

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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C.C.P. NO. 364/93 in
O.A. NO. 1741/92

New Delhi this the 3rd day of January, 1994.

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Jaswinder Singh S/O Late S. Harjap Singh,
R/O 603, Aliganj,
Lodi Road,
New Delhi-110003. ... Petitioner

By Advocate Shri K. L. Bhandula

Versus

1. Shri C. D. Thate,
Secretary to the Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi - 110001.
2. Shri M. S. Reddy,
Chairman,
Central Water Commission,
Sewa Bhawan, R. K. Puram,
New Delhi - 110006. ... Respondents

By Advocate Ms. Jasvinder Kaur for Shri K. C. Mittal

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath --

The direction of the Tribunal is to give the benefit of continuous officiation and to count the petitioner's seniority for the purposes of promotion to the next higher grade with effect from the date of his ad-hoc promotion, that is, 29.8.1977. The respondents were given three months' time from the date of receipt of the copy of the order for compliance. They have actually made an order only on 31.12.1993 copy of which has been placed for our perusal, from which it is clear that they have given


the benefit of seniority as directed by the Tribunal. What they have, however, done is that they have given the actual benefit from the date of promotion, namely, 31.12.1993, and the notional promotion has been given from the earlier date. The counsel for the petitioner submits that the petitioner should be given the benefit of promotion from the date from which the notional promotion has been given to him. That, according to him, is the clear effect of the directions issued by the Tribunal. On a perusal of the directions as also the prayers made by the petitioner in the original application, we find it difficult to accede to the contention of the learned counsel for the petitioner that there was an implied direction to give the benefit of arrears of pay from the date of the notional promotion to the petitioner. Hence, it is not possible to say that the respondents have committed contempt in not giving the benefit of arrears of pay.

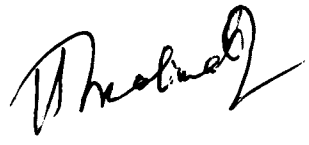
2. We are, however, satisfied that there has been delay on the part of the respondents in complying with the directions. Three months' time was granted by the Tribunal by its order made on 31.3.1993. It appears to have been served on the respondents some time in April, 1993. There is, therefore, compliance long after the period fixed by the Tribunal had been expired. In the circumstances, we direct the respondents to pay the petitioner arrears of difference in pay for the period from 1.7.1993 to

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31.12.1993. The difference or arrears on that basis shall be given to the petitioner within a period of four weeks from this date failing which the said amount shall be paid to the petitioner with interest at the rate of 12% from this date till the date of actual payment.

3. With these directions, these proceedings are dropped.


(S. R. Adige)
Member (A)


(V. S. Malimath)
Chairman

/as/