

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

Sly
(S.K.DHAON)
Vice-Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

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 ^{was} 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.

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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. DHARON)
Vice-Chairman

MD

24/9/92
order/Judgement/despached
to Applicant/Respondent (s)
on 14/10/92

188
20/10/92

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

Yeli
5/5/93

DA.NO.6/92

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.

(MS.USHA SAVARA)
M (A)

(M.S.DESHPANDE)
V.C.

14/6/93
order/Judgement despached
to Applicant/Respondent (s)
on 23/6/93

24/6/93

mp No. 854/93
For Extension
of time

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CP No. 158/93
For orders on
8/11/93

Yeli
28/10

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
MP for extension of time
upto 30.11.93.

Adjourned to 3-12-93

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

(Lakshmi Swaminathan) (H.Y. Priolkar)
M(A) M(A)

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Date: 3.12.93

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

The order dtd. 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.

order/Judgement despatched
to Applicant/Respondent(s)
on 13-12-93

CEM
16/12

M/R Kolhatkar M/R
(M. R. Kolhatkar) (M. S. Deshpande)
M(A) VC