

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 13th day of August, 2003.

Original Application No. 933 of 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

S.C. Khanna a/a 60 years

S/o Late R.R. Khanna. R/o 126/20, 'S' Block,
Govind Nagar, Kanpur.

.....Applicant

Counsel for the applicant :- Rakesh Verma

V E R S U S

1. Union of India through the Secretary,
M/o Defence, New Delhi.
2. The Secretary, Ordnance Factory Board,
10-A, S.K. Bose Road, Kolkata-700001.
3. The General Manager, Ordnance Equipment Factory,
Kanpur.
4. The Senior General Manager, Ordnance Factory,
Kanpur.

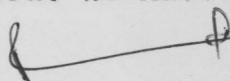
.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the order dated 25.07.2000 by which pay fixation earlier was revised in view of the implementation of the judgment of Principal Bench dated 22.12.1995. The aforesaid order was challenged in appeal before The Secretary, Ordnance Factory Board, Kolkata (Respondent No. 2). The appeal of the applicant has been decided ^{ON} 23.05.2003, which has also been challenged. We have perused the appellate



order. All the cases including the case in which applicant was party were reviewed by the Principal Bench, New Delhi by order dated 22.12.1995. Hon'ble Supreme Court in case of Paluru Ramkrishnaiah vs. U.O.I and Ors. 1989 SCC (L&S) 375 approved the judgment of Hon'ble Madhya Pradesh High Court and held that the appellants in Civil Appeal No. 441/1981 should also be put at par with those who have been effected by the judgment of Hon'ble Madhya Pradesh High Court passed in judgment dated 04.04.1983. The relevant part of the judgment of Hon'ble Supreme Court is being reproduced below :-

".....As already noticed earlier certain writ petitions filed in Madhya Pradesh High Court were allowed by that court on April 4, 1983 relying on the judgment of this court dt. February 2, 1981 in Civil Appeal No. 441 of 1981. Against the aforesaid judgment of the Madhya Pradesh High Court dated April 4, 1983 Special Leave Petitions (Civil) Nos. 5987-92 of 1986 were filed in this Court by the Union of India and were dismissed on July 28, 1986. The findings of the Madhya Pradesh High Court in its judgment dated April 4, 1983 thus stand approved by this Court. In this view of the matter to put them at par it would be appropriate that the appellants in Civil Appeal No. 441 of 1981 may also be granted the same relief which was granted to the petitioners in the writ petitions before the Madhya Pradesh High Court."

It may be mentioned here that the Civil Appeal No. 441 of 1981 was filed by the applicant^s ^{and others}. The judgment of Hon'ble Supreme Court is reported in 1981 SCC (L&S) 472 : 1981 (3) SCC 30.

2. After the judgment of Hon'ble Supreme Court in Paluru Ramkrishnaiah case, the Full Bench of Principal Bench of this Tribunal reviewed all the 43 cases including

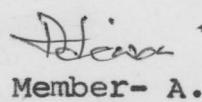


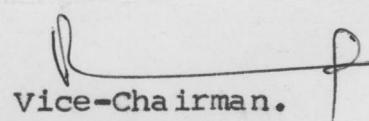
the order passed in favour of the applicant. The judgment of Full Bench is of dt. 22.12.1995. The impugned orders dated 25.07.2000 and 23.05. 2003 have been passed in pursuance of the judgment of Full Bench of Principal Bench. In para 80 (VIII), the Full Bench held as under :-

"As a result of the above orders/declarations about the manner in which the seniority of Chargeman-II commencing from 01.01.1973 to 01.01.1980 should be fixed, it would be necessary to review the promotions made to the higher grades. This would be done yearwise for all categories. We make it clear that if it is found that any person was promoted in the past who was not due for such promotion, no action can be taken by the Government to make any recovery from him because he had already worked on a higher post of promotion on the basis of validly issued orders of promotion." In this regard, the principles

3. From the aforesaid, it is clear that the Full Bench only protected those cases from recovery, who were reverted from higher post to the lower post on account of alteration of the seniority. In the present case, no such situation has arisen so far as the applicant is concerned. In the circumstances, he cannot have any grievance against the recovery. It may be mentioned here that the judgment of Full Bench dated 22.12.1995 has become final against the applicant, as ^{the and} all other similarly situated persons, have not challenged the judgment of Full Bench dated 22.12.1995 before the Hon'ble High Court. In the facts and circumstances, the O.A has no merit and is accordingly dismissed.

4. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/