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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

OA 1558 of 1990

Date of decision 8th January, 1991.

Ganesh Prashad Khanna Applicant

versus

1. Lt. Governor of Delhi, through Chief Secretary, Delhi Administration, Delhi.
2. Deputy Secretary (Services), Delhi Administration, Delhi
3. Chief Secretary, Delhi Administration, Delhi.

Coram: Hon'ble Mr. B.S. Sekhon, Vice Chairman
Hon'ble Mr. P.C. Jain, Administrative Member.

Present: Mr. A.S. Grewal, counsel for the applicant.
Mr. M.L. Verma, counsel for the respondents.

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B.S. SEKHON:

Applicant, who was serving as L.D.C. in the office of Deputy Commissioner Delhi, has preferred the instant Application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- (i) He be deemed to have been promoted with effect from the date his next junior was promoted to the post of U.D.C. i.e. Grade-III Ministerial post or in the alternative with effect from 22-10-71;
- (ii) Applicant be granted full pay and allowances from the date of promotion till he was promoted erroneously w.e.f. 24.4.79; and
- (iii) He be declared to have been promoted as Head Clerk Grade-II post with effect from the date his juniors were so promoted i.e. w.e.f. February, 1990.

8-1-91 B

2. Subsequent to the filing of the Application, applicant has been granted proforma promotion as UDC on regular basis with effect from 22nd October, 1971. He was granted this promotion vide order dated 28th November, 1990 (Copy annexure R-1). In the order of promotion, it has been, inter-alia, recited that the proforma promotion will entitle the applicant for fixation of his pay notionally as per normal rules and that no arrears will be payable to him for the period he did not work on the post of Grade-III (UDC). In view of the aforesaid order, the Application insofar as it seeks relief (i) above, has been rendered infructuous.

3. In regard to relief (ii) above, the learned counsel for the applicant stated during the course of arguments that applicant shall file a fresh Application for claiming the arrears of pay and allowances and that he be granted liberty to file the same.

4. In regard to relief (iii), it has been stated in the counter that the applicant shall be considered for promotion to Grade-II post (Head Clerk) as soon as the stay granted by the Tribunal in OA 910/90 titled K.K. Kapoor & others vs. Delhi Administration is vacated.

5. In the circumstances, the appropriate order to be made and which we hereby make is that the respondents shall consider and in accordance with law the case of the applicant on the basis of relevant record for promotion to Grade-II post (Head Clerk) within two months of the vacation of the stay order granted in OA 910/90. The applicant shall be at liberty to file a fresh Application for claiming arrears of pay and allowances for the period commencing from 22-10-71. The Application is disposed of on the above terms. In the circumstances, we make no order as to costs.

(P.C. JAIN) 8/1/91
ADMINISTRATIVE MEMBER

(B.S. SEKHON)
VICE CHAIRMAN

8-1-91