

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(13)

OA-1526/91

New Delhi this the 5th day of December, 1996.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri Om Prakash,
S/o late Sh. Dilip Chand,
A-205, Derawal Nagar,
Delhi-110009.

.... Applicant

(through Shri M.M. Sudan, advocate)

versus

1. Chief Commissioner of
Income Tax, C.R. Building,
New Delhi.
2. Commissioner of Income-Tax,
Delhi-I, C.R. Building,
New Delhi.
3. Central Board of Direct Taxes,
through Secretary, North Block,
New Delhi.
4. Union of India, through
Secretary, Ministry of Finance,
North Block,
New Delhi.

.... Respondents

(through Sh. R.S. Aggarwal, advocate)

ORDER(ORAL)

delivered by Hon'ble Smt. Lakshmi Swaminathan, Member(J)

The main claim of the applicant in this case is that he should be granted the benefit of promotion with arrears of salary and with all other consequential benefits in pursuance of the judgement of this Tribunal in the case of Rafat Ullah Vs. U.O.I. & Ors. (OA-439/86) decided on 23.5.1990 (Annexure A1).

2.

The Tribunal vide its order dated 3.10.1996 had noted the prayer of the learned counsel for the respondents that three weeks time may be granted to produce a copy of the order promoting the applicant on the deemed basis as Head Clerk as a result of ^{the} redetermination of seniority. The learned counsel has clarified that the

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redetermination of seniority is in pursuance of the judgement of the Tribunal in Rafat Ullah's case. However, when the case was taken up for final hearing today, the learned counsel again sought further time to produce the promotion order with respect to the applicant. In this connection he has drawn attention to the order passed by the respondents dated 20.02.1996, a copy of which is taken on record, in respect of another similarly situated person, namely, Sh. Chaman Lal who had also received the benefit of promotion on the basis of the revised seniority list in pursuance of the order of the Tribunal in Rafat Ullah's case. Sh. R.S. Aggarwal, learned counsel for respondents submitted that the respondents would have no objection in passing a similar order as the one passed for Shri Chaman Lal in respect of the applicant.

3. Shri Sudan, learned counsel for the applicant, however, submits that while in part he would be satisfied with the order of promotion as referred to above, the claim of the applicant for arrears of salary with all consequential benefits should also be considered as has been done ^{another} ¹⁸ in a similar case, Shri Ramesh Chander & Ors. Vs. Chief Commissioner of Income Tax & Ors. (OA-563/91) decided on 3.10.1996 (copy placed on record). He, therefore, submits that a similar direction may also be given to consider the case of the applicant on the same lines.

4. We have considered the material placed on record and the ~~proposed~~ judgements of the Tribunal which are applicable in this case. The O.A. is disposed of with the following directions:-

- (i) the respondents are directed to pass appropriate orders regarding promoting the applicant to the post of Head Clerk with effect from the date when his junior was promoted in accordance with the relevant rules/instructions within two months of the receipt of the order;
- (ii) In case the applicant is so promoted, he may make a detailed representation to Respondent No.1 within two weeks from the date of receipt of ^{the} promotion order requesting them for payment of arrears of pay and salaries with all consequential benefits on promotion as Head Clerk; and
- (iii) the respondents are directed to pass a detailed and speaking order on the representation of the applicant within three months with intimation to the applicant, in accordance with law.

No costs.

S. P. Biswas
(S.P. Biswas)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)