

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 591/92

this the 25th day of April'2000

HON'BLE MR D.C. VERMA, MEMBER(J)
HON'BLE MR A.K. MISRA, MEMBER(A)

Mohd. Ahmad, S/o Sri Abdur Rehman, aged about 49 years, B/o
Samson Building, Ghasiari Mandi, Lucknow, presently posted as
Divl. Accounts Officer Gr.I, Irrigation Division II, Lakhimpur
Kheri.

... Applicant

By Advocate : None
Versus.

The Comptroller & Auditor General of India, Bahadur Shah
Zafar Marg, New Delhi.

2. The Accountant General (A&E) II, U.P., Allahabad.
3. The Senior Dy. Accountant General, (A&A), Office of
the Accountant General (A&E), II, U.P. Allahabad.
4. Sri Shanti Swarup Saxena, Divl. Accounts Officer Gr.I
Minor Irrigation Division, Sitapur.
5. Sri Skandji Govil Divl. Accounts Officer Gr.I, Flood
Division, Allahabad.

... Respondents

By Advocate : Sri A.K. Chaturvedi.

ORDER (ORAL)

D.C. Verma, Member(J)

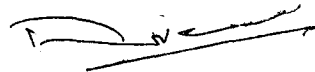
By this O.A., the applicant has claimed promotion as
Divisional Accounts Officer Gr.I (in short D.A.O. Gr.I) from
the date from which his juniors were promoted vide order dated
30.12.88 w.e.f. 1.7.88 and has prayed for quashing of the
order dated 30.12.88. The applicant has further prayed that
his seniority be restored above his juniors in the cadre of
D.A.O. Gr. I.

2. The case of the applicant has been considered earlier in the light of his representation, but the same has been rejected vide order dated 1.11.89. However, the applicant has made a subsequent representation. The second representation was also considered and thereafter vide order dated 31.3.93 (Annexure-1 to the Counter Reply), the applicant was granted promotion to the post of D.A.O. Gr.I w.e.f. his immediate junior was promoted. The applicant was, however, given the notional benefit for pay fixation. In effect, the department has restored the seniority of the applicant by giving him promotion to the post of D.A.O. Gr.I w.e.f. the date from which the junior was promoted. The relief claimed in the O.A. has been, therefore, granted by the respondents. The applicant, however, filed Rejoinder to this Counter reply, wherein it is mentioned that he should have been given the pecuniary benefits of the promotion w.e.f. 1.7.88. The applicant, however, did not challenge the order dated 31.3.93 to the extent it ~~is~~ provided that no notional benefit for pay fixation. The relief clause has also not been amended. Thus, whatever relief ^{was} claimed by the applicant in the O.A. has been substantially given by the respondents, ~~and whatever~~ ^{The} relief which has not been claimed ^{in the O.A.} ~~in the O.A. by way of amendment~~, cannot be granted ~~by the respondents.~~

3. In view of the above, we do not find any merit in the O.A. and the same is dismissed with no order as to costs.



MEMBER (A)
LUCKNOW; DATED; 25.4.2000
G.S.



MEMBER (J)