

3

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 313/92

~~XXXXXX~~

198

DATE OF DECISION 25.6.1992

Shri V.M.Radhakanthan Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Sec.M/o ~~Defence~~, GOI, N.Delhi & Ors. Respondent

Mr.A.I.Bhatkar for Mr.M.I.Sethna Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. J.P.Sharma, Member (J)

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

Y

Y

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 313/92

Shri V.M.Radhakarshan

... Applicant

V/S.

Secretary,
Ministry of Defence,
Govt. of India, New Delhi & Ors. ... Respondents

CORAM: Hon'ble Member (A) Shri M.Y.Priolkar
Hon'ble Member (J) Shri J.P.Sharma

Appearance

Applicant in person

Mr.A.I.Bhatkar
for Mr.M.I.Sethna
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 25.6.1992

(PER: M.Y.Priolkar, Member (A))

The applicant had approached this Tribunal earlier (OA.792/89) with identical prayer as in this case, i.e. for promoting him to higher grade post of stenographer in the scale of pay of Rs.2000-3200 w.e.f. 1.10.1986 on the ground that he is the senior most stenographer in the organisation and attached to work with the officials of the senior administrative grade and equivalent posts. By our judgement dated 3.7.1991 in that O.A., the respondents were directed to consider in its proper perspective with due regard to what was stated in the judgement, the question of upgrading the post of Stenographer attached to the Commandant, Armed Forces Medical College, Pune to the Grade of Rs.2000-3200 and to arrive at a decision within a month of receipt of copy of the judgement. It was also stated in the judgement that in case the decision is in the affirmative, the respondents shall fill up the post in accordance with ^{the rules} law.

25

2. In pursuance of the above judgement the applicant has since been promoted in the grade of Sr.P.A. in the scale of pay of Rs.2000-3200 w.e.f. 30.1.1992. The grievance of the applicant which is still subsists is that he should be promoted from October, 1986 or at least from 1.6.1987 from which date, he states that, he is physically performing the duties of Sr.P.A. The applicant who appear before us, also argued that in some other establishment/organisations, such promotions have been ordered retrospectively, in some cases in pursuance of the judgements of some other Benches of the Tribunal to that effect.

3. Since in the same case of the applicant, there was already a judgement of this Tribunal on 3.7.1991 in which the prayer for retrospective promotion has not been allowed, we see no merit in the present prayer of the applicant for allowing him retrospective promotion inspite of our judgement dated 3.7.1991. The only limited relief that we would consider is that vide our judgement dated 3.7.1991 we have directed the respondents to arrive at a decision within a month of receipt of copy of the judgement and in case the decision was in the affirmative, respondents shall fill up the post without delay, in accordance with the rules, the respondents have almost eight months to give him the promotion. Assuming a period of one month was taken for the communication of the order and a further month allowed in the judgement, we are of the view that this promotion should have been ordered w.e.f. about two months subsequent to the judgement, namely, w.e.f. 3.9.1991. We, accordingly, direct that the promotion granted by order dated 9.3.1992 w.e.f. 30.1.1992 should be made effective from 3.9.1991 and the applicant should be entitled to all consequential benefits, seniority as also the difference in salary after that date. With these directions, the application is disposed of finally with no order as to costs.

J.P. SHARMA

(J.P.SHARMA) 25.6.92
MEMBER (J)

M.Y. PRIOLKAR

(M.Y.PRIOLKAR) 25-6-92
MEMBER (A)