

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR.

T.A.No.1905/86

Dated: 16.11.'92

Robert William : Applicant

vs.

Union of India & Ors. : Respondents.

Mr.S.C. Sethi : Counsel for applicant

Mr. Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr. Justice D.L.Mehta, Vice Chairman

Hon'ble Mr. B.B. Mahajan, Member (Adm.).

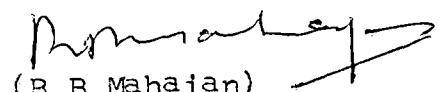
PER HON'BLE MR.JUSTICE D.L. MEHTA, VICE CHAIRMAN:

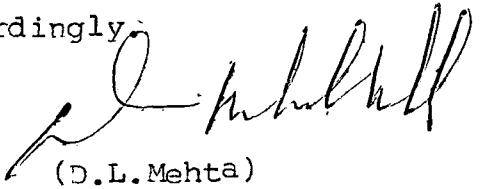
Brief facts of the case are that the applicant plaintiff was removed from service on 3.12.'73. In compliance of the Court's orders he was reinstated on 24.2.1981 with all back wages, perks and benefits of seniority etc. On 1.10.'81, the applicant was promoted as Second Class Fireman with retrospective effect i.e. 21st March 1978 and the applicant was paid the amount due from 4.12.73 to 28.2.81 only of the pay of the post of Cleaner on 18.5.82.

2. At the time of making the payment, the applicant represented that he should be paid the salary of the post of Second Grade Fireman from 21.3.78 to 28.2.81. However, in the relief prayer he was further prayed that the benefits should be extended upto 30th Sept.81. He has also submitted that the applicant should also be paid running staff compensatory allowance. On behalf of the respondents, reply has been filed and it was accepted that the applicant was reinstated under the orders of the Court and he has been paid salary of the post of Cleaner for the period 21.3.78 till 30.9.'81.

It was also submitted by the respondents that as it was notional promotion, he is not entitled for the difference of the salary and the benefits available on the post of Second Grade Fireman as he had not worked on that post. The counsel for the parties were asked to show rules about the payment of allowances and benefit to the running staff. Mr. Sethi states that at the relevant time a person who was on leave for a long period used to get 40% of the basic pay as running allowance. Mr. Bhandari is not in a position to make any statement as he is not equipped with the rules at present. No order of reinstatement has also been produced by the respondents to show that it was a notional promotion or that there were specific directions of the Court not to make the payment of the difference of the amount. In fact once the applicant has been exonerated with all consequential benefits and he has been paid, naturally he is entitled for all consequential benefits and for this very reason the promotion order was passed with retrospective effect.

3. We have heard the counsel for the parties. We direct that the applicant is entitled to get the difference of salary as Second Grade Fireman from 21.3.78 to 30.9.81. The difference should be paid within a period of 4 months. As far as the running allowance is concerned, we direct that the applicant should be treated at par with the persons who availed of long leave at the relevant time and if any running allowance was payable to them similar allowances should be paid to the applicant for the period referred to above (i.e. 21.3.78 to 30.9.81) within a period of 4 months from today. No order as to costs. The T.A. is disposed of accordingly.


(B.B. Mahajan)
Member (Adm.).


(D.L. Mehta)
Vice Chairman.