

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 221/2006
OA NO. 471/2004

This the 12th day of October, 2006

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MRS. CHITRA CHOPRA, MEMBER (A)

Sh. Har Sai,
S/o Sh. Prabhat,
R/o H.No.434, Block-C,
Gokulpuri,
Delhi-110094.

(By Advocate: Sh. Sachin Chauhan)

Versus

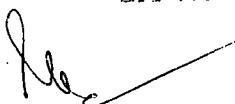
1. Sh. V.K.Duggal,
Home Secretary,
North Block, New Delhi-110001.
2. Sh. Rakesh Jaruhar,
IG/Director (Trg) Presently Acting DG
Bureau of Police Research & Development,
Block No.11 4th Floor, CGO Complex,
Lodhi Road, New Delhi-110003.
3. Dr. Adarsh Kishore,
Secretary (Department of Expenditure)
Ministry of Finance,
North Block,
New Delhi-110001.
4. Dr. Ramesh Chandra Panda,
Secretary,
Ministry of Statistical & Programme Implementation,
Sardar Patel Bhawan, Parliament Street,
New Delhi-110001.

(By Advocate: Sh. T.C.Gupta and
Sh. H.N.Singh proxy for Sh. D.S.Mahendru)

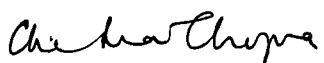
ORDER (ORAL)


Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Learned counsel for respondents has stated that differential pay and allowances have been paid to the applicant and the order of this Tribunal dated 21.3.2006 passed in OA-471/2004 has been implemented. Counsel for applicant, on the other hand, has



submitted that the seniority of the applicant has not been corrected. Tribunal had simply directed the respondents to consider the applicant and similarly situated persons in the BPRD, who are working or have worked in the past in the BPRD, to be placed in the upgraded pay scale of Rs.5000-8000 w.e.f. 1.1.1996 and pay them consequential benefits upon the upgradation, which means that the differential pay and allowances shall be paid to the applicant. It does not include fixation of the seniority or certain other benefits which will accrue to him on the upgradation. Learned counsel for the applicant states that the applicant is also entitled to consequential benefits which means that he is entitled to the fixation of his seniority after upgradation. We do not find this argument tenable. Consequential benefit which will accrue to the applicant in this case should have direct nexus with the order which has been passed. In the present case the applicant's pay scale was to be upgraded, if it was so decided by the respondents, and the consequence of this upgradation that flow from this order are differential pay and allowances and not seniority and promotion. Applicant, if aggrieved by fixation of seniority, he may seek his remedy available to him in accordance with law. Order of upgradation has been passed and salary has been fixed as shown in Annexure R-1. The copy of the orders by which arrears have been paid has been filed. We, therefore, do not find it appropriate now to proceed in the matter further. Accordingly, CP is dismissed and notices discharged.


(CHITRA CHOPRA)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

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