

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT OA 232 of 20.90

Niranjan SharmaApplicant(S)

Versus

U.O.G.Respondent(S)

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B.C. File weeded and destroy

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

9116172

3-8-90 from Mr. D. K. Singhvi, J.M. (A) 04232/90
Hon Mr. K. Rayya, A.M.
Searched the applicant in person.
Issue notice to the respondent to
show-cause as to why
the petition be not admitted.
List for hearing or
admission on 24-9-90

P
J.M.

Jee
J.M.

Notice issued
Shah
3-9-90

24-9-90 No sitting Adi to 9-10-90

(A)

9-10-90 No sitting Adi to 24-10-90

(B)

10-10-90 No sitting Adi to 23-11-90.

(C)

Hon Mr. Justice K. Narhine
Hon Mr. M. M. Singhvi, A.M.

OR

Notices issued to the
respondent are presented on 3-9-90
scanned. No objection has been filed. ADMIT. Issue
notice attached to file.

Notices were issued
neither reply nor any
current and new
have been received

S. F. A

2/14

Court within 6 weeks,
against within 2 weeks
thereafter. List before DR
on 18-1-91 for following
date of hearing & possible.

M. M. Singhvi

A.M.

(A)

Notice issued
on 1st 9-12-90

(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)

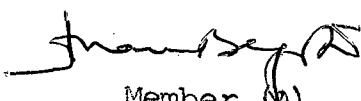
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

(in O.A. 232 of 1990) 2

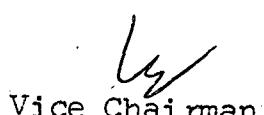
The applicant who was working on the post of JTA (S) in the Geological Survey of India was promoted at a later date while his juniors were promoted earlier has prayed this Tribunal claiming relief against the same. During the pendency of this application, the respondents considered the position as is evidenced 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

AB

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 O.A. No.238/90 Avtar Singh Vs.DG, GSI Calcutta & Others.



Member (A)



Vice Chairman

Dated the 5 July, 1991.

RKM

1520

promotion in the grade of Surveyor (Sr.) now re-designated as JTA(Surveyor-Sr.) retrospectively has been reviewed and approved by the Department. Hence the grievance of the applicant has been redressed in toto.

6. That in view of the facts and circumstances stated above the application filed by the applicant has no case now and the case may be closed.

A. S. Agarwal
Deponent.

Lucknow,

Dated:

17 March, 1991.

MAY

Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge, those of paras 3 to 6 of the supplementary affidavit are believed to be true on the basis of information gathered and office records and on the basis of legal advice. No part of this supplementary affidavit is false and nothing material has been concealed.

A. S. Agarwal
Deponent.

Arvind Kumar
Lokayukta
Dated: 21/5/91, 1991

I identify the deponent and who is known to me personally.

C. V. Chaudhary
(VK Chaudhary)
Addl Standing Counsel for Central Govt
(Counsel for Opp. parties)

Arvind Kumar
21/5/91