

Papmochan

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A. No.** 374 of 1991  
~~XXXXXX~~

**DATE OF DECISION** 22.11.1991

Shri Mamirbhai Jivabhai Parmar Petitioner

Miss J. I. Yagnik Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri P.M. Raval Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr. S. Gunusankaran : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Hamirbhai Jivabhai Parmar  
Hasmukh Vila,  
Amardeep Park,  
Opp, Kansara Boarding,  
Behind Gandhi Hospital,  
SURENDRANAGAR.

: Applicant

(Advocate: Miss. J.I.Yagnik)

VS.

1. The D.E.T. Telegraphs,  
D.E.T. Office,  
Near Alankar Talkies,  
SURENDRANAGAR.

2. Union of India, through  
The Chief G.M. Telecom,  
Ambica Chambers,  
Navrangpura,  
AHMEDABAD.

3. The Chairman,  
Telecommunication Board,  
NEW DELHI.

: Respondents

(Advocate : Shri P.M. Raval)

O R A L - O R D E R

O.A. No. 374 of 1991

Date : 22.11.1991

Per : Hon'ble Shri S. Gurusankaran : Member (A)

Heard Miss J.I. Yagnik, counsel for the applicant and Shri E.A. Samuel for Shri P.M. Raval, counsel for the respondents. The short point involved in this application is the request of the applicant for giving him full backwages from the date his junior was promoted to the date of his actual promotion. The counsel for the applicant points out that he has already been given proforma fixation of pay and not given arrears, since the applicant was facing some disciplinary proceedings in which he has been subsequently exonerated. The applicant also

referred to the judgement by a Bench of this Tribunal in T.A./351/86 decided on 20.9.1987.

2. We find that the judgement of Full Bench of this Tribunal in the case of K.C. Venkat Reddy Vs. Union of India & Ors decided on 2.3.1987 (pg. 158) of Full Bench Judgement (C.A.T.) 1986 - 1989 published by Bahri Brothers, Delhi, covering this very same issue has been subsequently modified by recent judgement of the Supreme Court in the case of Union of India & Ors Vs. K.V. Janakiram & Ors. ((1991) 14 SCC -109). In view of this we dispose of this application with the following direction :-

The applicant will make a representation once again for giving him backwages for the period referred to in the application, to the competent authority within one month from the date of this order. The respondents are directed to consider the same in the light of the judgement in the Supreme Court in K.V. Janakiram & Ors. case (Supra) and pass suitable orders on the same within two months from the date of receipt of the representation from the applicant.

*Sankaran*  
22/11/1991  
(S.GURUSANKARAN)

Member (A)

*Nesrul*  
(R.C.BHATT)  
Member (J)

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: Member (A)

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(S.GURUSANKARAN)  
Member (A)

(R.C.BHATT)  
Member (J)