

Reserved:

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

O.A. No. 715 of 1993

Dated: 20th December, 1994.

Birendra Kumar Sharma, son of Shri  
R.L. Sharma, Assistant Foreman (Tech.)  
Ordnance Factory, Dehradun ... ... Applicant.  
( By Advocate Sri Lalji Sinha )

Versus

1. Union of India, through Director  
General Ordnance, Factory/Chairman  
Ordnance Factory Board, 10-A Auckland  
Road, Calcutta.
2. General Manager, Ordnance  
Factory Dehradun. ... ... Respondents.

( Advocate Sri N.B. Singh )

Hon. Mr. S. Das Gupta, A.M.  
Hon. Mr. J.S. Dhaliwal, J.M.

ORDER

( By Hon. Mr. S. Das Gupta, Member(A) )

We have heard the learned counsel for  
both the parties and have gone through the pleadings.

The applicant is an Assistant Foreman in the  
Ordnance Factory Dehradun. He was removed from service  
by an order dated 5.6.1979 passed by the Assistant  
Director General, Ordnance Factory. This order  
was challenged by the applicant by filing a Writ  
Petition in the High Court of Judicature at  
Allahabad and the same was subsequently transferred  
to a Bench of this Tribunal and registered as

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T.A. No. 191 of 1987. The said transfer application was decided by this Tribunal by an order dated 29.4.1988 in which the impugned order of removal from service was quashed. By a subsequent order, the Tribunal reviewed its earlier order dated 29.4.1988 <sup>and</sup> directed that the interim period shall be regularised in terms of Rule 10(4) of the C.C.S. (C.C.&A) Rules only in the event of a decision to hold a further inquiry against the applicant. Since no further inquiry was held against the applicant, the period was subsequently regularised by an order dated 26.7.1989 and the applicant was given a show cause notice against the proposal <sup>to</sup> and allow only such pay and allowances as had already been admitted to him during the period spent on suspension from 18.1.1977 to 4.6.1979 and for treating the period from 5.6.1967 to 4.8.1989 as dies-non. After taking into consideration the reply to the show cause notice, an order dated 30.7.1990 was passed by the General Manager Ordnance Factory Dehradun for payment of arrears of pay and allowances only for a period of 3 years immediately preceding the date of his reinstatement and to count the rest of the period as duty only for pensionary benefits. This order was challenged <sup>to</sup> in another application filed in this Tribunal and the same was allowed by

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order dated 7.7.1992. The respondents were directed to refix the pay along with arrears. The applicant thereafter submitted a representation to the respondents for refixation of pay and payment of arrears and also for restoration of his seniority and retrospective promotion from the date of the promotion of his juniors. It is stated by that the respondents by their order dated 11.11.1992 have directed for fixation of entire pay of the applicant and payment of arrears after deducting subsistence allowance already paid. The applicant's grievance is that till date, his salary has not been refixed nor he has been promoted retrospectively from the date of promotion of his juniors.

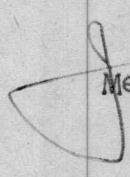
2. The basic facts of the case are not in dispute in the counter reply filed by the respondents. It has, however, been stated that the applicant's pay has since been refixed and the arrears have also been paid. However, as regards the retrospective promotion, the respondents have submitted that the matter is under consideration in the Ordnance Factory Board, Calcutta.

3. The learned counsel for the applicant Sri Lalji Sinha submitted that the applicant will be satisfied if a direction is issued to the respondents to consider the matter of his promotion

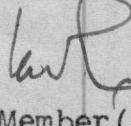
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from a date on which his juniors were promoted within a specified period. Since the respondents have themselves admitted that the matter is under consideration of the Ordnance Factory Board Calcutta, we see no objection to such a direction being given.

4. In view of the foregoing, this application is disposed of with a direction to the respondents to consider the matter regarding the applicant's promotion retrospectively from a date on which his juniors were promoted within a period of 3 months from the date of communication of this order. There shall be no order as to costs.

  
Member (J)

(n.u.o)

  
Member (A)