

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

this the 26TH DAY OF APRIL, 2001

Original Application No.1917 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MRAJ.GEN.K.K.SRIVASTAVA, MEMBER()A

C.M.Pandey, a/a 52 years, son of
Late S.L.Pandey, R/o 128/81,
Block'E' Kidwai Nagar, Kanpur, presently
employed as UDC P.No.6955683, Central
Ordnance Depot, Kanpur.

... Applicant

(By Adv: shri M.K.Upadhya)

Versus

1. Union of India through the Secretary
Ministry of Defence, Govt. of India
New Delhi.
2. Director General of Ordnance
Services, Army H.Qrs, DHQ
P.O.New Delhi.
3. Officer-in-charge, Army Ordnance
Corps(records)(O-1/C ACC(R)
Trimulgherry
Secunderabad
4. Commandant Central Ordnance Depot,
Kanpur.
5. Shri Sukhdeo prasad, P.No.6952899
presently working as Office Superintendent
Grade-II, Depot Accounts office,
C.O.D, Kanpur.

... Respondents

(By Adv: Shri Satish mandhyam)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.


By this OA the applicant has prayed for a direction to the respondents 1 to 4 to promote and post the applicant as Office Supdt.Gr-II in Si-tu in the C.O.D, Kanpur w.e.f.the original date of promotion i.e. 1.5.1993. In alternative it has been prayed that he may be granted promotion in Si-tu in the COD, Kanpur against one of the four subsequent vacancies which fell in the COD, kanpur in the year 1993. Benefit of special pay granted to the applicant

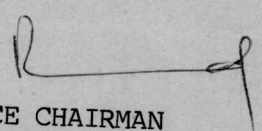
R

w.e.f. 1.4.1990 has also been claimed. ~~It is not disclosed that~~
~~special pay has been granted to the applicant.~~

Shri Satish Mandhyan learned counsel for the respondents has submitted that he will retain the ~~same~~ ^{special pay} and no order is required in that regard.

Now coming to the first relief it is not disputed that respondent no.5 Sudhdeo ^{Prasad} was senior to the applicant as UDC. Applicant and respondent no.5 were promoted simultaneously by same panel dated 4.5.1993. The respondent no.5 was however ^{or it to have a} shown ~~joining~~ on the promotional post of Office Supdt.Gr-II from 1.3.1993 which was subsequently modified and he was shown to have joined from 1.5.1993. As the promotional post itself was given effect from 1.5.1993 as clear from the panel there was no question of joining of respondent no.5 w.e.f. 1.3.1993. There was an obvious mistake which has been sought to be corrected subsequently and respondent no.5 has been shown joined w.e.f. 1.5.1993. There was also a good reason for this exercise as there was no vacancy existing on 1.3.1993. By the order applicant has not been adversely effected in any manner. he is still continuing on the promotional post with special pay. The only inconvenience ^{alleged to a} ~~made~~ have been caused to him ^{by} ~~is shifting~~ him from one office to another. Thus, we do not find any substantial loss or harm caused to the applicant which may require our interference with the order. However, the applicant is being given liberty to make representation before respondent no.3 taking into account all the changes which have taken place during this period. The representation if so filed, shall be considered and decided by a reasoned order within a month. The OA is disposed of finally. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 26.4.2001

Uv/