

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**NEW DELHI**

O.A. No. 2489/92  
T.A. No.

199

DATE OF DECISION 28-9-93

Shri Kishori Lal	Petitioner
Shri SC Luthra	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Shri Raj Kumar Tak, departmental representative.	
Advocate for the Respondent(s)	

**CORAM**

The Hon'ble Mr. N.V. Krishnan, Vice Chairman (A).

The Hon'ble Mr. B.S. Hegde, Member (J).

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal? ✓

**ORAL  
JUDGEMENT**

The applicant had approached this Tribunal earlier in T.A.No.17/88 which was disposed of on 19-12-90. The direction given was as follows:-

"In view of the law laid down by the Hon'ble Supreme Court in the above case (confirming the Full Bench Judgement of the Tribunal in Prem Nath K. Sharma Vs. UOI & Ors. 1988 (3) SLJ CAT 449), we hereby set aside the order of the appellate authority No.3724/A/VIG dated 6-12-76, reverting him to the post of Labourer 'B' Grade. We further order and direct that the applicant shall be deemed to be reinstated in service from 9-3-76, the date when he was removed from service as Machinist Grade 'C' and paid accordingly. The respondents would be at liberty from revising the proceedings and continuing with it from the stage he was illegally removed from service in violation of the principles of natural justice."

2. The applicant is aggrieved by the fact that though the Tribunal had directed that the applicant should be deemed to be reinstated in service from 9-3-76, the date when he was removed from service as Machinist Grade 'C'

and paid accordingly, the respondents have given him pay only from 28-12-76 vide An.A1 order.

3. The applicant has therefore filed this O.A. seeking the following relief:

- 8.1 To direct the respondents to pay the back wages from 6-3-76 to 27-12-76 as Machinist Grade 'C' redesignated as Machinist Grade 'B' in the pay scale of Rs.210-290.
- 8.2 To declare that under ratio adjustment programme the applicant is deemed to have been placed in the scale of Rs.260-350 w.e.f. 30-6-80 instead of pay scale of Rs.210-290 in terms of letter dated 4-7-80.
- 8.3 To further declare that the applicant is deemed to have been placed in the skilled category instead of semi-skilled in the pay scale of Rs.260-400 w.e.f. 16-10-81.
- 8.4 To further declare that from 15-10-84 the applicant stood upgraded as highly skilled Grade II in the scale of Rs.330-480 instead of skilled grade of Rs.260-400 in terms of Govt.of India letters dated 15-10-84 and 6-4-86.
- 8.5 To further declare that the applicant is deemed to be promoted as highly skilled Grade I with effect from 18-4-90 in the scale of Rs.1320-2040 as all his colleagues and many junior stood upgraded/promoted from that date.
- 8.6 To further direct the respondent to hold trade test in respect of the applicant as and when they became due and if they were necessary and in case the applicant passes the trade tests he shall deemed to have been promoted from the back date when his colleagues and juniors were promoted.

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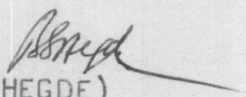
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4. When the case came for disposal today, the learned counsel for the applicant submitted that reliefs in para 8.2 to 8.3 have already been granted to him by the Supreme Court and therefore those do not subsist. The prayers in para 8.4 to 8.6 do not arise out of impugned order An.A1 and therefore they are in the nature of plural reliefs which cannot be considered. The learned counsel of the applicant, therefore, submitted that the prayers made in para 8.4 to 8.6 may be permitted to be withdrawn by him, preserving his liberty to agitate the matters separately, if so advised. That permission is granted on the above terms.

5. Therefore, what remains for consideration is only the prayer at 8.1. That prayer is to direct the respondents to pay the wages from 6-3-76 to 27-12-76 as Machinist Gr.'C' redesignated as Machinist Grade 'B' in the pay scale of Rs.210-290. We notice that the respondents have filed a reply in which they have denied that any relief is due to the applicant.

6. We notice that the judgment directs that the applicant be reinstated from 9-3-76 (and not 6.3.76 as prayed for) and be paid accordingly. In the circumstances, we are of the view that there is no justification to deny payment to the applicant from 9-3-76 to 27-12-76 in the grade of Rs.210-290 as Machinist Grade 'C'.

7. We, therefore, dispose of this application with the direction to the respondents to make payment to the applicant for the period from 19-3-76 to 27-12-76 also in the scale of Rs.210-290 as Machinist 'C', within a period of two months from the date of receipt of this order. The case is disposed of accordingly.

  
(B.S. HEGDE)  
Member (J)  
28-9-93

  
(N.V. KRISHNAN)  
Vice Chairman(A)  
28-9-93