

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 354/89 : Date of order 8.9.94 (17)

Madan Lal Bhargava : Applicant

V/s

Union of India & Others : Respondents

Mr. R.P. Sharma : Counsel for the applicant.

Mr. R.N. Mathur : Counsel for the respondents.

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

Hon'ble Mr. O.P. Sharma, Member (Administrative)

PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE)

In this application Shri Madan Lal Bhargava has prayed that it may be declared that he is entitled to get proforma promotion on the post of Junior Shop Superintendent scale Rs. 700-900 w.e.f. 25.2.79, the date on which his next junior Shri M.L. Kastiya was promoted as such on adhoc basis. He has further prayed that he should be given pay scale Rs. 840-1040 from the date on which he was promoted as Shop Superintendent.

2. The applicant while working as Chargeman Gr. I in the C&W Machine Shop, Ajmer was sent on deputation in scale Rs. 370-475 under Inspecting Engineer, RDSO, C&W Ajmer in 1965. Thereafter he was promoted to scale Rs. 450-575/(700-900) w.e.f. 29.7.70. The applicant was later taken on deputation with RITES after getting selected in scale Rs. 700-1200 as Assistant Inspecting Engineer w.e.f. 13.10.80. He was repatriated to his parent department on 4.10.82. His junior, Shri Kastiya was given promotion as Junior Shop Superintendent w.e.f. 30.11.82, when the applicant was on deputation. After repatriation to his parent department, the applicant was granted promotion as Junior Shop Superintendent w.e.f. 4.5.83. The applicant's case is that in his parent department, he was entitled to promotion as Junior Shop Superintendent w.e.f. the date his junior, Shri Kastiya was granted such promotion and, therefore, he should also be

granted promotion from that date. (11)

3. We have heard the learned counsel for the parties and have gone through the records.

4. The respondents in their reply have taken a preliminary objection that the application filed in 1989 is time barred because the applicant seeks retrospective promotion from 1979. They have added that the application also suffers from the non-joinder of necessary parties in as much as Shri Kastiya has not been impleaded as a party.

5. Final pay fixation of the applicant was done by order dated 10.2.88 (Annexure A-1). The applicant represented against the said order by letter (Annexure A-II) dated 17.2.88. Thereafter the applicant filed the present application on 10.8.89. In the circumstances it is considered as having been filed within the limitation period. It was not necessary to implead Shri Kastiya as a respondent because the applicant has not claimed any relief against Shri Kastiya. When the applicant was on deputation, he should have been granted proforma fixation of pay in the parent department on the basis of promotion of his junior. Before us now the applicant has only claimed proforma fixation of pay on the basis of fixation ^{of pay} of his junior so that he can get suitable pensionary benefits, having retired in October, 1988.

6. In the circumstances, the applicant shall be granted proforma fixation on the post of Junior Shop Superintendent w.e.f. the date from which his junior, Shri Kastiya was promoted in the parent department and shall be entitled refixation of his pensionary benefits accordingly. Necessary action shall be taken by the respondents within a period of four months from the date of receipt of a copy of this order. No arrears of pay have been claimed by the applicant and none are being granted by us.

(W)

7. The OA is disposed of accordingly, with no order as to costs.

(O.P. SHARMA)

MEMBER (A)

D.L. MEHTA

VICE-CHAIRMAN