

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 640/99

Date of Decision: 8/3/99

Yadav Parashram Tambekar

Applicant.

Shri S.P. Saxena

Advocate for
Applicant.

Versus

Union of India & 5 Ors.

Respondent(s)

Shri R.K. Shetty

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. D.S. Baweja, Member(A).

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

abp.

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULE STAN BLDG. NO.6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO:640/98

DATED THE 8th Day of March, 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member(A).

Yadav Parashram Tambekar,
Administrative Officer Grade-I,
Office of the Chief Engineer,
Headquarters, Southern Command,
Pune-411 001.

... Applicant.

By Advocate Shri S.P.Saxena,

v/s.

1. The Union of India,
Through The Secretary,
Ministry of Defence,
DHQ PO, New Delhi-110 011.
2. The Engineer-in-Chief's Branch
Army Headquarters, DHQ PO,
New Delhi-110 011.
3. The Chief Engineer,
Headquarters Southern Command,
Pune - 411 001.
4. Shri Prem Sagar, SAO,
Chief Engineer,
Headquarters Eastern Command,
Fort William,
CALCUTTA.
5. Shri Mam Raj, SAO,
Chief Engineer,
Northern Command,
CHANDIGARH.
6. Shri Manoharla Kalra, SAO,
Chief Engineer,
Northern Command,
CHANDIGARH.

... Respondents.

By Advocate Shri R.R.Shetty for
Shri R.K.Shetty.

I O R D E R X

I Per Shri R.G.Vaidyanatha, Vice Chairman I

This is an application filed by applicant claiming seniority over respondent No.4 to 6 and also for a direction to respondents to hold a review DPC and consider the case of the applicant for promotion to the post of Senior

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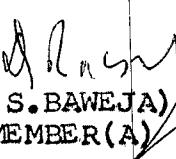
In Administrative Officer. / The reply filed by official respondents, in para-12, they have admitted that the applicant is senior to respondent Nos. 4 to 6 and they have further stated that the department is holding review DPC in which the applicant's case for the promotion to the post of Senior Administrative Officer is being considered.

In view of the admission made by the respondents in their reply nothing survives in the matter.

2. Therefore the OA is disposed of with direction to respondents to consider the case of applicant for promotion to the post of Senior Administrative Officer and if found fit, he should be promoted from the date his juniors came to be promoted as per rules, and benefits grant him whatever/ permissible as per rules. Needless to say/ if any adverse order is passed or adverse decision is taken against the applicant, applicant may take action according to law.

All the contentions on merits are left open.

In the circumstances of the case, the official respondents are directed to hold review DPC within a period of 4 months from the date of receipt of copy of this order. No order as to costs.


(D.S. BAWEJA)
MEMBER (A)

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

CONTEMPT PETITION No. 57/2000 in
ORIGINAL APPLICATION NO: 640/98

TRIBUNAL'S ORDER

DATED: 31.1.2003

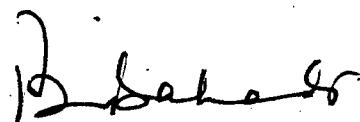
Shri S.P. Saxena counsel for the applicant. Shri R.R. Shetty for Shri R.K. Shetty counsel for the respondents.

The learned counsel for the parties have been heard. The Tribunal while deciding OA 640/98 gave direction to hold Review DPC within a period of 4 months from the date of receipt of copy of the order. The respondents have filed reply. Therein it has been stated that the Review DPC was constituted under the aegis of the UPSC ON 18.11.2002 and the applicant has been recommended for promotion. It has also been stated that the applicant has been given notional promotion vide order dated 14.1.2003 with effect from 20.7.1996. Copy of the same has been annexed by the respondents Exhibit AF 1.

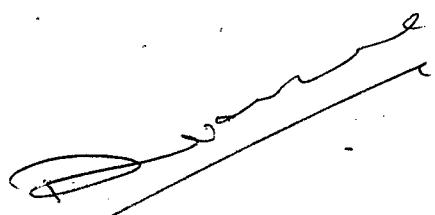
The learned counsel for the applicant submitted that consequential benefit has not yet come to the applicant as the fixation of pay, pension etc is yet to be done by the respondents. Though that was not the direction in the Tribunals order, but from the reply it

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is clear that revised pay fixation has been referred to CRO (Officers) New Delhi vide HQ CESC Pune dated 14.1.2003. The learned counsel for the applicant states that if the applicant is not given the benefit thereof he may again be required to come to the Tribunal. The order of the Tribunal has been complied and the respondents have already taken steps for consequential benefits so we do not find any ground to proceed with the contempt as the same stands complied. Notice on CP is discharged.



(B.N. Bahadur)
Member (A)



(D.C. Verma)
Vice Chairman

NS

7/2
9/11/03
Order/Judgment despatched
AP/2003
12/14/03