

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A.1403/1997

Date of order : 17.11.2003

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman  
Hon'ble Mr. N.D. Dayal, Administrative Member

HARI PRASAD PANDEY

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. R.N. Ghorai, counsel  
For the respondents : Mr. S. Choudhury, counsel

O R D E R

Per Justice B. Panigrahi, V.C

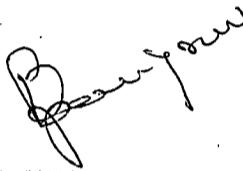
Upon hearing the ld. counsel for both parties and on a perusal of the grounds of the application as well as reply it is found that the applicant was appointed as Khalasi and promoted to the post of Second Fireman and thereafter to the post of Electric Assistant Driver at Chakradharpur after qualifying himself through training. At the relevant time he was working as Electric Shunter. There was a departmental proceeding initiated against the applicant in which he was placed under suspension with effect from 13.1.1988, but subsequently it was revoked on 22nd August, 1988. In the departmental proceeding admittedly no punishment was awarded to the applicant. The applicant has claimed that he had passed the suitability test for Electric Shunter and promoted as such on 3rd June, 1994. He was assigned the position as Assistant Electric Driver. He claimed promotion from the date when his juniors were given such promotion. From his representation it appears that he was given proforma promotion as per order dated 23rd July, 1997 and all consequential benefits out of the said order in the shape of arrears of pay from 3.6.1994 and revision of pensionary benefits are being contemplated to be released in favour of the applicant. It is stated by the respondents that since the applicant has failed in the competency test for Driver, therefore, he was not given promotion as Goods Driver. The applicant has already retired from on 31st December, 1995, therefore, the question of giving promotion to the post of Goods

Driver does not arise. However, he is entitled to the benefits of the post of Electric Shunter including arrears and also the revision of pension as per the office order No.415 dated 23.7.1998.

2. In the aforesaid circumstances, we hereby direct the respondents to release the arrears of the salary in favour of the applicant for the post of Electric Shunter with all consequential benefits including revision of pension within 4 months from the date of communication of this order.

3. With the above observation, the application is disposed of. No order as to costs.

  
MEMBER(A)

  
VICE-CHAIRMAN