

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 6/92

199

T.A. NO: ---

DATE OF DECISION 24-9-1992

V.C. Narasimhulu

Petitioner

Mr. A. I. Bhatkar

Advocate for the Petitioners

Versus  
Union of India and another

Respondent

Mr. R. K. Shetty

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, 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 ?

ND

mbm\* MD

*S.K.DHAON*  
(S.K.DHAON)  
Vice-Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

1  
O.A.6/92

V.C.Narasimhulu,  
Qr.No.951, Block No.102,  
Sector - I, CGS Quarters,  
Koliwada, Bombay - 400037. .. Applicant

-versus-

1. Union of India  
through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. Engineer-in-chief,  
Engineers' Branch,  
Army Headquarters,  
DHQ PO,  
New Delhi - 110 011. .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,  
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,  
Member(A)

Appearances:

1. Mr.A .I.Bhatkar  
Advocate for the  
Applicant.
2. Mr.R.K.Shetty  
Counsel for the  
Respondents.

ORAL JUDGMENT: Date: 24-9-1992  
(Per S.K.Dhaon, Vice-Chairman)

On 5th May,1990 a panel for promotion to the grade of Asstt.Engineer(B/R) was formed and announced. Applicant's name was found at Sr.No.3 in the said panel. However, against his name there was a note to the effect that he ~~is~~ to be promoted on or after 15th October,1991. According to the applicant,he was actually promoted on 15th February,1992 whereas according to respondents the promotion took place on 9.1.1992. The case set up by the applicant in this Tribunal is that his promotion become automatic on 16th October, 1991. Since this right is being denied he has sought the protection of this Tribunal by means of this application.

(7)

2. It appears, on 15th October, 1988 a minor punishment was awarded to the applicant to the effect that his increment was withheld for a period of three years. Obviously that period came to an end on 15th October, 1991 and that is why on 5th May, 1990 when the applicant was empanelled it was made clear that he was to be promoted on or after 15th October, 1991. In view of the clear order passed on 5th May, 1990 the applicant's promotion became automatic with effect from 16th October, 1991. No order was required to be passed. It will be deemed that the applicant stands promoted with effect from 16th October, 1991. The applicant shall be entitled to the pay which is normally payable to a person holding the post of Asstt. Engineer(B/R) with seniority.

3. With these directions this application is disposed of. There shall be no order as to costs.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(S.K. DHAON)  
Vice-Chairman

MD

order judgement despatched  
to Applicant/Respondent(s)  
on 14/9/92

188  
20/10/92

C.P. No. 69/93  
For orders fixed  
on 14/6/93

Yeri  
5/5/93

14/6/93  
order judgement despatched  
to Applicant/Respondent(s)  
on 23/5/93

29/6/93

C.P. No. 854/93  
For Extension  
of time

8

C.P. No. 158/93  
For orders on  
8/11/93

Yeri  
28/10

OA. NO. 6/93

Dated: 14.6.93

Shri A.I.Bhatkar for the applicant  
Shri R.K.Shetty for the respondents.

The only order that we need make  
is to direct the respondents to make  
the payment of amount due pursuant to  
the judgement dated 24.9.1992 within  
four months. Order accordingly.  
C.P. disposed of.

*M. Savare*  
(MS.USHA SAVARA)  
M (A)

*M. Deshpande*  
(M.S.DESHPANDE)  
V.C.

Date: 8.11.93

Mr. A.I. Bhatkar for the  
applicant. Mr. R.K. Shetty for the  
respondents.

Mr. Bhatkar has filed  
C.P. for non implementation  
of our judgement dtd. 24.9.92

Mr. R.K. Shetty has filed

M.P. for extension of time  
upto 30.11.93.

Adjourned to 3.12.93

on that date. respondents  
should report the action  
taken by them.

*L.S.*  
(Lakshmi Swaminathan) (H.Y. Patolkar)  
M(J) M(A)

9

Date: 3.12.93

Mr. A. I. Bhatkar for the  
applicant and Mr. R. K. Shetty  
for the respondents.

The order dt'd. 24.9.92

is merely declaratory and  
no directions have been issued.

The remedy of the applicant in  
any case would not be by  
filing the present C.P.

It is dismissed.

*M.R.Kothekar* *M.S.Deshpande*  
(M.R.Kothekar) (M.S.Deshpande)  
M(A) V.C