

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 1895/90
T.A. No.

199

DATE OF DECISION 16th August, 1991.

<u>Shri H.L. Gugnani</u>	<u>Petitioner</u>
<u>In person</u>	<u>Advocate for the Petitioner(s)</u>
Versus	
<u>Chief Secretary, Govt. of Haryana & Others</u>	<u>Respondent</u>
<u>Shri I.S. Goel</u>	<u>Advocate for the Respondent(s)</u>

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Ye
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? Pls
4. Whether it needs to be circulated to other Benches of the Tribunal? Pls

JUDGMENT

**(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))**

The applicant who is aged about 65 years, is a retired IAS Officer of the Haryana Cadre. S/Shri Yogeshwar Sahni, S.K. Jain and the applicant were appointed to the IAS with effect from 17.12.1969, 16.3.1971 and 29.6.1971 respectively by the Government of India and were assigned 1962 as their year of allotment in the IAS cadre of Haryana. The Punjab & Haryana High Court in LPA Nos. 1224/82, 1189/82 and 1204/82 filed by them directed the Government of India in its common judgment dated 7.12.1984 to determine their years of allotment afresh

2

in view of the observations made therein. Accordingly the Government of India assigned 1958 as their year of allotment. Thereafter, they represented to the State Govt. that they should be given consequential benefits on the basis of their revised seniority, such as promotion to the rank of Joint Secretary, Selection Grade, Supertime Scale and Financial Commissioner's rank as may be admissible to them from back dates.

2. Accordingly, the State Government promoted them to the above mentioned posts from different dates. The grievance of the applicant is that he was not given the promotion to the various grades w.e.f. the date Shri B.S. Ojha of 1959 batch who became junior to him consequent on revision in year of allotment of the applicant got the promotions as under:-

Selection Grade	29.6.1971
Supertime Scale	20.1.1975
Financial Commissioner's rank	2.1.1981

3. On the other hand, the applicant got the promotions as under:-

Selection Grade	1.9.1971
Supertime Scale	5.3.1975
Financial Commissioner's rank	1.7.1981

4. The above facts are undisputed. The contention of the respondents is that he had been given promotion retrospectively with effect from the date vacancies became

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available to him in order of his seniority in the above mentioned grades, i.e., the dates from which he could have been given promotions in normal course, had he been given 1958 as year of allotment earlier. His two other colleagues - S/Shri Yogeshwar Sahni and S.K. Jain - who had also been given 1958 as year of allotment along with him had been placed above him in order of seniority and they had also been given retrospective promotions in the same manner. It was, however, regretted that his contention that he should be given all the benefits in the matter of promotions which had been given to Shri B.S. Ojha, who was junior to him cannot be accepted as the abovementioned officers being senior to him were entitled first to such benefits as had been given to Shri Ojha.

5. We have carefully gone through the records of the case and have heard the applicant in person and the learned counsel of the respondents. During the arguments, we enquired from the learned counsel of the respondents as to whether Shri Ojha was reverted from the promotional posts consequent on the revision of seniority as directed by the Punjab & Haryana High Court. He stated that this was not done. Shri Ojha got the benefit of the promotional posts. In our view, as Shri Ojha who was junior to the applicant was given all benefits, it would be fair and just to give the same benefits to the applicant also from the respective dates Shri Ojha was given promotions. The applicant is entitled to succeed on this short ground.

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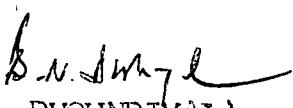
6. The application is, therefore, disposed of with the following orders and directions:-

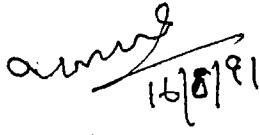
(1) Respondent No.1 is directed to grant to the applicant promotions to the Selection Grade, Supertime Scale and rank of Financial Commissioner with effect from the dates Shri B.S. Ojha got these promotions.

(2) Respondent No.1 shall pay the arrears of pay and allowances to him together with 8% simple interest from the due date to the date of payment.

(3) Respondent No.1 shall comply with the above directions within a period of two months from the date of receipt of this order.

There will be no order as to costs.


(B.N. DHOUDIYAL)
MEMBER (A)


16/8/81
(P.K. KARTHA)
VICE CHAIRMAN (J)