

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2687/92

(3)

New Delhi, this the 24th day of November, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri N. Sahu, Member (A)

Jai Prakash s/o Sadali Ram,
r/o IX/4949/F-5, Gali No.2,
East Old Seelampur,
Delhi.

Applicant

(By Advocate: Shri A.K. Verma)

Vs.

Union of India through

1. Secretary,
Ministry of Water Resources,
Shram Shakti Bhawan,
4th Floor,
New Delhi.
2. The Chairman,
Central Water Commission,
2nd Floor, Sewa Bhawan,
R.K. Puram, New Delhi. Respondents

(By Advocate: None present)

O R D E R (Oral)

By Dr. Jose P. Verghese, Vice-Chairman (J)

The petitioner in this case working as Ferro-Printer since 3.12.81 was initially declared to be equivalent to Tracer and subsequently re-designated as Draughtsman Gr.III). Some of the affected petitioners had approached this court by OA No. 2114/89 and this court passed the final order on 18.5.1994, according to which the relief sought has been granted to the petitioners therein. Respondents in pursuance to the above said order of this court dated 18.5.1994 passed an order on 9th August, 1995 wherein the relief to the petitioner herein was also given to the extent that the petitioner be promoted to the Draughtsman Gr.II on a regular basis in the scale of Rs.

1400-2300 from 5th July, 1991. The financial benefits arising out of such order was denied to the petitioner on the ground that the orders passed by the respondents on 9.8.1995 was by fixing a notional date of promotion prior to the date of actual taking over the charge. This was so done by the respondents in view of the decisions of this court above cited namely one dated 18.5.1994.

(X)

The petitioner herein now decides to limit the present petition only for the purpose of obtaining financial/consequential benefit, during the period of the notional promotion, granted to the petitioner as Draughtsman Gr.II.

It was also pointed out to us that the similarly placed colleagues of the petitioner, who were the petitioners in OA No. 2114/89, have already approached this Tribunal by an independent OA seeking the financial benefit during the period of notional promotion, given by the respondents themselves by their order dated 9.8.1995 and the petitioners are not party to the same and this court is free to consider the said relief in this OA itself.

None appears on behalf of the respondents and in any event since the substantial relief sought by this petition has already been granted to the petitioner, by order dated 9.8.1995, we would not like to pass any further order on consequential financial benefit which according to the petitioner is available to him during the period his promotion was treated as 'notional'. We would like only to mention that in case any of the petitioners in OA No. 2114/89 who has subsequently approached this court for the

financial/consequential benefits, ultimately succeeds and obtain any relief, the same shall also be made applicable to the petitioner herein.

With this, this OA is disposed of with no order as to costs.

Naresh

(N. Sahu)
Member (A)

naresh


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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