

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 519/88

Transfer Application No:

DATE OF DECISION 8-9-93

Shriniwas Kashinath Bhat Petitioner

None for the applicant Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri A.I.Bhatkar. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri M.Y.Priolkar, Member (A)

The Hon'ble ~~Smt.~~ Smt. L.Swaminathan, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
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 ?

Yours
(M.Y.Priolkar)
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY

O.A. 519/88

Shriniwas Kashinath Bhat .. Applicant

vs

Union of India & Ors. .. Respondents.

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)
Hon'ble Smt. L.Swaminathan, Member(J)

Appearance:

None for the applicant.

Dated 8-9-93

Shri A.I.Bhatkar for the
respondents.

Oral Judgement

(Per: Shri M.Y.Priolkar, Member(A)

The applicant in this case had approached the Tribunal in July 1988 praying that he be declared entitled to cross E.B. on 1-3-83 and also promoted with effect from 1-12-83, on which date his immediate senior was promoted, and for consequential benefits of arrears of pay and allowances.

2. The applicant is not present today. It appears that earlier also on more than 3 occasions he was not present. According to the learned counsel for the respondent, his E.B. was earlier withheld because of certain disciplinary proceedings contemplated against the applicant. Subsequently disciplinary proceedings commenced were dropped and the applicant has been given deemed promotion from the due dates. The learned counsel states that the applicant has been allowed to cross E.B. on 1-3-92 and that he has been given notional promotion with effect from 2-4-84, namely, the date on which his immediate junior was

promoted. Obviously the applicant is entitled to notional promotion only from the date his junior is promoted and not from the date of promotion of his senior as claimed by him. The only relief yet to be granted is about the arrears of pay and allowances. According to the learned counsel, the applicant actually held charge of the higher post with effect from 17-4-85 and he has not been allowed arrears of pay and allowances for the period of the notional promotion from 2-4-84 to 16-4-85. The applicant is also entitled to payment of arrears of wages from the deemed date of promotion namely 2-4-84 to 16-4-85 during which period he was prevented from holding the higher post for no fault of his. The respondents are directed to make this payment within 3 months from the date of receipt of a copy of this order. No order as to costs.

Lakshmi
(Smt. L. Swaminathan)
Member (J)

W.H.
(M.Y. Priolkar)
Member (A)