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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH: CUTTACK.

Original Application No. 309 of 1996.

Cuttack, this the 3rd day of June, 1999.

Krushna Chandra Swain. Applicant.
-Versus-
Union of India & Others. Respondents.

(FOR INSTRUCTIONS)

1. whether it be referred to the reporters or not? Yes
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or Not? NO.

Somnath Som
SOMNATH SOM
VICE-CHAIRMAN
3.6.99

3-6-99
(G. NARASIMHAM)
MEMBER (JUDICIAL).

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(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 309 OF 1996.

Cuttack, this the 3rd day of June, 1999.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

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KRUSHNA CHANDRA SWAIN,
Aged about 59 years,
retired Upper Division Clerk-
Cum-Cashier, Central Poultry Breeding,
Farm, Bhubaneswar, Dist. Khurda at
present residing at Ayatpur, Via.
Kishorenagar, Dist. Cuttack.

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APPLICANT.

By legal practitioner : M/s. A. S. NAIDU, P. K. Mohanty, P. K. Mohapatra,
A. K. Rath, Advocates.

- VERSUS -

1. UNION OF INDIA
represented through Cabinet Secretary,
New Delhi, Central Secretariat, Beekaneer House,
Sahajahan Road, New Delhi.
2. Government of India in the Ministry of
Agriculture, Animal Husbandry
and Dairying, represented through its
Secretary, Krishi Bhawan, New Delhi.
3. DIRECTOR,
Central Poultry Breeding Farm,
Central Poultry Complex,
Nayapalli, Bhubaneswar,
Dist. Khurda.
4. DEPUTY SECRETARY,
Government of India,
Ministry of Agriculture (Deptt. of
Animal Husbandry & Dairying),
Krishi Bhawan, New Delhi.

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RESPONDENTS.

By legal Practitioner: Mr. Akhaya Kumar Mishra, Additional
Standing Counsel (Central).

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O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL) :-

Applicant, Krushna Chandra Swain, a retired employee of the Central Poultry Breeding Farm, Bhubaneswar, ^{earlier} approached this Tribunal in Original Application No. 45/1994 praying for notional promotion to the post of Head Clerk from the date on which his junior was promoted to the said post. On 22-11-1994, this Tribunal allowed the application and directed the Respondents that the applicant should be promoted to the Post of Head Clerk from the date his junior was promoted and that he would be entitled to consequential benefits after such promotion is given. As this was not done applicant moved Contempt Petition No. 51 of 1995 which was disposed of on 28-7-1995. As applicant was to retire on superannuation on 31-7-1995, this Tribunal, while disposing of the Contempt Petition directed to up-grade the post which the applicant was by then holding upto 31-7-1995. As per this direction, the post which the applicant was holding by then was upgraded from 28-7-1995 to 31-7-1995.

2. The case of the applicant, however, is that the original order of this Tribunal in Original Application No. 45 of 1994 to give him notional promotion from the date his junior was promoted with all consequential benefits has not been implemented so far by Respondent No. 2, despite of the direction of Respondent No. 3, in letter dated 30-5-95, under Annexure-1, to implement the order of this Tribunal. His immediate junior was promoted to the post of Head Clerk on 21-8-1987 and in this application it has been prayed that

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Respondents be directed to give him notional promotion from 21-8-1987 and other consequential service and financial benefits.

3. Respondents, though entered appearance through one of Their Additional Standing Counsels, had not ultimately filed counter. We, therefore, presume that the facts averred in the application are correct ^{more} so on verification of the case records of O.A. No. 45 of 1994 and CP No. 51 of 1995.

4. We have heard Mr. P. K. Mohapatra, learned Counsel for the Applicant and Mr. Akhaya Kumar Mishra, learned Additional Standing Counsel (Central) appearing for the Respondents.

It is clear from Annexure-1 i.e. letter dated 30.5.95 of Respondent No. 2 addressed to Respondent No. 3 i.e. Director Central Poultry Breeding Farm, Bhubaneswar instructing him to comply the order dated 22.11.1994 of this Tribunal passed in Original Application No. 45 of 1994 even by reverting Shri Maheswar Pradhan, Head Clerk. Further in M.A No. 674 of 1998 filed by Respondents, in this Original Application, it is admitted that by order dated 30.9.1997 (Annexure-A/1 to this M.A), the Ministry i.e. Respondent No. 2 instructed Respondent No. 3 to implement the decision of this Tribunal and even observed that Shri Maheswar Pradhan, Head Clerk has been instrumental in non-implementation of the orders and to take stern disciplinary action against him. However, during hearing, it has been submitted that the order of this Tribunal in O.A. No. 45 of 1994 is yet to be implemented.

5. It is, therefore, ordered that Respondents shall give notional promotion to Applicant to the Post of Head Clerk w.e.f. 21-8-1987 with all consequential service and financial

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benefits from that date positively within a period of 30 (thirty) days from today if not already given. Since non-implementation of the order occurred at the level of Respondent No. 3, the latter shall pay a cost of Rs.1000/- to the Applicant.

6. With the above directions, the original Application is allowed with costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
3.6.99

3.6.99
(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.