

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO.252/93.

DATE OF JUDGMENT: 12.6.95

BETWEEN:

M.MUNUSWAMY MUDALIAR

.. APPLICANT

AND

Union of India represented by
1. Engineer-in-Chief,
Army Headquarters,
DHQ Post,
New Delhi.110011

2. The Chief Engineer,
HQ Southern Command,
Pune-411001.

3. The Chief Engineer,
Hyderabad Zone,
Sardarpatel Road,
Secunderabad-500003..

4. The Garrison Engineer,
Fy (Indep) BMP,
Yeddumailaram-502 205. ..

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI KSR Anjaneyulu

COUNSEL FOR THE RESPONDENTS: SHRI N.V.RAGHAVA REDDY,
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD....

34

O.A.NO.252/93.

JUDGMENT

Dt:12.6.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri KSR Anjaneyulu, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The case of the applicant and his juniors who were working as Office Superintendents Gr.II (OS Gr.II) had come up for consideration in 1988 for promotion to the post of OS Gr.I. The juniors of the applicant who were found suitable were promoted as OS Gr.I with effect from 30.7.1988. It is stated for the respondents that the sealed cover procedure was followed in regard to the applicant as disciplinary proceeding was contemplated. Ultimately no disciplinary proceeding was initiated against the applicant, and by the order dated 3.2.1992 the applicant was promoted to the post of OS Gr.I notionally with effect from 30.7.1988 and he was given monetary benefits from the date on which ^{he} (the applicant) assumed the charge as OS Gr.I.

3. This OA was filed praying for direction to the respondents to pay the arrears to the applicant from 30.7.1988 till the date he assumed the charge as OS Gr.I. The judgment of the Supreme Court in AIR 1991 SC 2010. (K.V.Jankiraman Vs. Union of India), ^{is relied on} to urge that whenever a delinquent is exonerated, the benefit of promotion

contd....

35

.. 3 ..

with all consequential reliefs in regard to the seniority, pay etc., has to be given from the date the junior was promoted.

4. The respondents pleaded that the sealed cover was opened in pursuance of the DOP&T OM dated 31.7.91 and the applicant is not entitled to monetary benefits for the period for which he had not worked in the promotional post on the basis of 'no work no pay' principle. But the said contention has to be repelled in view of the judgment of the Apex Court in Janakiraman's case referred to supra. Hence, a direction has to be given to the respondents to pay the arrears in the pay scale applicable to OS Gr.I from 30.7.1988 to the date the applicant assumed the charge as OS Gr.I, to the applicant.

5. In the above view, there is no need to consider for disposal of this OA, as to whether the respondents were justified in following the sealed cover procedure when the charge memo was not issued. The factum of the applicant being promoted as AO Gr.II with effect from 4.2.1991 as per the orders dated 7.1.1994 (the same was submitted for the applicant during the course of the arguments), has no relevance for consideration of the relief claimed in this OA.

6. In the result, R-I is directed to pay the arrears due to the applicant being the difference

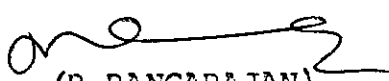
contd....

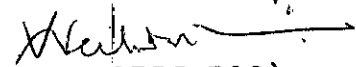
36

.. 4 ..

in pay in the pay scale of OS Gr.I and the pay in the pay scale of OS Gr.II from 30.7.1988 till he assumed the charge as OS Gr.I.

7. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 12th June, 1995.
Open court dictation.


Deputy Registrar (J) CC

vsn

To

1. The Engineer-in-Chief,
Union of India, Army Headquarters,
DHQ Post, New Delhi-11.
2. The Chief Engineer, HQ Southern Command,
Pune-1.
Sardarpatel Road, Secunderabad-3.
4. The Garrison Engineer, Fy(Indep)BMP
Keddumailaram-205.
5. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

THPED 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

A N D

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

DATED 12/6 1995.

ORDER/JUDGMENT.

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

OA.No. ⁱⁿ 252/93
TA.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No.order as to costs.

