

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 593/93

Transfer Application No: --

DATE OF DECISION 22-11-93

Shri Abraham Mathew & Ors.

Petitioner

Mr.R.C.Ravalani

Advocate for the Petitioners

Versus

U.O.I. & Ors. U.O.I. & Ors.

Respondent

Mr.R.K.Shetty

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri 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 ? *W*
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 ? *W*

(Signature)
(M.S.DESHPANDE)
VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.592/93 and O.A.593/93 ✓

(1) Shri S.M.Matai & Ors.

.. Applicants in
O.A.592/93

(2) Shri Abraham Mathew & Ors.

.. Applicants in
O.A.593/93-

-versus-

Union of India & Ors.

.. Respondents in
both the above
applications.

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

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

Appearances:

(1) Mr.R.C.Favalani
Advocate for the
Applicants.

(2) Mr.R.K.Shetty
Counsel for the
Respondents.

ORAL JUDGMENT:
(Per M.S.Deshpande, V.C.)

Date: 22-11-93

An identical matter had come up for consideration before the Calcutta Bench of this Tribunal in O.A. No.25/93 decided on 15-6-93 and the learned counsels were agreed that this matter should also be decided in terms of the order which has been passed there. We, therefore, direct as follows :

"In terms of the judgment dt. 1-3-89 passed in O.A. 495/86 and judgment dt. 16-7-90 passed in O.A.282/89, the applicants whose seniority has already been fixed be given notional benefits of promotion and actual benefit of promotion should be given from the prospective date of promotion. The applicants shall draw their higher pay from the actual date of their promotion but their pay on such

promotion should be fixed as if they had actually been promoted on the dates they were found fit for promotion, with reference to their juniors. The implementation of this judgment shall, however, be subject to the final revision to be made by the respondents in respect of the seniority position of all concerned employees in the light of the judgment of Supreme Court in Paluru's case which has again been reiterated in K.K.M.Nair's case."

We do not agree to the request of the applicants counsel that we should fix the actual date of promotion. This obviously cannot be made unless the overall seniority is fixed. The implementation of the judgment should be made within a period as stipulated by the Calcutta Bench.

2. O.A. disposed of accordingly.


(M.Y. PRIOLKAR)
Member(A)


(M.S. DESHPANDE)
Vice-Chairman

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