

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:367/1998
DATED THE 8TH DAY OF APRIL, 2002**

**CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)**

C.M.Salunke,
Chargeman Grade-II(Tech),
Ordnance Factory,
Dehu Road - 412 113.

... Applicant

By Advocate Shri S.P.Saxena

V/s.

1. Union of India
Through The Secretary,
Ministry of Defence,
New Delhi-110 011.
2. The Chairman,
Ordnance Factory Board,
10-A Shahid Khudiram Bose Marg,
Calcutta - 700 001.
3. The General Manager,
Ordnance Factory,
Dehu Road - 412 113.
4. Shri R.H.Jadhav,
Chargeman Grade-I (Mech),
Ordnance Factory,
Dehu Road - 412 113.
5. Shri M.K.Kamble,
Chargeman Grade-I (Mech),
Ordnance Factory,
Dehu Road-412 113. ... Respondents

By Advocate Shri R.K.Shetty

(ORAL)(ORDER)

Per Shri S.L.Jain, Member(J)

This is an application under Section-19 of the Administrative Tribunals Act for declaring that the Applicant is senior to the Respondent Nos.4 and 5 with direction to the respondent no.3 to include the applicant in the impugned seniority list at a

S.L.J/J
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place above the respondent no.4, The respondents to hold a review DPC and to consider the applicant for his promotion to the post of the Chargeman Grade-I (Mech) from the date any of his junior is promoted, ignoring the adverse entries in the A.C.R. of the applicant for 1996-97 with all consequential benefits.

2. During the pendency of the OA, the respondents have passed order dated 26/10/98, prepared the seniority list of Chargeman Gr.II as on 19/2/99 (MPR-1,2 and 3).

3. The learned counsel for the applicant argued and rightly argued that the grievance of the applicant as far as the declaration that he is entitled to be senior to be placed above respondent nos.4 and 5 has been set at rest by MPR-1 and he has been rightly placed by MPR-2 and also promoted vide order dated 19/12/99 MPR-3. His grievance which now survives is that the respondents have passed the order which is mentioned in MPR-3 of the letter dated 19/12/99 is reproduced below:-

The pay of the above individuals may be fixed notionally w.e.f. 12/5/1997 i.e. the date of notional seniority of Chargeman Gr.I (Tech/Mech). They will not however draw any arrears prior to assumption of higher responsibility to Chargeman Gr.I (T/Mech) i.e. from 19/12/1999.

4. The learned counsel for the applicant argued that it was an error on the part of the respondents which they have corrected. The date of notional seniority and order passed regarding arrears is not in accordance with law. It is suffice to state that when respondents have themselves corrected their mistake FR-17 is not applicable. The applicant is entitled to all Monetary

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benefits in view of order dated 19/12/99 to be very specific w.e.f. 12/5/97. The respondents are directed to pay the same.

5. In the result, the OA with respect to consequential benefit is allowed. The applicant is entitled to monetary benefits in view of order dated 19/12/99 w.e.f. 12/5/97. The respondents are directed to pay the amount with interest^{at 12% p.a.} to the applicant w.e.f. 12/5/97 alongwith costs(Rs.650/-, (Rs.500/- as Advocate's fees and Rs.150/- as other charges). The order may be complied with within two months.

Shanta
(SMT. SHANTA SHASTRY)
MEMBER(A)

S.L.Jain
(S.L.JAIN)
MEMBER(J)

abp