

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT OA 232 of 2090

Niranjan Sharma

Applicant(S)

Versus

U.O.G.

Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
①	Order sheet	1 -
②	Sedgment 5-7-90	2 to 3
③	Retitdn	4 to 19
④	Affidavit	20 to 22
⑤	Annexure	23 to 54
⑥	power	55
⑦	Counter	56 to 65
⑧	Rejoinder	66 to 75
⑨	Supple C.A.	76

B.C. File needed and destroy

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

3.8.90

Hon Mr D.K. Agarwal, Jm.
Hon Mr K. B. Singh, AM

(A)

DA 232/90

Heard 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
Am.

Dec
Jm

Notices Issued
Btch
3-9-90

24.9.90

No sitting Adj to 9.10.90

9.10.90

No sitting Adj to 24.10.90

1.10.90

No sitting Adj to 23.11.90.

23-11-90

Hon Mr Justice K. Narayana
Hon Mr M.M. Singh, Jm.

Notices issued to the
respondent are presumed
served. No objection has
been filed. ADMIT. Issue
notice at once to file
counter within 4 weeks.
rejoinder within 2 weeks
thereafter. List before DR
on 18.1.91 to fixing
date of hearing if possible.

OR

Notices were issued

on 3.9.90

Neither reply nor any
answer had been
received.

S. FA

21/11

M. H. Singh
Am

W

Notices served

dated 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 OA 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 evident 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

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


Member (A)


Vice Chairman

Dated the 5 July, 1991.

RKM

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.

No oral
Deponent.

Lucknow,

Dated:

6
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.

No oral
Deponent.

Lucknow,

Dated:

10
March, 1991

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

(VK Chaudhari)

Addl Standing Counsel for Central Govt
(Counsel for Opp. parties)

Free Press
21/5/91