

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560093

Dated: 21 SEP 1993

APPLICATION NO(S) 150 of 1993.

APPLICANTS: P. Sarvanakanthan

RESPONDENTS: General Manager,
Southern Railways, Madras & Others.

TO.

1. Sri.K.V.Shamanna,
Advocate, No.1465,
14th Main Road,
West of Chord Road,
Mahalakshmiipuram,
Bangalore-560 086.
2. Sri.A.N.Venugopala Gowda,
Advocate, No.8/2, Upstairs,
Opp: Bangalore Hospital,
R.V.Road, Bangalore-
3. General Manager,
Southern Railway,
Park Town,
Madras-3.
4. The Chief Personnel Officer,
Southern Railway,
Park Town, Madras-3.
5. The Dy.Chief Mechanical Engineer,
Southern Railway, Mysore South,
Mysore.
6. The Chief Engineer (Const) S.R.ly, 18, Millers Rd, Bangalore.

*Recd copy
K.V. Shanmugam
22/9/93*

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 09th September, 1993.

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

[Signature]

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 9TH OF SEPTEMBER, 1993

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice Chairman
Hon'ble Mr.V. Ramakrishnan Member (A)

APPLICATION NO.150/93

P. Sarvanakanthan,
S/o S. Packianathan,
aged about 57 years,
Office Superintendent,
Office of the Chief Engineer (Construction),
Southern Railway,
18, Millers Road,
Bangalore - 560 046

Applicant

(Shri K.V. Shamanna - Advocate)

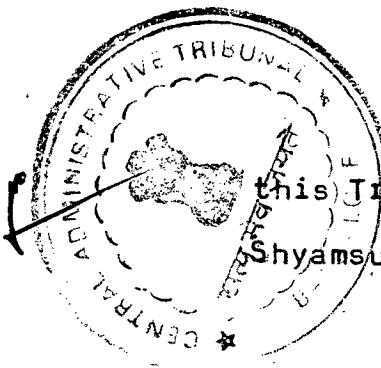
v.

1. Union of India
represented by the
General Manager,
Southern Railway,
Park Town,
Madras - 3
2. The Chief Personnel Officer,
Southern Railway,
Park Town,
Madras - 3
3. The Deputy Chief Mechanical Engineer,
Southern Railway,
Mysore South,
Mysore
4. The Chief Engineer (Construction),
Southern Railway,
18, Millers Road,
Bangalore

Respondents

(Shri A.N. Venugopal - Advocate)

This application has come up today before
this Tribunal for orders. Hon'ble Justice Mr.P.K.
Shyamsundar, Vice Chairman made the following:



ORDER

We admit this application and take this up for final hearing today after having heard both sides. It transpires that on an earlier occasion the applicant was before us in O.A.No. 533/89 disposed off on 27th May, 1991, wherein the Tribunal made the following order:

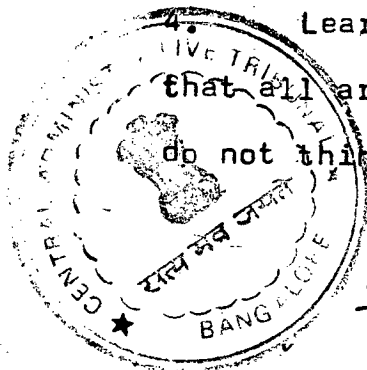
"For the reasons aforesaid we allow this application and quash the impugned endorsement Annexure P dated 24.5.89. We direct the respondents to consider the case of the applicant for promotion to the cadre of Chief Clerk by means of review Selection Committee in respect of vacancies to the cadre of Chief Clerks in 1986, taking the number of vacancies which should have been taken into consideration by the Selection Committee as per law instead of restricting it to seven vacancies as done and then if the applicant is selected, to promote him to the cadre of Chief Clerk with effect from the date his immediate junior was promoted and to give him all consequential benefits that flow from such action. Respondents to comply with the direction aforesaid within a period of four months from the date of communication of this order. There will be no order as to costs."

2. As can be seen from the above, there was a direction to comply with the said order within four months from the date of receipt of a copy of that order. Accordingly, in terms of the foregoing order, a fresh Review Committee had to go into the question of considering the claim of the applicant for promotion as Chief Clerk and he had to be given all monetary benefits if he was promoted. That is the purport of the order.

3. We are now told that a Review Committee was constituted to consider the claim of the applicant for promotion and after due deliberations accorded

promotion to the applicant but without any monetary benefits and that is precisely the grievance of the applicant herein. While we do think it would have been more appropriate for the applicant to have sued the respondents for contempt in not fully complying with the order of the Tribunal but then he has not chosen to do so instead has filed this D.A. which in the circumstances cannot be opposed at all. We therefore allow this application and make an order directing the respondents to give to the applicant all monetary benefits like arrears of pay, D.A. etc. following his promotion to the cadre of Chief Clerk w.e.f. 18.11.86. The applicant will have to be paid all the monetary benefits to which he is entitled to from the said date. This order shall be positively complied within three months from the date of receipt of a copy of this order. Send a copy of this order to the General Manager(R-1) for information and compliance.

4. Learned counsel for the applicant urges that all arrears must be paid with interest. We do not think we should order that. No costs.



MEMBER (A)

TRUE COPY

VICE CHAIRMAN

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

21.11.1986