

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi the 6th day of July 1995.

OA No. 2453/90

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)
Hon'ble Mr B.K. Singh, Member (A).

B.P. Mahaur
Superintendent
Govt. Girls Senior Secondary School
Trinagar, Delhi
R/o C-7/202, Sector-8
Rohini, Delhi.

...Applicant.

(By Advocate: Shri A. Kalia)

Versus

Union of India through

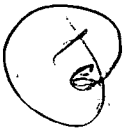
1. The Secretary (Services)
Services I Department
Delhi Administration
Alipore Road, Delhi.
2. Raj Bahadur Singh
3. Hari Singh
4. Gurnam Singh
5. Kanwar Singh
6. Shiv Lal Singh
(All C/o Joint Secretary (Services)
Delhi Administration, Delhi.

...Respondents.

ORDER (Oral)

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)

The applicant, presently working as Superintendent, Govt. Girls Senior Secondary School, Trinagar, Delhi, was suspended on 6.12.1967 and the suspension continued till 13.7.1977. In a suit filed by him which was later transferred to this Tribunal and numbered as TA-411/86, the applicant was fully exonerated of the accusations against him. The final order of the Tribunal contained directions to pay him back wages. Pursuant to the above order, the applicant was paid full back wages, treating him ^{to be} on duty during the period of suspension. The subsisting grievance of the applicant was that he was not considered for promotion and promoted to Grade-I I



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(Ministerial), Delhi Administration from the date his junior was promoted ^{i.e.} /from 27.2.1974 and he was not considered and promoted to Grade-I (Ministerial), Delhi Administration from the date his immediate junior was promoted ^{i.e.} /from 22.6.1987. Seeking these reliefs, he made a representation, but without success and under the circumstances, the applicant filed this application praying that the respondents may be directed to convene a review DPC for consideration of his promotion to Grade-II (Ministerial) and Grade-I (Ministerial) from the dates his immediate junior was promoted to the grades, namely 27.2.1974 and 22.6.1987 respectively, with consequential financial benefits, as also to interpolate his name in the integrated seniority list of Grade-II and I respectively.


2. The respondents in their reply have stated that pursuant to the representation made by the applicant, a review DPC was being convened for considering his case for promotion to Grade-II and I (Ministerial) with effect from the relevant dates.

3. When the application came up for hearing today, learned counsel for the applicant stated that on the recommendations of the review DPC, the applicant has been promoted to Grade-II and Grade-I (Ministerial) with effect from the relevant dates notionally and his name has also been interpolated in the integrated seniority lists of Grade-II and Grade-I (Ministerial) respectively above his immediate junior. Learned counsel for the applicant stated that the only grievance of the applicant now ~~subsisting~~ is that the respondents have not given the applicant consequential financial benefits flowing out of retrospective promotion to Grade-II and Grade-I (Ministerial) respectively. We have heard Shri Ashish Kalia, learned counsel for the applicant. As none appeared for the respondents, we did not have the privilege of hearing the respondent

4. A part of the applicant's grievance, as stated by the counsel for the applicant at the bar, has already been redressed. The applicant could not be promoted ^{on} 27.2.1974 and 22.6.1987 when his junior was promoted to Grade-II and Grade-I (Ministerial) respectively for the

reason that on the relevant dates, disciplinary proceedings were pending against him. During the pendency of the said proceedings, it would not have been possible for the department to promote the applicant. Now the applicant has been exonerated of the accusations against him by the Tribunal on the basis of his representation though after filing this O.A., the respondents have considered his case for promotion to Grade-II and Grade-I (Ministerial) respectively with effect from the relevant dates and on the recommendations of the review DPC, promoted him and the applicant is satisfied with the above decision and his placement in the seniority lists. As the non-promotion to the applicant to Grade -II and Grade-I (Ministerial) respectively on the relevant dates was not account of any administrative lapse, but for the reason that departmental proceedings were pending against him, we are of the considered view that the applicant is not entitled to any financial benefits of arrears of pay and allowances on the basis of the retrospective promotion granted to him. Hence no legitimate grievance of the applicant now subsists. This application therefore fails and is dismissed, leaving the parties to bear their own costs.


(B.K. Singh)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)