not fully implemented the judgment and he has also filed written submissions.

3. The respondents have stated in their reply-affidavit that the judgment has been fully implemented as under:-

- "(i) Rs.15788/- paid vide A.B.No.74/10 Supp. dated 10.10.1988, C07 No.709 dated 10.10.1988 (i.e. Rs.10930.15 + 10% interest).
- (ii) His pay was refixed as Rs.139/- as CGII on 2.8.63 and Rs.404/- as CGI w.e.f. 1.2.1977.
- (iii) Rs.1945.20 paid vide AB No.85/10 Supp. dated 11.10.1988 C07 No.822 dated 12.10.1988 for the difference of pay & allowances w.e.f. 5/85 to 2/86.
- (iv) Rs.590.25 paid vide AB No.190/11 Supp. dated 22.11.88 C07 No.225 dated 1.12.88 for the difference of pay w.e.f. 12/84 to 4/85.
- (v) Rs.840/- paid vide AB No.88/10 Supp. dated 12.10.88 C07 No.822 dated 12.10.1988 for the difference of transfer and packing grant.
- (vi) Rs.2559.45 arrear for period 2.8.1963 to 31.12.1967.
- (vii) Rs.1353.65 arrear for period 1.5.84 to 30.11.84.
- (viii) Revised pension Rs.729/- from Rs.535/-.
- (ix) DCRG revised Rs.11473.75. Rs.15176.25 has already been drawn in his favour.
- (x) Revised commuted value Rs.12049.00.
- (xi) Benefits of difference of arrears from 8/80 to 31.4.1984 were not withdrawn as per order dated 4/84. Hence not need for restoration".

4. Thus, the respondents have substantially complied with the judgment. The petitioner had claimed in his representation for promotion as CGI w.e.f 2.8.1963, as he

96

was exempted from passing App.II A examination as per Railway Board's letter dated 25.7.1969 treating his exemption with retrospective effect. In this context, the respondents have stated that even after the Board's order dated July, 1978 he was not given the benefit of promotion as a CGI w.e.f. 2.8.1963 as Railway Board exempted the petitioner for passing the App.II-A exam. vide their letter No.69/AC-III/20/10 dated 25.7.1969 from that date i.e. 25.7.1969 and therefore his promotion was due after 25.7.1969. On this basis he was promoted as CGI w.e.f. 1.2.1977. ~~xxxxxxxx~~ The petitioner represented for his exemption with retrospective effect and also claimed for 4 advance increments. Railway Board vide their letter No.69/AC-III/20/10 dated 17.3.1970 and 77 AC-III/20/54 dated 18.5.1978 reaffirmed that his date of exemption for passing the App.II-A exam. is from the date of the Board's decision viz. 25.7.1969. The respondents have also stated that the petitioner did not contest the decision of the Railway Board passed by their letter dated 17.3.1970.

5. In our view, it will not be appropriate to consider the claim for promotion advanced before us, as we are satisfied that the respondents have substantially

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(92)

complied with the judgment. In case the petitioner is aggrieved, he will be at liberty to file a fresh application in accordance with law, if so advised. The CCP is dismissed with the above observations and the notice of contempt is discharged.

B.N. Dholi
(B.N. DHOUNDIYAL) 10/10/81
MEMBER (A)

Parmanand
10/10/81
(P.K. KARTHI)
VICE CHAIRMAN (J)