

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 728/92

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DATE OF DECISION 6.10.93

Shri P.S. Puri Petitioner

Shri G.S. Walia Advocate for the Petitioners

Versus

Union of India and others Respondent

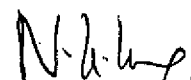
Shri P.M. Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri N.K. Verma, Member (A)

The Hon'ble Shri

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 are to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ?

  
(N.K. Verma)  
Member (A)

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 728/92

Shri P.S. Puri

... Applicant.

V/s.

Union of India through  
Secretary, Ministry of Finance  
Department of Revenue,  
North Block,  
New Delhi - 110 001.

Collector of Central Excise  
Bombay II, 9th Floor  
Piramal Chambers, Lal Bagh  
Bombay - 400 012.

Collector of Central Excise  
Bombay I, 4th Floor,  
Central Excise Building,  
Queens Road, Bombay-

Chief Accounts Officer,  
Central Excise, Bombay II  
Piramal Chambers,  
Lalbagh  
Bombay.

... Respondents.

CORAM: Hon'ble Shri N.K. Verma, Member (A)

Appearance:

Shri G.S. Walia, counsel  
for the applicant.

Shri P.M. Pradhan, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 6.10.93

{ Per Shri N.K. Verma, Member (A) }

The facts of the case are that the applicant was promoted to the post of Superintendent Grade B in the Department of Central Excise in the pay scale of Rs. 2000/- to 3500/- with effect from 12.11.87 as per the directions of this Tribunal. However the consequential benefits which were ordered by the Tribunal were denied to him and he was paid on promoted grade from the date of issue of the order i.e. 1.11.91. Learned counsel for the applicant quoted several judgements of the Supreme Court in this regard.

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the case of Union of India V/s. Jankiraman (AIR 1991 SC 2010) in which the Hon'ble Appellate Court has held the view that when an official is exonerated the charges and is promoted, he must get all the benefits from the date on which he was allowed promotion. Learned counsel for the respondents, Shri Pradhan had nothing to controvert that the applicant was due for promotion on 12.11.87. Had it not been for the disciplinary proceedings and the sealed cover proceedings, he would have been entitled to pay and allowances to the post of Superintendent, Central Excise from that date. During the submission the learned counsel for the applicant also stated that the applicant was due for promotion as Inspector (Selection Grade) with effect from 21.4.82. This Tribunal had given clear direction in OA 727/86 on 12.10.90 that the applicant will be entitled to all consequential benefits with effect from the date he is confirmed. Since the consequential benefits include the monetary benefits there could not be any ground for the department to deny him those benefits.

Applicant therefore succeeds in obtaining the prayers regarding payment of all back wages due to him from the date of promotion on 12.11.87 and also the arrears of difference of pay and allowance due to him as Inspector (SG) with effect from the date he was confirmed.

Application disposed of accordingly. There will be no order as to costs.

N.K. Verma  
(N.K. Verma)  
Member (A)

NS