

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.P. No. 1257 of 1990.

New Delhi, dated this 6th of September 1994.

HON'BLE MR. J.P. SHARMA, MEMBER (J)

HON'BLE MR. B.K. SINGH, MEMBER (A)

Shri N.D. Sharma,
S/o Late Shri G.P. Sharma,
Serving as ASW in the Office of
CWE(P) Jamnagar,
Presently R/o 236/C-4-B,
Janakpuri, New Delhi-110058.

... Applicant.

By Advocate: Shri U.S. Bisht.

Versus.

1. Union of India, through
Secretary,
Ministry of Defence,
Government of India,
New Delhi-110011.
2. Engineer-in-Chief,
Army HQ, DHQ Post Office,
Kashmir House,
New Delhi-110011.

... Respondents.

By Advocate: Shri VSR Krishnan.

O R D E R (Oral)

Mr. J.P. Sharma.

The applicant was working as Assistant Surveyor of Works (ASW) in the office of CWE (P), Jamnagar. The applicant filed this application aggrieved by the Order dated 7.3.1990 by which his name was omitted from the panel of regularly appointed ASW. He has prayed for the grant of following relief:

- 1) The impugned Panel (Annexure A.1) of 7.3.90 be quashed.
- 2) Respondents may be directed to convene a fresh Review DPC for regularisation of the Promotion of the Applicant to the post of ASW against vacancies of the year 1979 and 1982 to 1985 with consequential benefits.

11

- 3) Direct the respondents to open the sealed cover illegally resorted to in his case for immediately giving effect to his promotion on regular basis with consequential benefits.
- 4) Direct the respondents to consider the Applicant in the ensuing DPC for promotion to the grade of Surveyor of Works as he is fully qualified and eligible therefor in accordance with the extant recruitment Rules.
- 5) Direct the respondents, in the meanwhile, not resort to reversion of the Applicant as being contemplated.

2. The respondents contested this application and filed the reply.


3. We have heard to day another case of Shri S.P. Jain Vs. Union of India in OA No.764/90 on the same issue. This case is listed with the above mentioned OA of Shri S.P. Jain. However, it is found that the case of Shri N.D. Sharma is different in the respect that the sealed cover kept at the time of holding of the DPC has since been given effect to after opening the same by the respondents and the applicant has also been given the benefit of the post of ADW and further to SD a still higher post.

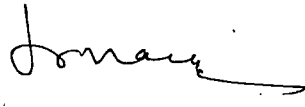
4. The learned counsel for the applicant argued that though the next promotion for the post of Surveyor of Works (SD) has been given to the applicant. However, the promotion and other benefit from the date of his junior was promoted has not been given. The learned counsel for the applicant emphatically pressed for consequential relief which is prayed in Para 8.2 and 8.3 of the original application. We have considered the matter and we find it difficult to

12

agree with the learned counsel. The word 'consequential' cannot be given an enlarged meaning than it was the contemplation of the party at the time when the application was filed. The application was filed in the year 1990, when even the sealed cover for the post of ASW was not opened. Consequential benefits, prayed for, according to the learned counsel also covers for the post of SW but it is not so.

5. In view of the above facts this OA has become infructuous. We give liberty to the applicant, who is about to retire, to press his claim if so advised for any benefit for the post of Surveyor of Works (SW) according to law. No cost.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

Pup