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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Review Application No.73/95
in
Original Application No.72/95

Dt. of decision:13-6-1996

Between:

K. Gangadharan .. Applicant

and

1. The Union of India
rep. by its Secretary,
Department of Atomic Energy,
CSM Marg, Bombay-39.
2. The Chief Executive,
Nuclear Fuel Complex,
ECIL Post, Hyderabad-500062
3. The Director (P&S),
~~Directorate of Purchases & Stores~~
V.S. Bhavan, Anushakthi Nagar,
Bombay - 400 094

.. Respondents

Counsel for the applicant : Sri K. Gangadharan
(Party-in-Person)

Counsel for the respondents: Sri V. Rajeshwara Rao

CORAM:

Hon'ble Mr. Justice M.G.Chaudhari : Vice Chairman
Hon'ble Mr. R. Rangarajan : Member (A)

R.A.73/95 in OA 72/95

Dt. of decision: 13-6-96

JUDGEMENT

I Oral order as per Hon. Sri R.Rangarajan Member(A) I

The applicant in this O.A. has filed this R.A. praying for review of the judgement in O.A.72/95, dated 3-4-95 in regard to the payment of arrears apart from grant of due seniority.

2. The judgement in the O.A. clearly states that the applicant has to be promoted to Stenographer Gr.II on par with his junior in the seniority-cum-fitness quota from the date his junior was promoted on the basis of that judgement. The reasons for arriving at such conclusion has been fully deliberated upon in the judgement. The respondents vide their Lr.No.NFC/PAR/94/1642, dt.17-11-94 appointed him as Stenographer Gr.II w.e.f. 26-5-1993 in view of the judgement in O.A.No.750/90. It is further stated by the learned counsel for the respondents that the seniority fixed, because of which he had been promoted retrospectively from 26-5-93, is also in accordance with the judgement of this Tribunal in O.A.No.72/95 and hence he has no case to claim any further upgradation of his seniority.

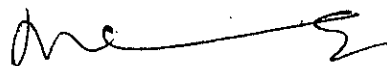
3. It is seen from the Lr.No.NFC/PAR/03/56/745, dt. 16-5-95 (Annexure-3) that it is sought to recover the excess payment made to him from 26-5-93, the date on which he was

retrospective
promoted, in terms of letter dt.17-11-94 till 17-11-94 when he was actually promoted as Stenographer Gr.II. The above recovery as can be seen from the letter dt.16-5-95 is stated to be in pursuance of judgement in O.A.No.72/95.

4. The judgement in O.A.No.72/95 was delivered on 3-4-95 and it has not contemplated any recovery if the applicant has been given some relief by earlier judgement. Hence, the recovery in terms of the letter dt.16-5-95 should not be stated to be in pursuance of the judgement in O.A.No.72/95. If the applicant is entitled for payment in the grade of Stenographer Gr.II from 26-5-93 he has to be paid on that basis and the judgement in OA 72/92 in no way debar payment of such arrears. Hence the question of recovery of excess payment for retrospective promotion given by an earlier judgement does not arise due to the direction in O.A.72/92.

5. In view of the above clarification given, we feel that there is no need for further direction in this R.A. Hence, the original judgement in O.A.72/92 dt.3-4-95 is confirmed subject to the observation in Para 4 supra.

6. The R.A. is ordered accordingly. No costs.

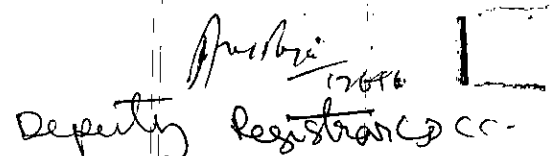


(R. Rangarajan)
Member (A)



(M.G. Chaudhari)
Vice Chairman

Dt.13-6-1996
(Open Court dictation)


Deputy Registrar CC-