

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 535/88

~~Transfer Application No. xxxxxxxxxxxxxxxxx~~

DATE OF DECISION 24.8.93

R. G. Subramaniyan ----- Petitioner

Mr. G K Masand ----- Advocate for the Petitioners

Versus

HOI & Ors. ----- Respondent

A. I. Bhatkar for Mr. M. I. Sethna ----- Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M S Deshpande, Vice Chairman

The Hon'ble ~~Shri~~ Ms. Usha Sawga, Member (A)

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? No
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? No


V.C.

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(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

OA NO. 535/88

R.G. Subramaniyan

Applicant

V/s

Union of India through
Secretary, Min. S&T
Technology Bhavan,
New Mehrauli Road
New Delhi & Ors.

Respondents

Coram: Hon. Shri Justice M.S. Deshpande, Vice Chairman
Hon. Ms. Usha Savara, Member (A)

APPEARANCE:

Mr. G K Masand
Counsel for applicant


Mr. A I Bhatkar for Mr. M I Sethna
counsel for respondents

ORAL JUDGEMENT:

(Per: M S Deshpande, Vice Chairman)


DATE: 24.8.93

The only limited question which arises for consideration in this application is whether the applicant was entitled to arrears of pay and allowances between the period 11.6.84 to 22.9.86 when his juniors were promoted. The applicant was appointed as Professional Assistant with respondents in December 1964, came to be promoted as Assistant Meteorologist in May 1974 and became eligible for promotion to the post of Meteorologist Gr.I under the 1969 rules. Under these rules 50% quota in the promotional cadre was required to be filled by promotion. The rules came to be amended in 1978 and 100% reservation was made for the post of Meteorologist Gr.II by direct recruitment but Assistant Meteorologists with 8 years service were



eligible for promotion to Gr.I. No direct recruitment was made to the post of Assistant Meteorologist till 1977. Direct recruits came in the year 1977. A seniority list was published in 1982 whereby direct recruits seniority was given above the promotees. This was challenged before the Madras High Court by Writ Petition no. 1922/84 and the petition then came to be transferred to the Madras Bench of the Tribunal and was given Transferred Application NO. 789/86. The Madras Bench decided on 19.9.86 the matter and quashed the seniority list. A fresh seniority list was prepared in 1986 and it was issued on 6th July 1987. The petitioner came to be promoted on the basis of the old list which has been quashed but the promotion was given to the petitioner on 19.9.86. The petitioner's contention is that he was entitled to get all the arrears of pay from 11.6.84 when his junior from the cadre of the direct recruits came to be promoted. This is the only point that has been agitated since all the other reliefs which are claimed have already been given to the applicant.


The respondents have very fairly stated in the reply that in case, in the finalised seniority list, the applicant gains seniority over those who were promoted earlier, he will be given all the benefits admissible under the rules. Since now that the admitted position is that the person junior to the applicant from the direct recruits cadre came to be promoted on 11.6.1984 evidently the applicant would be entitled to the arrears of salary and other allowances which his junior drew from 11.6.1984.

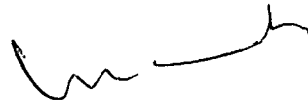


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In the result we direct the respondents to pay to the applicant the difference in the pay and allowances which he would have drawn on the basis what his junior in the direct recruits drew from 11.6.1984 until the date of his actual promotion on 22.9.1986 over and above what he has actually drawn during this period in the cadre from which he came to be promoted. We direct that the difference be calculated and paid within three months from the date of communication of this order to the respondents. No order as to costs.


(Usha Savara) 24.8.93
Member(A)


(M.S. Deshpande)
Vice Chairman

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