

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH ~~AT MUMBAI~~  
CAMPNAGPUR

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O.A. NO: 583/91.

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DATE OF DECISION December 08, 1994.

Anant Shankar Phatak,

Petitioner

Shri Y. B. Phadnis,

Advocate for the Petitioners

Versus

Union Of India & 2 Others,

Respondents

Shri R. P. Darda,

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice M. S. Deshpande, Vice-Chairman.

The Hon'ble Mr. P. P. Srivastava, Member (A).

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 ?

*[Signature]*  
(M. S. DESHPANDE)  
VICE-CHAIRMAN.

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NAGPUR CIRCUIT BENCH, NAGPUR.

O.A. NO.: 583/91.

Anant Shankar Phatak ... Applicant

Versus

Union Of India & two Others ... Respondents.

CORAM :

Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

Hon'ble Shri P. P. Srivastava, Member (A).

APPEARANCE :

1. Shri Y. B. Phadnis,  
Counsel for the Applicant.
2. Shri R. P. Darda,  
Counsel for the Respondents.

ORAL JUDGEMENT : DATED : 08.12.1994.

[ Per. Shri M. S. Deshpande, Vice-Chairman ].

1. The only question which arises in this case is about stepping up of the pay of the applicant consequent upon the deemed date of promotion having been granted to him. Though the Respondents Counsel had sought an adjournment on 22.09.1994 and we had granted him time to file the return, that return was not filed and we are constrained to proceed with the present matter without the return being on record. Shri Darda, sought another adjournment for filing the return and since enough time was granted, we did not think it appropriate to show any further indulgence to the respondents.

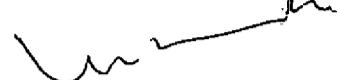
2. The applicant's case is that, the applicant was appointed as Postal Clerk on 04.06.1949 and was granted lower selection grade w.e.f. 28.08.1976. Originally, the promotions were made from the post of Clerk to Lower

Selection Grade on the basis of the date of confirmation but later, the position was reviewed and Lower Selection Grade came to be granted on the basis of length of service. By the Order dated 05.01.1984, though the applicant had been actually promoted on 28.08.1976, the deemed date of promotion from 17.07.1975 came to be granted to him. One Shri V. M. Deshpande, junior to the applicant, came to be promoted on 19.12.1975 on account of confirmation having been taken as the basis for determining the seniority. The applicant has given a table at page 7 of the application which shows that the applicant was getting Rs. 485.00 as his pay on 17.12.1975, which was the deemed date of promotion as against Shri V. M. Deshpande, who was getting Rs. 500/- on 19.12.1975. Obviously, the applicant would be entitled to have his pay stepped up so as to bring it on par with that of V. M. Deshpande, from 19.12.1975. The applicant retired on 31.08.1983. Obviously, the applicant will be entitled for arrears only from 18.6.1990 under the provisions of Section 21 of the Administrative Tribunals Act because he cannot claim for arrears for more than one year, as the petition was filed on 18.06.1991.

3. The only direction that we are making is that the applicant's pay should be fixed notionally as Rs. 500/- with effect from 19.12.1975 and his pensionary benefits shall be calculated on the basis that he was drawing Rs. 500/- on 19.12.1975 and his pension shall be fixed on that basis. The applicant will be entitled to arrears of pension, despite the notional fixation, only from 18.6.1990 onwards. We direct the respondents to calculate the arrears of pension which would be due to the applicant, on that basis and pay all the arrears and pension at the revised rates within three months from the date of communication of this order.

4. With the above directions, the O.A. is disposed of. There will be no order as to cost.

  
(P. P. SRIVASTAVA)  
MEMBER (A).

  
(M. S. DESHPANDE)  
VICE-CHAIRMAN.

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