O.A.No.1318/92
M.A.No.1199/97

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 21st day of August, 1997

Shri J.S.Kapur
Administrative Officer Grade-II
6 - B/15, Ramesh Nagar
New Delhi.   ... Applicant

(Applicant in person)

              Vs.

1. Union of India through
    Secretary, Ministry of Defence
    Government of India
    South Block
    New Delhi - 110 011.

2. Engineer-in-Chief
    E-in-CBs Branch
    Kashmier House
    Army Headquarters
    DHQ P.O.,
    New Delhi - 110 011.   ... Respondents

(By Shri R.P.Aggarwal, Advocate)

O R D E R (Oral)

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

The applicant had filed MA No.1199/97 to bring on record the official documents including the OM dated 18.3.1997 passed by the respondents. The relevant portion of the said OM reads as follows:

> "The undersigned is directed to refer to Shri J.S.Kapoor's representation dated 31.01.1997 and to state that Army H. Qrs.(E-in-C's Branch) have been directed to take necessary action for assigning him the position at Sl. No.143-A in the All India Seniority List for Office Superintendent (Grade-II) circulated vide E-in-C's Branch's letter No.41205/CP/R:R(Sub) dated 12/02/88 and for ante-dating his promotion to QS(Grade-I), AO(Grade-II) and AO(Grade-I) with reference to the junior in each grade."

2.   Shri R.P.Aggarwal, learned counsel for the respondents submits that as the respondents have passed the aforesaid OM dated 18.3.1997, the reliefs claimed by the applicant have been

granted but for implementation of the O.M. they need at least six months time. The applicant agrees that if the respondents implement the OM dated 18.3.1997 and give him the consequential benefits, nothing survives in the OA. However, he prays that the respondents may be directed to implement it in a shorter time as there is already much delay. He also states that he has retired from service on 30.04.1992. The learned counsel for the respondents, however, submits that there is an OA No.1265/HR/95 pending before the Chandigarh Bench of this Tribunal and therefore, they may be given six months to implement their OM dated 18.3.1997. The applicant submits that, that case which has been filed later has no relevance to the reliefs prayed for by him in this case.

3. We have carefully considered the above submissions. In the light of the O.M. issued by the Respondents on 18.3.1997, and letters dated 13.4.1994 and 20.7.1994 we note that the respondents have themselves admitted that they will give the reliefs prayed for by the applicant in the OA. We also note that they have taken nearly three years to pass the OM dated 18.3.1997, after they issued the letter dated 13.4.1994. In the OM, they have referred to applicant's correct seniority, and promotions due to him in the higher grades, but they have not given him any consequential benefits. It is also relevant to note that five years has past since the applicant retired from service in April, 1992 and the OA was filed in May, 1992.

4. In the facts and circumstances of the case the plea of the respondents to be granted six months more to implement their

O.M. dated 18.3.1997 is not justified and is rejected. We dispose of this OA with the following directions:

i) Respondents to take necessary action and pay the consequential benefits flowing from the OM dated 18.3.1997 with interest to the applicant within a period of two months from the date of receipt of a copy of this order;

ii) We make it clear that all the amounts due to the applicant, like pay and allowances on the promotion posts and retiral benefits shall be paid together with 12% interest per annum from 1.6.1994, taking into account the letter of 13.4.1994 within the period of two months mentioned above; thereafter, interest at 18% per annum shall be paid on all the outstanding amounts till the date of actual payment.

In the result, the application is allowed as above. MA 1199/97 also stands disposed of. No order as to costs.

(R.K.AHOOJA)   (SMT. LAKSHMI SWAMINATHAN)
MEMBER(A)   MEMBER(J)

/rao/