

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 751/92.

Dt. of Decision : 25.7.94.

Mr. P. George

.. Applicant.

Vs

1. Union of India rep. by
General Manager, SCRly,
Rail Nilayam, Sec'bad.

2. Divisional Railway Manager,
SCRly, Vijayawada,
Kfisnna Dist.

3. Sr.Divisional Personnel Officer,
SCRly, Vijayawada,
Krishna Dist.

.. Respondents.

Counsel for the Applicant : Mr. G. Ramachandra Rao

Counsel for the Respondents:Mr. N.V.Ramana, Addl.CGSE.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

2A
Dated 25.7.1991.

OA 751/92

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN X

Heard Shri G. Ramachandra Rao, learned
counsel for the applicant and also Shri N.V.
Ramana, learned standing counsel for the Re-
spondents.

2. The applicant while working as Train Lighting
Fitter Gr. I was removed from service by order
dated 30-3-76 after enquiry and the appeal thereon
was rejected on 10-12-76. The same was challenged
in writ petition No. 4734/79 on the file of
A.P. High Court and the same was registered as
TA 10/86 on being transferred to this Tribunal.
It was allowed by order dated 23-10-86 and the
order of removal was set aside. The SLP filed
by the Respondents was dismissed.

3. The applicant attained the age of superannuation
on 30-4-84. This OA was filed praying for a
direction to promote him as Electrical Chargeman
with effect from 19-11-83, the date on which
his juniors were promoted to the said post on
ad hoc basis and for consequential benefits.

4. It may be noted that even TA 10/86 came up
for consideration long after the applicant attained
the age of superannuation. It is submitted for
the applicant that he filed this OA after he came
to know about the ad hoc promotion ^{of} ~~to~~ his juniors
to the post of Electrical Chargeman with effect
from 19-11-83. The cause of action has arisen
during the pendency of the Writ petition No.
4734/79, transferred as TA 10/86. Normally one

would have prayed for amendment of the prayer to the said proceedings when a claim arises during the pendency of the proceedings.

But it is stated for the applicant that the applicant was not aware of the said promotions by the time the TA 10/86 has come up for consideration and hence he could not prefer the claim. As the applicant was not in service ^{there is nothing unusual when it is stated} even from 1976, he was not aware of the ad hoc promotion of his juniors in 1976.

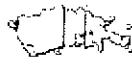
4. The learned counsel for the Respondents contended that as the applicant has not claimed the consequential benefits in the Writ Petition No. 4374/79 transferred as TA 10/86, he is not now entitled to claim this relief. The applicant might not have felt that it will take long time for disposal of this Writ petition or there would be promotions even before the disposal of the writ petition. As already observed it is explained that he could not come up with amendment petition as he was not aware of such promotions before the disposal of the TA 10/86.

5. When the order of removal is set aside, his case has to be considered for promotion and if he was reinstated on disposal of the TA, a direction would have been given to refer the matter to review D.P.C. But as this is a case where the applicant attained the age of superannuation even before the disposal of the TA 10/86, and it is a mere case of claiming ad hoc promotion from a date his juniors were promoted and even as that ad hoc promotion would be for a few months, we feel that it is ^{where ad hoc promotion can be awarded without referring} not a fit case to refer the matter to Review D.P.C.

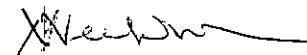
-- 4 --

31

4. In the result, the applicant has to be given notional ad-hoc promotion to the post of Electrical Chargeman Gr. B with effect from 19-11-83 and the pay of the applicant as on 19-11-83 ~~has to be fixed in the post of Electrical~~ Chargeman Gr. B for the purpose of fixation of pension and gratuity. The difference in gratuity, leave encashment if any and commutation if any on the basis of re-fixation as per this order have to be given. The difference in pension has to be paid from 1-9-91 as this OA was filed on 28-8-92. The OA is ordered accordingly with no costs.

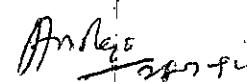



(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 25-7-94
Open court dictation

NS


Dy. Registrar (Jud1)

Copy to:

1. Union General Manager, South Central Railways, Rail Nilayam, Secunderabad.
2. Divisional Railway Manager, South Central Railways, Vijayawada, Krishna District.
3. Senior Divisional Personnel Officer, South Central Railways, Vijayawada, Krishna District.
4. ~~Mr.~~ One copy to Mr. G. Ramachandra Rao, Advocate, CAT, Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare.

kku.

28/11/94

(Ob)

7/7/92

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADM)

DATED: 26-7-1994

ORDER/JUDGMENT

M.A.No./R.A/C.A.No.

O.A.No.

(T.A.No.)

in
7/7/92

(W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

