

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 337/89

~~xxxxxx Application No: xxxxxxxx~~

DATE OF DECISION: 7.6.1994

P.K. Narayanan Petitioner

Mr. Y.R. Singh Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

Mr. V.G. Rege Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, V.C.

The Hon'ble Shri M.R. Kolhatkar, Member(A))

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

[Signature]
V.C.

10

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

O.A.NO. 337/89

P.K. Narayanan

..Applicant

V/s

Union of India & ors.

..Respondents

Coram: Hon. Shri M.S. Deshpande, Vice Chairman
Hon. Shri M.R. Kolhatkar, Member (A)

APPEARANCE:

Mr. Y.R. Singh
Counsel for the applicant

Mr. V.G. Rege
Counsel for the respondents

ORAL JUDGMENT:
(Per: M.S. Deshpande, Vice Chairman)

DATED: 7.6.1994

By this application the applicant seeks a direction to the respondents to grant him the benefit of continuous officiation in grade Rs. 700-900(RS) with effect from 28.5.1973 and to consider 28.5.1973 as the date of holding the post in grade Rs.700-900(RS) and a further direction to fix seniority in the grade Rs.840-1040(RS) on the basis of such fixation in grade Rs. 840-1040(RS) and a further direction ~~being sought~~ to consider the applicant for selection to class II service IRSME, cadre by preparing fresh integrated seniority list.

2. Identical points were raised in O.A.No. 306/89 decided by the Tribunal on 16th August 1991. A Review Application was taken out, being review petition no. 62/92 which came to be rejected on 7.4.92. Shri V G Rege, learned counsel for the respondents states that after the review peition filed by the respondents was rejected, the original respondents have approached the

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Hon. Supreme Court in SLP(C) No. 4705/93 and by the order passed on 3.8.93 the decision in O.A. No. 306/89 has been stayed. Since there is already a decision in force which binds us, we direct:-

The Respondents to grant the applicant the benefit of continuous officiation in the grade Rs. 700-900 (RS) with effect from 28.5.1973, consider 28.5.1973 as the date of holding the post in the grade of Rs.700-900(RS) and fix the seniority of the applicant in the grade Rs.840-1040(RS) on the basis of such fixation in the grade of Rs.840-1040(RS).

We, however, direct that the operation of this judgment shall be stayed until the Supreme Court decides the matter in SLP No.4705/93.

The parties agree ^{that} with the ultimate result of this petition would abide the final decision of the Supreme Court in the matter. *We direct accordingly,*

No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member(A)

M.S. Deshpande

(M.S. Deshpande)
Vice Chairman