

Central Administrative Tribunal
Principal Bench: New Delhi

...

OA No.2676/93

New Delhi, this the 8th day of September, 1997

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

1. Sri Chand s/o Daulat Ram,
R/o village & P.O. Naharpur,
Delhi.

2. Bhagat Ram s/o
Dhani Ram,
r/o C-2/89, Moti Bagh,
New Delhi.

3. Hiramani Sharma s/o Sh. Ramanand Sharma,
R/o XII/60, R.K. Puram,
New Delhi.

....Applicants

(By Advocate: Shri D.C. Vohra)

Versus

Union of India through

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.

2. Office of Registrar
of Newspapers in India through
The Registrar,
West Block B, R.K. Puram,
Wing No.2, New Delhi.

....Respondents

(By Advocate: None)

O R D E R (ORAL)

[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

The relief sought in this OA is that the respondents even after placing the petitioners at the appropriate places in seniority in accordance with the judgement of this court dated 10.4.1992 in OA No. 1206/89, the consequential benefits have not been granted. The petitioners had approached this court previously by way of CCP vide CCP No. 317 of 1993 and the said CCP was disposed of finding that there was

substantial compliance of the order of this court and the said order dated 25.8.1993 is also on the paper book. The respondents on their own has granted the benefits of the seniority fixation by way of an order dated 8.12.1992 and the placement of the petitioners were to be done at the appropriate places as detailed in the said order. The grievance, therefore, that remains is, that after passing the appropriate orders in accordance with the judgement of this court and placement of the petitioners at the appropriate places in seniority in the cadre of L.D.C., the respondents have not been given the benefit of promotion and no further appropriate orders have been passed after re-casting the seniority as per the judgement, to which they are entitled. (8)

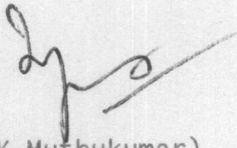
No serious objection has been taken in the counter statement filed by the respondents for this relief nor is there anyone present on behalf of the respondents. Since the matter has come up on the Regular Board for final hearing, we do not think it proper to await for anybody but propose to dispose of the same with the following directions:

(i) Respondents are hereby directed to consider the promotion of the petitioners in accordance with the re-cast seniority on the basis of their own order dated 8.12.1992 viz-a-viz promotions granted to their immediate juniors in the same seniority list to the cadres of U.D.C. as well as Assistance in accordance with the rules. In case the petitioners are found eligible to be promoted at the time when their juniors in the said re-cast seniority list after holding the

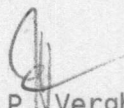
respective review DPCs, the petitioners shall be given the appropriate orders of promotion in the grades of UDC and Assistant but only with prospective effect, that is to say from the date of the order. The benefit of review DPC, if any, in favour of the petitioners shall result only in notional fixation of pay, seniority etc. but the arrears of payment shall be given to the petitioners only from the date of the judgement. It goes without saying that the promotion will be with effect from the due date without the liability of the payment of arrears which shall be calculated payable only from the date of the judgement. The abovesaid directions shall be complied within three months from the date of the receipt of this order.

9

This OA stands allowed to the extent stated above.


(K. Muthukumar)
Member (A)

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