

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 16th day of May 2001.

original Application no. 1271 of 1992.

Hon'ble Mr Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member-A.

Shri Narain, S/o Shri Ram Chander,
R/o Military Farm, Allahabad,
Allahabad Cantt.

... Applicant

C/A Shri RC Sinha
Shri RK Nigam

Versus

1. Union of India through Defence Secretary,
Ministry of Defence, New Delhi.
2. Quartermaster General,
Army Headquarters,
QMG's Branch, Sena Bhawan,
New Delhi.
3. Dy Director General of Military Farms,
Army Headquarters,
QMG's Branch, West Block III,
RK Puram, New Delhi.
4. Departmental Promotion Committee through,
the Dy Director General of Military Farms,
Army Headquarters, QMG's Branch West Block III
RK Puram, New Delhi.

... Respondents

C/Rs Shri SC Tripathi

...2/-

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O R D E R (Oral)

Hon'ble Mr Justice RRK Trivedi, VC.

By this OA the applicant has prayed for a direction to the respondents to release the promotion of the petitioner as Manager with retrofactive effect. It is also prayed that the respondents be directed to constitute the DPC so as to finalise the promotions within a time bound period and provisionally the applicant may be given promotion on adhoc basis as he is senior most..

2. It is not disputed that the applicant retired on 30.11.1995. However, in view of the judgment of Chandigarh Bench of this Tribunal, in OA 310-HR of 1989 dated 2.8.1995, Balraj Sharma Versus Union of India & Others, a review, of DPC meeting held on 16.01.1989, was done on 10.1.1996 and 17.1.1996. The review DPC found the applicant suitable for promotion as Manager and granted him promotion w.e.f. 1990. ~~It has been submitted that the applicants should be given this promotion from 6.3.1990.~~ The claim of the applicant is that, this benefit should have been given from 1987, when the applicant, first time, was considered by DPC. We have gone through the judgment of Chandigarh Bench of this Tribunal. The OA was allowed mainly on the ground that weightage was given to some of the candidates on the basis of posting on a particular place, on the basis of the earlier circular dated 29.8.1984, which was withdrawn on 24.11.1987. In the present case, it is not clear that the applicant was not found suitable on the aforesaid ground. The suitability is determined on various factors. The

...3/-

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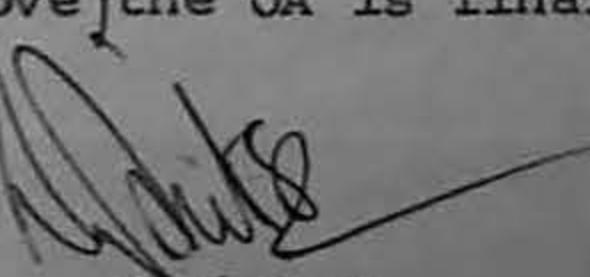
review DPC found him suitable and notional promotion has been given w.e.f. 6.3.1990.

3. Learned counsel for the applicant has submitted that the applicant is entitled for the same benefit which was given to Balraj Sharma by Chandigarh Bench of this Tribunal. The operative part of the order reads as under :-

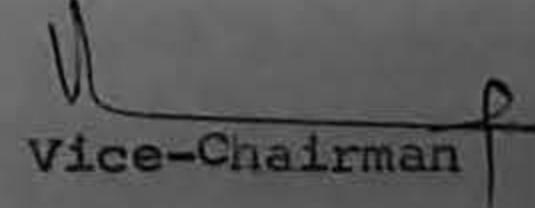
"In the above circumstances the minutes of the DPC held on 18.1.89. cannot be supported. We, accordingly, allow this O.A. and quash the D.P.C. proceedings held on 16.1.89 and hereby direct the respondents to hold a Review D.P.C., consider all the eligible persons, including the deceased applicant as on 16.1.89 without giving any weightage to the postings and to prepare a fresh list in the light of the observations made by us hereinabove. As a consequence, the legal Representatives of the deceased applicant shall be entitled to consequential financial relief, if any, on account of promotion. The respondents (Nos. 1 to 3) are, further, directed to complete the whole process, complying with the directions above, within a period of six months from the date of this order."

4. As the review of DPC held on 16.1.1989, was on the basis of the order of the Chandigarh Bench of this Tribunal, the applicant shall also be entitled for the financial benefits on the same lines as given to heirs of Balraj Sharma on the basis of that judgment.

5. ~~With the direction~~ ^{With the direction} the above the OA is finally decided. No order as to costs.



Member-A



Vice-Chairman

O.R.
Civil Misc. Application No. 4840/2001
in O A - 1271/92 (D) has been filed
by Shri Rajiv Shrivastava, counsel for
the Respondents with Prayer to
allow and grant further three
months time to comply with the
order passed by Hon'ble Court
on 16-5-2001. The Registry has been
notified a date on 28-11-2001.
Submitted please.

Amrit
23/11/01

Abdul
SO (I) 23/11/01

28.11.01

Hon. Mr. S. Dayal, A.M.

Hon. Mr. Rafiuddin, J. M.

Sri Ashish Srivastava, B.H. of Sri R. C. Sinha, Counsel for applicant and Sri Rajiv Sharma, Counsel for respondents.

Respondents have filed M.A.No.4840/01 seeking time of three months to comply with the order and judgement dated 16.5.01 passed by the Tribunal.

Time of three months is allowed w.e.f. 12.11.01 which is the date of the application for compliance with the order of the Tribunal.

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R
J.M.

A.M.

1025
Shri Shri - Mosauri



A4

Ex. Manager
104-2/329 Ram Bagh
Kaduwani

Diary No.....4914/01
S. O. (J) to keep, it with file
and put up before Hon'ble
Court for orders

on 28.11.01

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Registrar

Time allowed
11/11/01

CENTRAL ADMINISTRATIVE TRIBUNAL, 12/11/01
IN THE ENCL. COURT OF JUDICATURE AT ALLAHABAD.

, Additional Bench

CIVIL MISC. APPLICATION NO. 1840 OF 2001.

On behalf of:

Union of India & ors.

-----Applicants.

IN

O.A. NO. XXXX

1271

OF 1992.

(DISTRICT: A. LAHABAD)

Shri Narain s/o Shri Ram Chander
R&O Military Farm, Allahabad
Allahabad Can'tt.

---Applicant.

versus.

1. Union of India through Defence Secretary Ministry of Defence, New Delhi.
2. Quartermaster General, Army Headquarters, QMG's Branch, Sena Bhawan, New Delhi.
3. Dy. Director General of Military Farms, Army Head Quarters, QMG's Branch, West Block-III, R.K.Puram, New Delhi.
4. Departmental Promotion Committee through the Dy. Director General of Military Farms, Army Headquarters, QMG's Branch West Block III, R.K.Puram, New Delhi.

-----Respondents.

To