

(A2)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.232 of 1990

Nirankar Sharma (Applicant

Versus

The Director General, GSI
Calcutta & Others..... Respondents

Connected with

Registration O.A. No.238 of 1990

Avtar Singh Applicant

Versus

The Director General, GSI
Calcutta & Others Respondents

Hon.Mr.Justice U.C.Srivastava, V.C.

Hon. Mr. A.B.Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava,V.C.)

(in OA 232 of 1990) 2

The applicant who was working on the post of JTA(S) in the Geological Survey of India was promoted at a later date while his juniors were promoted earlier has prayed this Tribunal claiming relief against the same. During the pendency of this application, the respondents considered the position as is evident from the documents before us as well as Supplementary Counter Affidavit in which it has been stated that the Review D.P.C. was held on 12.2.91 and the same has recommended notional promotion of the applicant now redesignated as JTA(S) with effect from 1.8.77 i.e. the date his juniors took over the charge on the post of Surveyor (Sr) but the applicant will get the benefit only from the date of their actual taking over charge in the higher grade of Surveyor. Thus the applicant has been given

retrospective promotion and his grievance has been removed. But he has been deprived of financial benefits to which he is entitled to. The applicant is entitled to the financial benefits with effect from the date he has been promoted and in this connection he has made a reference to P.S. Mahal Vs. Union of India reported in AIR 1984 SC 1291 in which it has been decided that if any Govt. servant is denied promotion for no fault of his, he should be given retrospective promotion and that would entitle him to the arrears of his Pay & Allowances. He has also made reference to certain decisions of this Tribunal taking the same view. We also agree with the same. Accordingly respondents are directed to pay the arrears of salary and allowances and other benefits taking into consideration of those who have been promoted to the post of JTA(Sr) with effect from 1977. Let the payment and other benefits be made available to the applicant within a period of three months from the date of communication of this order. There will be no order as to costs. This judgement also governs case C.A. No.238/90 Avtar Singh Vs.DG, GSI Calcutta & Others.


Member (A)


Vice Chairman

Dated the 5 July, 1991.

RKM