

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 26th day of May, 1999

Original Application No.1905/1994

CORAM:-

Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

Hon'ble Mr. G. Ramakrishnan, A.M.

Tula Ram, S/o Late Sawal Dass,
R/o vill-Sohalla, PO-Pratappura,
District-Agra.

(Sri A. P. Srivastava, Advocate)

..... .Applicant

Versus

1. Union of India through the Secretary,
Ministry of Defence, New Delhi.
2. Chief of Army Staff (T&S),
Additional Director General of Staff Duties(SASD)
General Staff Branch, Army Headquarters,
HQ PO New Delhi-11.
3. Commander
HQ Central Command, Lucknow
Uttar Pradesh.
4. Administrative Commandant
Station Headquarters,
Agra Cantt, Agra.

(Sri NB Singh, Advocate)

..... .Respondents

O R D E R (Oral)-

By Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

The applicant filed this application for the following reliefs :-

- (i) to issue a writ, order or direction in the nature of certiorari calling for record and quash the original impugned orders dated 26-11-94 and 6-6-94 respectively passed by the respondents can treating there been "Break in service"

and cancelling the promotion of petitioner on the post of Land Supervisor and allow the complete emolument with all consequential benefits.

(ii) To issue a writ, order or direction directing and commanding the respondents to confirm the promotion of petitioner on the post of Land Supervisor treating the promotion of petitioner has never been cancelled and the order dated 6-6-94 has been passed in accordance with law.

(iii) To issue a writ, order or direction directing and commanding the respondents to treat the services of petitioner to be duly regularised and pay the revised pay scale "Grade Salary to the post of Land Supervisor alongwith entire arrear ~~of~~ payable to the petitioner.

2. The respondents in para 7th and 8th of their counter affidavit which are relevant to the case state as follows:-

"7. That since the period of absence from 2.5.1975 to 7-6-1985 of the applicant has been regularised by grant of Extra Ordinary leave to the applicant ~~vice~~ Govt. of India letter dated 28-12-94 and thus he will retain his original seniority and the Department is of the view that the departmental promotion to the post of Land Supervisor granted to him may be restored. As soon as the confirmation/approval from higher authorities is received, the consequential reliefs in this respect will be given to the petitioner.

8. That in view of the facts stated above it is expedient in the interest of justice that the above mentioned claim petition may be dismissed as having become infructuous."



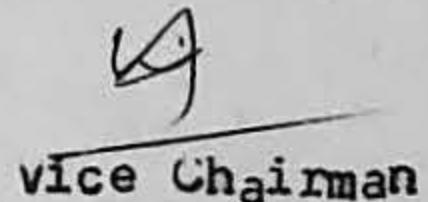
3. Counsel for both the sides admit that during the pendency of this application, Relief No.1 sought for by the applicant was granted ^{the relief} to them. As far as second and third reliefs are concerned probably they could not go ahead independent of this application. It is evident from para 7 of the CA that the respondents are willing to retain the original seniority and restore the departmental promotion to the post of Land Supervisor granted to him earlier. In view of this, plea and submissions of the respondents, we are inclined to dispose of this application with the following direction.

3.1 The respondents shall retain original seniority of the applicant and restore his promotion to the post of Land Supervisor granted to him earlier and pay all the consequential monetary benefits to him within three months from today.

4. In the circumstances of the case, the parties will bear their own costs.



Member (A)


4
Vice Chairman

Dube/