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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

CCP 151/92 IN
CA 642/89

Date of Decision: 25.8.1992

VIKRAM ADITYA

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Petitioner

Versus

1. Shri SIVARAMAKRISHNAN (Secretary
Ministry of Commerce & Supply
Department of Supply through its Secretary
Nirman Bhavan, New Delhi
2. Shri R.P. SINGHAL (DG S&D)
Director General of Supplies & Disposals
Jeevantara Building, Parliament Street
NEW DELHI. Respondent

CORAM :-

The Hon'ble Mr Justice V.S. Malimath, Chairman

The Hon'ble Mr I.K. Rasgotra, Member (A)

For the Petitioner In Person

For the Respondents Shri N.S. Metha, Senior
Standing Counsel

ORDER (ORAL)

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

The complaint of the petitioner in this case is about non-compliance of first direction in the judgement of this Tribunal rendered in 6.4.1987 which reads as under :-

(i) "The impugned order of reversion of the applicant from the post of Deputy Director to that of Assistant Director, Grade I, is hereby set aside and quashed. The respondents shall create a supernumerary post of Officer on Special Duty (O.S.D) in the scale of pay of Deputy Director and accommodate the applicant in the said post w.e.f. 6.4.1984. He would be entitled to the annual increments admissible on the post of Deputy Director from 6.4.1984 to-date as also difference in the

pay and allowances of the post of Assistant Director, Grade-I and Deputy Director from 6.4.1984 to-date. The respondents shall pass the necessary orders accordingly within a period of two months from the date of communication of this order."

The second direction to review the promotion on the basis of the seniority list prepared in accordance with the judgement of the Calcutta Bench of the Tribunal in Dalip Kumar Goswami's case, 1987(2) A.T.C. 155, if it has not already been done."

In compliance with the aforesaid direction the respondents have issued the Notification on the 15th June, 1992 a copy of which has been produced before us. It says :-

"In supersession of this Department's Notification of even Number dated 29th May, 1992 the President is pleased to appoint the petitioner (Shri Vikram Aditya) Assistant Director of Supplies (Gr.I) in DGS&D as 'Officer on Special Duty' (OSD) w.e.f. 6.4.84 in the pre-revised scale of Deputy Director of Supplies i.e. Rs.1100-50-1600 (Revised to Rs.3000-100-3500-125-4500 as per recommendations of IV Central Pay Commission) on personal basis and until his appointment as Deputy Director of Supplies on a regular basis."


2. The Petitioner is firstly aggrieved by the statement in the order which says that the appointment of Petitioner w.e.f. 6.4.1984 is only as Officer on Special Duty (OSD) in the scale of pay of the Deputy Director of Supplies until appointment on regular basis, giving an impression that the petitioner has not in fact been promoted as Deputy Director of Supplies from 6.4.1984. In our opinion the order is inartistically worded. What the Respondents really intended to convey is that the promotion of the petitioner to the post of Deputy Director of Supplies w.e.f. 6.4.1984 is not a regular promotion in the sense that the promotion is subject to review of promotions

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to be made on the basis of seniority list for which the Tribunal has issued a specific direction.

3. In the circumstances, it is enough to clarify that the clear effect of the order is that the petitioner is promoted as Deputy Director of Supplies w.e.f. 6.4.1984, subject to the said promotion being reviewed on the basis of the seniority list prepared by the Respondents.

4. So far as the difference in emoluments to be given to the Petitioner as directed by the Tribunal is concerned we are inclined to take the view that there is considerable delay. However, by way of indulgence we grant one months' time on the request of ^{the} Learned Counsel for the respondents Mr N.S. Menta to calculate and pay the difference in ~~the~~ emoluments to the petitioner. If the said amounts are not paid within a month from this date we direct that the said amount shall be paid with interest at the rate of 12% per annum from 15th June, 1992 till the date of actual payment. No costs.


(I.K. RASGOTRA)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN