

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038.

Dated : 9 NOV 1988

APPLICATION NO.

523

/88(F)

W.P. NO.

Applicant(s)

Shri T. Somasekhara

To

Respondent(s)

V/s

The Director, DPIL, M/o Defence, New Delhi &
3 Ors

1. Shri T. Somasekhara
Foreman
Controllerate of Quality
Assurance Electronics (CIL)
Munireddypalya
Bangalore - 560 006

2. Shri A.C. Rajasakher
Advocate
No. 82/B, 1st Cross, 12th Main Road
Banashankari 1st Stage
II Block, Bangalore - 560 050

3. The Director
Directorate of Production and
Inspection Electronics (DPIL)
Department of Defence Production (DGI-L2)
Ministry of Defence
DHQ Post Office
New Delhi - 110 011

4. The Controller
Controllerate of Quality
Assurance Electronics (CIL)
Munireddypalya
Bangalore - 560 006

5. Shri H.L. Prahlada Rao
Foreman
Controllerate of Quality
Assurance (Power System)
Bangalore - 560 006

6. Shri S. Srinivasan
Foreman
Quality Assurance Establishment
(Electronics)
Bangalore - 560 006

7. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 26-10-88.

Encl : As above

SECTION OFFICER
REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 28TH DAY OF OCTOBER, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 523/1988

Shri T. Somasekhara,
Foreman,
Controllerate of Inspection
Electronics, Munireddypalya,
Bangalore.

.... Applicant.

(Shri Rajasekhar, Advocate)

v.

1. Union of India
by its Director,
Directorate of Production
and Inspection Electronics
Department of Defence Production,
(DGI-L2), M/o Defence,
DHQ Post office,
New Delhi.
2. The Controller,
Controllerate of Quality
Assurance Electronics,
Munireddypalya,
Bangalore.
3. Shri H.L. Prahlada Rao,
Foreman, Controllerate
of Quality, Power System,
Bangalore.
4. Shri S. Srinivasan,
Foreman,
Quality Assurance Estt.,
(Electronics),
Bangalore.

.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
(Act').



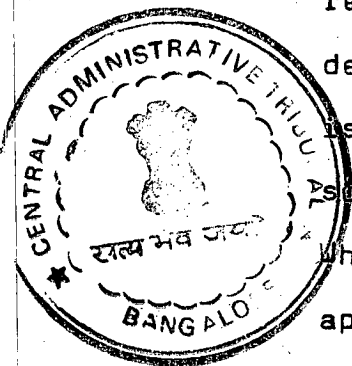
2. Prior to 10.4.1986 the applicant was working as an Assistant Foreman in the Controllarate of Inspection, Radar, Bangalore. On 10.4.1986, Directorate General, Quality Assurance, Electronics, New Delhi, promoted the applicant and several others as Foreman and gave them posting also as set in the order of that date. In this order the applicant as Sl.No.11 was given posting at Bangalore vice one Shri A. N. Robins transferred to another place. But for various reasons the details of which are not necessary to notice and examine also, Shri Robins did not vacate the post and the applicant was not allowed to take charge of that promoted post though he was ready and willing to do so on the very next day, viz., 11.4.1986 as done by respondent Nos. 3 & 4 who are juniors to him and ~~there~~ he actually took charge of the same on 31.5.1986 ^{ever since then.} only and is working in that capacity. As a result of this more than the monetary loss the applicant's increment itself is postponed to 31.5.1986 and respondents 3 to 4 though juniors are allowed to draw the same from 11.4.1986. He has therefore sought for extending the benefit of promotion from 11.4.1986.

3. In their unduly lengthy reply respondents 1 & 2 have opposed the application. Respondents 3 to 4 who have been duly served have remained absent and are unrepresented.

4. Shri A.C. Rajasekhar, learned counsel for the applicant contends that on the very terms of the promotion order the readiness and willing of his client to report and work as foreman, vice Shri Robins, which was frustrated till ^{31.5.1986} the reporting of respondents 3 to 4 who are juniors to him, the applicant cannot be denied the benefit of his promotion from 11.4.1986 and the same should be extended to him from that very date with all consequential benefits.

5. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel, appearing for the respondents 1 to 2 refuting the contention of Shri Rajasekhar contends that the applicant who actually assumed charge of the promoted post on 31.5.1986 cannot get the benefit of promotion before that date.

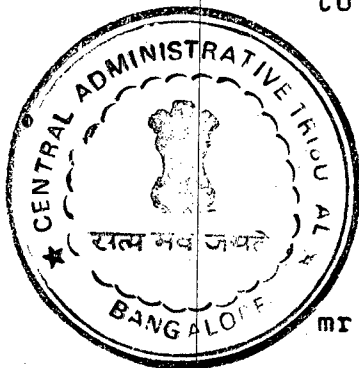
6. On his promotion as such the applicant has no grievance. The fact that the applicant was ready and willing to assume charge of the promoted post on 11.4.1986 as - also as done by respondents 3 and 4, who are his juniors but the same was postponed till 31.5.1986 necessarily postponing his increment to that date are not also in dispute. As to why this happened is not really material and unnecessary for us to examine and decide. On these facts that are no longer in controversy it is odd and illegal to hold that the applicant should suffer for the fault of others and the administration. When the administration had allowed the juniors of the applicant to report for duty, and did not allow the applicant to assume charge and work, they cannot on any



principle, deny the benefit of such promotion to him, in any event for purposes of regulating future increments in the promoted post. If that is not done then the same will cause, heart burn, monetary loss and injury to applicant, though he is in no way responsible for the same. We are of the view that this injustice must be remedied, to the extent of increment only. We have consistently denied actual salaries to those who do not shoulder responsibilities, and following the same we deny salaries from 11.4.1986 to 31.5.1986.

7. In the light of our above discussion, we allow this application in part, direct the respondents 1 & 2 to extend benefit of promotion of the applicant only for purposes of increment from 11.4.1986 itself however denying arrears from that date to 31.5.1986 and regulate all other matters on that basis.

8. Application is disposed of on the above terms. In the circumstances of the case, we direct the parties to bear their own costs.



Mr/Mrv.

Sd/-

VICE-CHAIRMAN

TRUE COPY

Sd/-

MEMBER (A)

15.10.1988

9/11/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE