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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.727/2004

New Delhi this the 7th day of August, 2006

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri N.D. Dayal, Member (A)

Smt. J.K. Dang,
7943/4, Gall No. 6,
Arakasha Road,
Paharganj, New Delhi-110 055.

-Applicant

(By Advocate: Shri Sudarshan Rajan)

Versus

1. Union of India
Through Secretary
Ministry of Defence
South Block
DHQ Post Office
New Delhi.

2. The Joint Secretary (Trg.)
and Chief Administrative Officer
Ministry of Defence E-Block
DHQ Post Office,
New Delhi-110 011.

-Respondents

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

Hon'ble Shri Shanker Raju, Member (J)

Applicant who retired after attaining the age of retirement on superannuation seeks antedating of his appointment to be reckoned for the purpose of seniority from 1964 and consequential benefits in the light of the decision of the Tribunal in OA No.1770/1999 which has been disposed of vide order dated 17.12.99 in the light of the decision of Apex Court in *Sher Singh v. Union of India* (OA No.1590/88) and *D.P. Sharma v. Union of India*, 1989 Supp. (1) SCC 2. Learned counsel contended that by antedating the promotion the appointment of the applicant as LDC from 1964, further promotion would also be antedated not only in the grade of UDC, Assistant but also ACSO. In such an event, the pay fixation has to be reviewed on the basis of last ten months

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average pay. Gratuity should also be worked out and difference paid to the applicant accordingly.

2. On the other hand, learned counsel of respondents stated that not only the case of the applicant had been reviewed as per the ratio decidendi in the case of Sher Singh (supra), in such an event in their order dated 18.12.2003 Shri Narender Kumar and Shri B.L. Sharma who have been shown juniors to the applicant in the grade of UDC and even if the seniority and promotion are antedated, consequential benefits would not accrue to him. However, it is stated that review is still to be completed. As such, the present cause of action is premature and learned counsel seeks dismissal of the OA.

3. On careful consideration of the rival contentions of the parties, we cannot deny from the fact that while implementing the directions of the Tribunal in OA-1770/99, a due regard has already been given to D.P. Sharma as well as Sher Singh's case (supra). It has been advised in principle that where the applicant is identically situated with Sher Singh, taking final stock of the matter where it is observed that applicant would not get any consequential benefits when process is yet to be completed amounts to taking stock of finality, when it is to be attained. We accord to the respondents six months' time to take a final decision in the matter meticulously in true letter and spirit of the directions of the Tribunal (supra) with regard to antedating date of applicant's promotion at three levels viz. LDC, UDC and ACSO and in that event the consequential benefits of pay fixation etc. with arrears would be disbursed to applicant within two months from the date of receipt of a copy of this order.

4. OA is disposed of accordingly. No costs.



(N.D. Dayal)
Member (A)



(Shanker Raju)
Member (J)