

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

16

O.A. 158/93

with

Date of decision 11-10-1996

O.A. 2678/92

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

OA 158/93

1. Shri Subash Chugh s/o
Sh. Bhagwan Dass Chugh
working as Senior Clerk
R/o EU/34-B, LIG Flats,
Pitampura, Delhi-110034
2. Smt. Rekha Arora w/o
Shri Y.P. Arora
r/o 98, Ram Nagar, Delhi-51
3. Smt. Parveen Sharma w/o
Sh. C.V. Sharma
r/o H.No. 184, Sector-22
Faridabad Town
4. Smt. Renu Bala w/o
Shri Ashok Soni
R/o C/II E, Railway Colony,
Lajpat Nagar, New Delhi.
5. Smt. Chanchal Nayyar w/o
Shri Rajender Nayyar
193, Rampuri, Ghaziabad(UP)
6. Smt. Rita Chopra w/o
Shri Vijay Chopra
E-285, Nag Mandir Rd.,
Shashri Nagar, Delhi.

(By Advocate Shri S.K. Sawhney)

... Applicants

Vs.

1. Union of India through
General Manager, N.R.
Baroda House, New Delhi.
2. Deputy Chief Personnel Officer,
Northern Railway, Baroda House, N/Delhi

(By Advocate Shri B.K. Aggarwal)

... Respondents

OA-2678/92

1. Shri G.K. Saini, s/o Sh.
Sumer Chand Saini,
R/o 8/13, Railway Colony,
Kishanganj, Delhi.

17

2. Shri Pradip Kumar Mishra
s/o Sh.Hari Nandan Mishra
r/o 8/13, Railway Colony,
Kishanganj, Delhi.
3. Sh.S.K.Sharma s/o Sh.B.R.Sharma
R/O 187, Sunlight colony,N/Delhi.
4. Smt.Vijay Laxmi Mahajan
w/o Sh.Subhash Mahajan
R/O WZ -20 Gali No.10, Krishnapuri,
T.Nagar, New Delhi.
5. Smt.Anita Chopra w/o Sh.Naresh Chopra
R/o 3/16, Nehru Nagar, New Delhi.
6. Smt. Renuka Sharma w/o Sh.Mukesh Sharma
r/o 49/4655, Ragharpura, Karol Bagh, New Delhi.
7. Sh.Ajit Kumar Sinha s/o Sh.Hari Shankar Pd.
R/o F-364 F, Sector-12, Vijay Nagar,
Ghaziabad.
8. Sh.Dushyant Kumar s/o Sh.Aidal Singh
R/o No.891, Sunder Puri, Ghaziabad(UP)
9. Sh.Virender Kumar Grover s/o Late Sh.
M.R. Grover,
R/O WZ-54A, Mukherji Park, New Delhi.
10. Shri Kamal Narain s/o Late Sh.Ramyagga Pd.
R/o 363, Bal Mukand Khand, Giri Nagar,
New Delhi-19
11. Sh.Satish Kumar Madan s/o Sh.S.R. Madan
R/o 396, Bhola Nath Nagar, Shahdara, Delhi.
12. Shri Madhuri Nainwani w/o Sh.Ramesh Chander
R/o 12/2A, Double Storey, Prem Nagar, New Delhi
13. Smt.Deepika Biblani w/o Sh.J.P.Bablani
R/o 33/207, Vikram Vihar, Lajpat Nagar-IV,
New Delhi.
14. Sh.Vishambher Dayal s/o Sh.Mohan Lal Srivastava
R/O WI, 1247, Nangal Rai, New Delhi.
15. Sh.Mukesh Kumar s/o Sh.Kanhiya Lal
r/o B-101, Amar Colony, Lajpat Nagar,
New Delhi.
16. Smt. Raman Wahi w/o Sh.A.K.Wahi
R/o B-2/97, Janak Puri, New Delhi.
17. Smt.Sunita Sharma w/o Sh.Chandra Van Sharma
R/o 06B, Railway Colony, Lajpat Nagar, New Delhi.
18. Smt.Kiran Malhotra w/o Sh.A.K.Malhotra
R/o H-9, Malka Ganj, Delhi.
19. Ms Indu Nayyar d/o Sh.S.L.Nayyar
R/o 7/7, Railway Colony, Delhi, Kishanganj,
Delhi.

18

20. Smt. Poonam Gupta w/o Sh.Vipin Mohan
r/o C-17, West Vinod Nager, Delhi-92

21. Sh.Verinder Singh Ahluwalia, S/Q Sh.M.B.Lal.
MG-I/17, Vikas Puri, New Delhi. ... Applicants
(By advocate Shri S.K.Sawhney)

Vs.

1. Union of India through
General Manager(N.R.),
Baroda House, New Delhi.

.... Respondent

(By Advocate Shri Rajeev Bansal)

O R D E R (ORAL)

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

Heard

2. Learned counsel for both the parties submit that these two cases are fully covered by the judgment of the Hon'ble Supreme Court in Smt. Anurekha Mukharjee & Ors Vs. U.O.I. & Ors in S.L.P. Civil Appeal No. 4265/96 decided on 12.3.1996 which has been implemented by the respondents in the case of Smt. Arti Mishra in the notice dated 31.7.96 (copy of this order is placed on record). Shri B.K.Agarwal, learned counsel for the respondents has also filed letter dated 9.10.1996 written by the respondents in which it is stated that the case of the applicants in O.A 158/93 is fully covered by the decision/judgment of the Hon'ble Supreme Court dated 12.3.1996.

3. The grievance of the applicants is that they should be given proforma promotion as Sr.Clerk from 1.10.1980 with consequential benefits, from the date they were actually promoted in terms of the restructuring of the Ministerial Cadre vide order of the respondents dated 18.6.1981 and 31.7.1981 (Ann. A.4 and Ann.A-5).

18

R-21 added
vide order dtd
19-12-96 in
MA 2529/96

regd
5/11
24/12/96

19

4. On perusal of the records in these two cases and after hearing the learned counsel for the parties, it is seen that the reliefs claimed by the applicants in these two cases are covered by the judgment of the Hon'ble Supreme Court in Smt. Anuradha Mukherjee & Ors (Supra).

It is seen that these two orders have also been dealt with ⁱⁿ the said judgment of the Supreme Court and the Court has held as follows:-

" All in-service Graduate clerks, (Grade-II) appointed in Grade I scale would get only pro forma promotion as Grade I clerks from Oct., 1, 1980 without any monetary benefits except for the purpose of pension. They are entitled to emoluments with effect from the date they actually took over the charge. It would be available for computation of pensionary benefits. The inter-se-seniority would be as per para 302 i.e., the date of seniority in the grade is the date of appointment to a post in that grade. The grant of higher pay, as a rule, does not confer seniority above the existing incumbents regularly appointed to the post. Among direct recruits and promotees, the date of joining. The working post is that date for the direct recruits and date of regular promotion, after completion of the process to order promotion is the date for the promotees. Inter-se-seniority is alternative, i.e. promotee first and direct recruit would be below him and the same would continue in the order of merit in the respective lists and the roster maintained by the Railway Administration. In other words promotee would be senior to direct recruits."

5. In view of the above, OA 158/93 and 2678/92 are allowed to the extent that the reliefs granted to similarly situated persons be also extended to the applicants in these OAs. The respondents are, therefore, directed to take necessary action within a period of three months from the date of receipt of a copy of this order.

6. O.As. are disposed of as above. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)