

(06)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 663/91

Transfer Application No:

DATE OF DECISION 11.3.93

Shri Bhagwan Das Petitioner

Shri Babu Marlapalle Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri R.K. Shetty Advocate for the Respondent(s)

**CORAM:**

The Hon'ble Shri Ms. Usha Savara, Member (A)

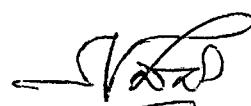
\* The Hon'ble Shri V.D.Deshmukh, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*

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 ?



(V.D. DESHMUKH)  
MEMBER (J)

NS/

(CJ)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 863/91

Shri Bhagwan Das

... Applicant.

V/s.

Union of India through  
The Secretary, Ministry of  
Defence, South Block  
New Delhi

The Engineer-in-Chief  
Army Head Quarters  
DHQ, P.O.  
New Delhi

The Chief Engineer  
Southern Command  
Poona - 411001

The Chief Engineer  
Poona Zone  
Pune 411001

... Respondents.

CORAM: Hon'ble Ms. Usha Savara, Member (A)  
Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance

Shri Babu Marlapalle counsel  
for the applicant.

Shri R.K. Shetty, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 11.3.93

( Per Shri V.D. Deshmukh, Member (J) )

The applicant was a civilian employee and was working as Barrack Stores Officer in the office of respondent No.4. He was listed for promotion as Senior Barrack Stores Officer by Exhibit 'A' dated 27.12.1988. Pursuant to this Exhibit he was posted at the office of the Chief Engineer, Udhampur Zone.

It appears that thereafter the respondent No.2 cancelled the promotion/posting order dated 27.12.1988, in respect of the applicant on the grounds that he was involved in disciplinary case vide letter dated 1.3.1989.

The applicant thereafter filed the present application for the reliefs that it be declared that no disciplinary action was pending against the applicant on 27.12.1988 when the promotion was ordered, that it be held that the order of cancellation of his promotion dated 1.3.1989 was illegal and the applicant may be directed to be promoted w.e.f. 27.12.88. When the application was before this Tribunal, on 13.2.1992 the application was admitted and it was directed that if no chargesheet was issued to the applicant on the date the promotion orders in respect of others were issued then the applicant shall also be promoted forthwith from the date his juniors were promoted without prejudice.

It is an admitted position that the respondents promoted the applicant in compliance with the above said order but with effect from 23.3.92. It is also an admitted position that no chargesheet was issued to the applicant on the date of the promotion orders in respect of others and the chargesheet was issued on 27.12.90 and was served on the applicant on 19.2.91. Thus the condition in order dated 13.2.92 also stood fulfilled. The applicant retired from service on 31.3.1992.

The learned counsel for the applicant agreed in view of these developments that the prayers in para 8.1 to 8.3 did not survive and he only prayed for the directions that the applicant should be promoted with effect from the date on which his immediate junior was promoted instead of with effect from 23.3.92 and the respondents be directed to pay the arrears of salary and other consequential benefits. This prayer is consistent to the interim order passed by us and

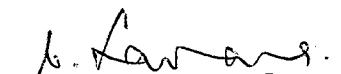
we find that the applicant shall be entitled to that relief. Hence the respondents are directed to promote the applicant with effect from the date on which his immediate junior was promoted and grant to the applicant all consequential benefits including the monetory benefits.

This order shall be carried out and implemented within 3 months from the date of receipt of the copy of the order by the respondents.

There will be no order as to costs.



(V.D. DESHMUKH)  
MEMBER (J)



ii. 3.93  
(USHA SAVARA)  
MEMBER (A)

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