

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A. NO.670/1987.

Date of decision: September 22, 1992.

Shri R.N. Mukerjee

...

Petitioner.

vs.

Northern Railways & Another ...

Respondents.

CORAM:

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. I.K. RASGOTRA, MEMBER (A).

for the petitioner

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Shri A.P.S. Ahluwalia,
counsel.

For the respondents

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Shri D.S. Mahendru,
proxy counsel for
Shri P.S. Mahendru.

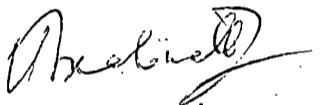
JUDGMENT (ORAL)

(BY HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

It is not possible to accede to the claim of the petitioner for retrospective promotion to the cadre of Inspector of Works with effect from 1971 or from the year 1977 in the highly belated petition filed in the year 1987. Hence we limit our consideration to the second question of considering his claim for regular promotion with effect from 21.8.1981, the date of the order of the Railway Board. So far as this aspect of the case is concerned, it is conceded in paragraph 6 (f) of the counter that the petitioner may be allowed seniority with effect from 21.8.1981. The order actually giving regular promotion to the petitioner was made on 4.10.1988. Now in view of the stand taken in the counter affidavit, that order must be construed as having retrospective

shall be
effect from 21.8.1981, and the petitioner/deemed to
have been regularly promoted as Inspector of Works
against non-trolley post. As that is the clear consequence
that flows from the stand taken by the respondents in
their counter affidavit, all that we do is to dispose
of the petition with a direction to grant all consequential
benefits to the petitioner including retirement benefits
on the basis that the petitioner shall be deemed to
have been promoted with effect from 21.8.1981 as
Inspector of Works against non-trolley post. The
relief in this behalf shall be accorded to the petitioner
within a period of four months from the date of the
receipt of a copy of this judgment. No costs.


(I.K.RASGOTRA)
MEMBER (A)


(V.S.MALIMATH)
CHAIRMAN

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