

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH**

**O.A.no. 467/1993**

**Date of decision : 30.06.2000**

Mr. A. N. Dhingani : Petitioner [s]

Mr. P. H. Pathak : Advocate for the petitioner [s]

**Versus**

Union Of India & Ors. : Respondent [s]

Mr. M. S. Rao : Advocate for the Respondent [s]

**CORAM :**

**THE HON'BLE MR. V. RAMAKRISHNAN : VICE CHAIRMAN**

**THE HON'BLE MR. A. S. SANGHAVI : MEMBER [J]**

**JUDGMENT**

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

A. N. Dhingani  
307, Hudko No. 1/H 27  
1<sup>st</sup> floor, Anandnagar  
Rajkot.

= Applicant =

**Advocate : Mr. P. H. Pathak**

Versus

1. Union of India  
Notice to be served through  
Secretary  
Central P.W.D.  
Ministry of Public Works Deptt  
New Delhi.
2. Chief Engineer  
Central P.W.D. (SWZ)  
C.G.O. Annexy  
14<sup>th</sup> Floor, 101 M.K. Road,  
Mumbai.
3. The Executive Engineer  
Central Electrical Division,  
Central P.W.D., Ahmedabad.

= Respondents =

**Advocate : Mr. M. S. Rao**

**ORAL ORDER  
O.A 467 of 1993**

**Date : 30.06.2000**

Per Hon'ble Shri. V. Ramakrishnan : Vice Chairman.

We have heard Mr. Pathak for the applicant and Mr. M. S. Rao for the respondents.

2. The applicant has challenged the order of the respondents dated 02.11.92 which notionally promotes him w.e.f. 27.09.84 as a

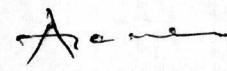
Wireman. He has prayed for a direction that he should be considered as promoted w.e.f. 02.02.82 on the ground that his junior was promoted as Wireman from that date and he should be given monetary benefits. He has also prayed for a direction that he is entitled to arrears of salary from the date on which his junior was promoted as Wireman.

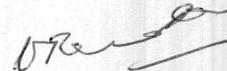
2. Mr. Rao for the respondents states that pursuant to the Arbitration Award dated 31.01.88 which went into the question of re-categorisation / re-classification of the work-charged Establishment Staff of C.P.W.D., the department issued an office memorandum dated 07.05.97. He says that in the light of this memorandum, the category of posts held by the applicant earlier, got merged with the senior category of Wireman w.e.f. 01.01.73 with the result that the applicant has been appointed as Wireman from that date. The ~~O.A.~~ also talks of grant of arrears w.e.f. 01.04.81 and the applicant also has been given such arrears. Mr. Rao submits that the main relief therefore, has been given by the department itself pursuant to this memorandum. He has made available a copy of this memorandum which is taken on record. As regards the second relief that the applicant should be promoted from the date from which his junior was promoted, Mr. Rao brings out that the concerned junior in this case is one Shri. K. M. Solanki as referred to in this O.A. He submits that Solanki was junior to the applicant in the level of Asstt. Wireman, but was promoted as Wireman from 02.02.82 but Solanki has already

opted for National Airport Authority and had been relieved from the department w.e.f. 30.06.1990 and that his name has already been removed from the seniority list. In the light of this position, Solanki did not get promotion from a date earlier than what has been given to the applicant, nor did he draw any monetary benefits on that basis which was denied to the applicant. He shows a letter from the CPWD addressed to him and makes it available which is taken on record. He further says that the grievance that the applicant should be promoted and given monetary benefits on this ground does not survive as the date of promotion of Solanki is not earlier than that of the applicant in view of the subsequent developments.

3. Mr. Pathak also has been given a copy of the office memorandum and a copy of the letter referred to earlier. After the perusal of the documents, it is seen that the grievance of the applicant has been redressed and that the O.A does not survive. Mr. Pathak at this stage states that the applicant may be given right to represent to the respondents if there is any difficulty. If the applicant has any difficulty, he is given a liberty to make a representation to the department.

4. Subject to the above observations, the O.A is disposed of as infructuous. No costs.

  
(A. S. Sanghavi)  
Member (J)

  
(V. Ramakrishnan)  
Vice Chairman

Mb

FORM NO. 21

( See Rule 114 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD BENCH

OA/TA/RA/CP/Mn/R

16793 of 2000

Mr. A.N. Dhingani APPLICANT(S)

## VERSUS

U.O.I. & ans. RESPONDENT(S)

I N D E X      S H E E T

SR.NO.	DESCRIPTION OF DOCUMENTS	PAGE
1.	OA	1 to 30
2.	Reply	31 to 42
3.	Office memorandum	43 to 48
4.	O.O. ref. 30-06-2000 —	11 page

Certified that the file is complete in all respects.

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Signature of S.O. (T)

Signature of Deal Hand.