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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2837/91

DECIDED ON : 3.2.1993

N. K. Chakraborti

... Applicant

Vs.

Union of India & Ors.

... Respondents

CORAM : THE HON'BLE MR. P. C. JAIN, MEMBER (A)

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

Shri J. K. Bali, Counsel for Applicant

Shri P. H. Ramchandani, Sr. Counsel for
Respondents

JUDGMENT (ORAL)

Hon'ble Shri P. C. Jain, Member (A) —

The applicant in this case joined the Indian Railway Service of Engineers on 2.4.1958 and was promoted to the Level-I of the Senior Administrative Grade on 25.3.1983. He retired on 31.1.1991. His grievance in this application under Section 19 of the Administrative Tribunals Act, 1985 is that he was not considered for promotion to the grade of Rs. 7300-7600 in the selection held on 14.2.1990 solely on the ground that he did not have on that date one year's service left before superannuation. It is also contended that his junior was promoted to the aforesaid grade on 11.5.1990. He has, therefore, prayed for a direction to the respondents to convene a review DPC and consider his case for promotion to the aforesaid grade w.e.f. 11.5.1990 and if he is found suitable for promotion he should be deemed to have been promoted with effect from that date. He has also prayed for re-fixing his pay and his retirement benefits and the payment thereon of interest at the rate of 13 per cent per annum.

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2. The respondents have contested the OA by filing a reply to which a rejoinder has also been filed by the applicant. We have perused the material on record and also heard the learned counsel for the parties for final disposal of the case at the admission stage itself.

3. This case is fully covered by the judgment which we have delivered in O.A. 2836/91 in which we have held that the non-consideration of otherwise eligible Group 'A' officer in the Railways for promotion to the post in the Grade Rs.7300-7600 on the ground that the concerned Government servant did not have one year's service left before superannuation, cannot be upheld. Accordingly, this O.A. is allowed in terms of the directions to the respondents to convene a review DPC for consideration of the case of the applicant as on 14.2.1990 for promotion to the grade of Rs.7300-7600 in accordance with other relevant rules/ procedure and in case he is found fit, and also eligible for promotion w.e.f. 11.5.1990 in accordance with the place to be assigned to him in the panel on re-consideration he shall be promoted w.e.f. 11.5.1990 if he is placed ^{in the panel also} ~~senior~~ to the person so promoted on 11.5.1990. If he is placed lower in the panel he shall be promoted with effect from the date the person lower than him in the panel was promoted. In the event of his promotion as aforesaid, he shall also be entitled to the arrears of pay and allowances admissible thereon from the date of promotion till the date of retirement. His retirement benefits shall also be liable to be re-calculated in pursuance of the above. These directions shall be complied with as expeditiously as possible but

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preferably within four months from the date of receipt of a copy of this order by the respondents. Parties are left to bear their own costs.

J. P. Sharma

(J. P. Sharma)
Member (J)

(P. C. Jain)
Member (A)

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