

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR

Tr.No.321/87

Indradeo Sharma,  
s/o Late Munilal Sharma,  
Village: Harpur Hardas,  
P.O: Khokhsa Buzurg,  
Via: DESARI,  
Dist: Vaishali  
BIHAR STATE  
PIN: 844 504.

6  
.. Applicant

vs.

1. Union of India  
through  
Secretary,  
Department of Statistics,  
Ministry of Planning,  
Sardar Patel Bhavan,  
Sansad Marg,  
New Delhi.
2. The Director,  
Data Processing Division,  
National Sample Survey Organisation,  
Department of Statistics,  
Ministry of Planning,  
25-A, Shakespeare Sarani,  
Calcutta - 700 017.
3. Mr.S.N.Mehta,  
Superintendent,  
Data Processing Centre,  
National sample Survey  
Organisation,  
Mahatma Phule Market,  
Nagpur.
4. Mr.K.D.Chatterjee,  
Superintendent,  
Data Processing Centre,  
National Sample Survey  
Organisation,  
Mahatma Phule Market,  
Nagpur. .. Respondents

Coram: Hon'ble Shri G.Sreedharan Nair, Vice-Chairman.  
Hon'ble Shri I.K.Rasgotra, Member(A)

Appearances:

1. Applicant in person.
2. Mr.Ramesh Darda  
Advocate for the Respondents.

ORAL JUDGMENT: Date: 7-8-1990  
(Per G.Sreedharan Nair, Vice-Chairman)

Heard the applicant who appeared in person as well as Mr.Ramesh Darda, advocate, appearing on behalf of the respondents.

(7)

2. The respondents No.1 & 2 have filed a petition wherein it is stated that consequent upon the decision of the Principal Bench in an application filed by a person similarly situated as the applicant wherein the impugned seniority list was quashed and direction was given to reckon the officiating service in the cadre of Computing Data Processing Supervisor from 17-8-1974 and that in view of the said judgment the seniority list has been redrawn. It is also stated that so far as respondents No.3 & 4 are concerned their promotion on 18-2-82 was purely on ad hoc basis and by order dated 16-7-85 they have been reverted. So far as the applicant is concerned it is pointed out that as he retired from service on superannuation from 31-1-1986, i.e. prior to the publication of ~~xxxx~~ revised seniority list, there is no scope for considering him for promotion and hence the promotional benefits claimed by him cannot be allowed.

3. The quashing of the seniority list dated 26-4-1982 and the reckoning of the officiating service in the cadre of Data Processing Supervisor with effect from 19-8-1974 ~~ensure~~ to the benefit of the applicant as well. As such the reliefs at Sr.No.1 and 3 no longer survives. However, it was stated by the applicant that though he has retired on superannuation in January, 1986, if he ~~was~~ <sup>had been</sup> promoted to the post of Superintendent while the respondents No.3 and 4 were promoted, he would have atleast got the benefit in the matter of fixation of his pension. As it is stated that the ~~re~~ reversion

of the respondents No.3 & 4 was ordered only on 16-7-1985, in view of the altered position the applicant should have been allowed to work in the cadre of Superintendent till 16-7-1985. Since his retirement is only with effect from 31-1-1986, in case the applicant was allowed to work in the cadre of Superintendent atleast till 16-7-1985 certainly it will have its impact on the fixation of his pension.

4. In the circumstance of the case the only direction that can be issued to the respondents no.1 and 2 at this stage is to treat the applicant as having been promoted to the cadre of Superintendent and to allow him the benefit of the same in the matter of fixation of his pension and other retirement benefits. We issue a direction to that effect to the respondents No.1 and 2 who shall comply with the same within three months from the date of receipt of a copy of the same.

5. The application is disposed of as above.

*Dulayh*  
(I.K.RASGOTRA)  
Member(A)

*1-8-86*  
(G.SREEDHARAN NAIR)  
Vice-Chairman