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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 94 of 1995 &
M.A. NO. 946 of 1995
IN
O.A. NO. 333 of 1991

New Delhi this the 1st day of May, 1995

THE HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Onkar Nath S/O Paras Ram Sharma,
30-C Pocket-A, MIG Flats,
Guru Teg Bahadur Enclave,
New Delhi - 110093. Applicant

(In Person)

Versus

Union of India through its
Secretary (Shri M.S.Ahluwalia)
Ministry of Finance,
Department of Economic Affairs,
North Block,
New Delhi - 110001. Respondent

O R D E R (ORAL)

Shri Justice S. C. Mathur -

The applicant alleges disobedience by the
respondent of the Tribunal's order dated 29.5.1992
in O.A. No. 333/91 - Onkar Nath vs. Union of India.

2. In the aforesaid O.A., the grievance of the
applicant was that he had joined the civilian post
after de-mobilisation from the Army and the period of
his service in the Army had not been counted towards
seniority, fixation of pay and promotion. The
Tribunal without going into the question whether
the period of applicant's Army service had been
counted towards his seniority or not, issued direction
to the following effect : -

"...the applicants shall be entitled to
counting of Army Service for the purpose
of seniority, fixation of pay and

(16)

giving him the benefit of the Army service. This he was unable to do. In the circumstances, we are unable to accept the applicant's plea that the statement made in letter dated 23.11.1994 is incorrect.

4. In view of the above, the applicant has failed to make out disobedience of the Tribunal's order by the respondent. The application is accordingly rejected.

P. J. L.S.

(P. T. Thiruvengadam)
Member (A)

A. Mathur

(S. C. Mathur)
Chairman
1.5.95

/as/

consideration for promotion on the basis of revised seniority. If in consequence of the revision of seniority the promotions of the applicants are to be antedated, their pay shall be refixed in accordance with the rules notionally. Their retiral benefits shall be refixed in accordance with the notional pay, as refixed, after taking into account their Army Service and assigning them revised seniority. No arrears of pay etc., however, shall be payable."

By the aforesaid order, two more original applications filed by F. C. Chawla and N. L. Khosla were also disposed of. The applicant asserts that while the order of the Tribunal has been implemented by giving Chawla and Khosla the benefit of Army service, he has not been given the benefit of the order of the Tribunal. In respect of the applicant's claim, reply has been given to him through letter dated 23.11.1994, Annexure-6. In this letter it has been stated that the applicant's service book shows that the benefit of Army service had already been given to the applicant for fixation of pay as well as for seniority and promotion. In our opinion, there was nothing required to be done in respect of the applicant on the basis of the order of the Tribunal. The applicant's plea is that the entries in the service book are incorrect and that he had made grievance to that effect in his original application. The applicant may have made that grievance but no finding has been recorded by the Tribunal that the said entries were incorrect.

3. We specifically asked the applicant to point out the seniority position which he will attain by