

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 894/87.  
XXXXXX.

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DATE OF DECISION 26-7-91,K.N.S. Krishnan

Petitioner Applicant

Shri R.L. Sethi

Advocate for the Petitioner(s) Applicant

Union of India  
Versus

Respondent

Shri P.P. Khurana

Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. I.P. GUPTA, ADMINISTRATIVE MEMBERThe Hon'ble Mr. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)(Per Hon'ble Mr. Justice U.C.  
Srivastava, Vice Chairman )

The applicant has now retired from service in April, 1986 and was wrongly deprived of appropriate post viz. Director of Inspection and subsequent promotional post of Deputy Director-General from which post he was promoted at a later stage not when in normal course he was to be promoted as a Director of Aeronautical Inspection. The post of Director-General of Inspection fell vacant on 1.8.1976 which was to be filled up by selection amongsts Class I Officers by Departmental Promotion Committee to be headed by Hon'ble Member, Union Public Service Commission. The name of Shri

H.B. Singh was recommended and was appointed as Director of Aeronautical Inspection with effect from 17.5.1986, i.e., the date on which the said H.B. Singh was promoted but the consequential benefits were not given to him and it was directed that he will be paid the financial benefits only from the date he had taken over the charge of said post. Subsequently, the learned Attorney General of India gave his opinion that the selection of Shri H.B. Singh without consideration of the claims of the applicant is vitiated in law. A review Departmental Promotion Committee again met and selected the applicant on the said post but consequential financial benefits were restricted from the date he was appointed. The grievance of the applicant is that he should be paid the consequential benefits from the dates from which he had been appointed to the post of Director, Aeronautical Inspection w.e.f. 17.5.76 and Deputy Director-General w.e.f. 1.11.83. His promotion could be said to be due from the date from which other persons in preference to him were appointed/selected. The learned counsel for the applicant has relied upon a number of cases including of Hon'ble Supreme Court and Central Administrative Tribunal. A particular reference has been made to the decision of Hon'ble Supreme Court in Narendar Chadda & Others Vs. U.O.I. ATR 1986 SC 61 AND Munni Dev Vs. General Manager, Northern Railway ATR 1986 SC 105.

In the facts and circumstances of the case, we see merits in the case. The application deserves to be admitted, hence admitted. We direct the respondents to pay arrears of salary for two posts from the date he was entitled to be promoted, i.e., from the date his colleagues were promoted. The arrears shall be paid to him within a period of three months from the date of communication of this Order.

There will be no order as to costs.

*I.P. Gupta*

PKK,

(I.P. GUPTA)  
MEMBER(A)

*U.C. Srivastava*  
(U.C. SRIVASTAVA)  
VICE CHAIRMAN(J)