

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.155/93

Wednesday, this the 5th day of January, 1994.

SHRI N DHARMADAN, MEMBER(J)  
AND  
SHRI S KASIPANDIAN, MEMBER(A)

1. K Seetha Bai, D/o S Madhusudhanan Nair,  
Aged 53 years, Chief Commercial Clerk,  
Grade-III, Southern Railway,  
Mavelikara.
2. G Rajendran, S/o Gopalapillai,  
Aged 43 years, Chief Commercial Clerk,  
Southern Railway,  
Trichur Parcels, Trichur. - Applicants

By Advocate Mr Nandakumar represents Mr K Ramakumar

Vs.

1. Union of India represented by  
General Manager,  
Southern Railway, Madras.
2. The Divisional Personnel Officer,  
Southern Railway, Trivandrum. - Respondents

By Advocate Mr Thomas Mathew Nellimoottil

O R D E R

N DHARMADAN, MEMBER(J)

Two applicants have approached for the second time with the limited prayer for a direction to the respondents to grant them all consequential benefits on the basis of the promotion granted to them pursuant to the direction in TAK-645/87(O.P.No.641/85).

2. According to the applicants they are entitled to promotion as Commercial Clerks from the date of the promotion of their juniors. They approached the High Court along with others for getting the relief and that case was transferred to this Tribunal and disposed of as per Annexure-A judgement dated 27.11.1989. After the judgement, the applicants were given promotion as Commercial Clerk from 22.11.1985 but consequential benefits were granted to them only from 23.12.1991 and 18.7.1991 respectively.

3. In this application they are claiming consequential benefits of the promotion from an earlier date as shown in the order of promotion based on Annexure-A judgement, though there is no mention of any such consequential benefits in it.

4. The respondents have taken the view in their reply that the applicants have not exhausted the alternate remedy by approaching the concerned authorities with the prayer as claimed in this O.A. and hence the original application according to them is liable to be rejected. After hearing the learned counsel on both sides, we are of the view that it is for the administrative authority to decide the issue using their discretion particularly when there is no specific direction in Annexure-A judgement in regard to the consequential benefits after the granting of promotion. In this view of the matter, it will be fair and proper to dispose of the application with a direction to the applicants to file representations in this behalf either jointly or separately, before the concerned authority for getting relief. The application is disposed of as above. It goes without saying that the applicants remedy to approach this Tribunal, in case they are not satisfied with the decision of the administrative authority is available to them.

5. The application is disposed of as above. No costs.



(S KASIPANDIAN)  
MEMBER(A)



(N DHARMADAN)  
MEMBER(J)

TRS