

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. NO.10/97
IN OA NO.2059/90

HON. SHRI A.V. HARIDASAN, VICE-CHAIRMAN 'J'
HON. SHRI R.K. AHOOJA, MEMBER 'A'

New Delhi, this 20th day of January, 1997

DELHI ADMINISTRATION & ORS.

...APPLICANTS/
(RESPONDENTS IN OA 2059/90)

'By Advocate - Mrs. Avnish Ahlawat'

VERSUS

SHRI MAHINDER SINGH NIJHAWAN
S/o Shri N.S. Nijhawan
R/o F-11, Green Park Extension
NEW DELHI

..RESPONDENT
(APPLICANT IN OA 2059/90)

ORDER (By circulation)

R.K. AHOOJA, MEMBER 'A'

This Review Application is directed against the judgement in order dated 5.7.1996 in OA No.2059/90. The ground canvassed by the petitioners is that the relief granted to the Original Applicant in the aforesaid OA was never

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3. It has further been pleaded by the petitioners that provisions of FR 17/1 have been overlooked in making the applicant eligible for arrears of pay, if any. It has been submitted that in such cases only notional fixation takes place and no arrears are to be paid because the official has not actually discharged the duties of the post. It is in fact for the Tribunal to determine whether the applicant was entitled to this relief, being willing and ready to work in the higher post from which he was kept out by the action of the respondents alone. Therefore, we find no error in the order. The R.A. is therefore dismissed.

Roshan

(R.K. AHOOJA)
MEMBER 'A'

A. V. Haridasan

A. V. HARIDASAN
VICE-CHAIRMAN (J)

/avi/

(31)

claimed and further more that in ~~holding~~ the relief, the provisions of FR 17/1 have been overlooked.

2. We have considered the matter carefully. It is correct that the original applicant had sought a specific relief of promotion first to the post of Junior Accounts Officer and then further subsequent promotions on that basis. It was also agitated and noted in the orders under review that the respondents' counsel had argued that since the applicant was not entitled to be considered for the post of Junior Accounts Officer 'JAO', no other relief could be granted. It was however seen that the applicant, apart from claiming appointment to the post of JAO under relief 'a', had under relief 'b' made the following prayer:

"Such other and further orders as this Hon'ble Tribunal may deem fit and proper under the circumstances of this case be also passed."

It was in terms of this prayer that orders were passed that in case the applicant was not considered for appointment as JAO on the ground that he belonged to the ministerial cadre, he should not at the same time be denied promotion in the ministerial cadre because at some time he had worked as Junior Accountant. It was also noted that the respondents had said that he had been overlooked for promotion in the ministerial cadre because his name did not figure in the seniority list. The order under review takes into account the pleadings of both the parties in this respect and based on the circumstances of the case afforded the relief in line with the second prayer in the Original Application.