

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD**

**Misc. Execution Application No. 330/00730/2018 in
Original Application No. 933/1993**

Reserved on 5.4.2018

Pronounced on 10.4.2018

**Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. Gokul Chandra Pati, Member (A)**

Uma Nath Kapoor son of late Jagannath Kapoor r/o
Purvi Lakhpeda in front of Kotwali, Mohammadi, Khiri-
262804.

Applicant

By Advocate: Sri B. Tiwari

Versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. General Manager, North Eastern Railways, Gorakhpur.
3. FA and CAO/E&B, North Eastern Railway, Gorkhpur.

Respondents

By Advocate: xxxxxx

By Hon'ble Mr. Justice Dinesh Gupta, Chairman

Heard the learned counsel for applicant Sri B. Tiwari on Civil Misc. Application No.730/2017 by which the applicant wants that the order passed by this Tribunal on 27.11.2001 in O.A. No. 933/1993 be executed .

2. It is stated in the Execution Application that this Tribunal vide order dated 27.11.2001 directed the respondents to open sealed cover and see recommendations with regard to the applicant in the

DPC which was held on 13.5.1991 by which panel for promotion of other persons including the applicant was considered and it was ordered that case of applicant along with his juniors for promotion may be considered if he is found fit.

3. Against the order passed by this Tribunal, respondents filed writ petition No. 38886 of 2001 before the Hon'ble High Court at Allahabad which was dismissed by the Hon'ble High Court vide order dated 5.9.2016.

4. After dismissal of the writ by the High Court on 5.9.2016, the Railway Board issued a letter on 16.6.2017 (Annexure No.3) which was communicated to the applicant on 11.9.2017 and applicant was given selection grade w.e.f. 1.7.1989 i.e. with respect to the date of placement of his juniors in selection grade in the panel approved on 13.5.1991.

5. The contention of the applicant is that more than four months have passed but no action has been taken by the respondents for grant of revised pension, fixation of pay along with arrears and issuance of revised Pension Payment Order (PPO) till date although the applicant had given an application on 12.10.2017 (Annexure -4) to the Deputy Chief Personnel Officer/ Gazetted, North Eastern Railway, Gorakhpur.

6. On perusal of the order passed by this Tribunal, it is apparent clear that the O.A. was allowed only to the extent that respondents will open the sealed cover and see recommendations with regard to the applicant in the DPC which was held leading to formation of selection grade panels approved on 13.5.1991. If the applicant has been declared fit for promotion, he shall be granted promotion along with and from the date of promotion of his juniors who are included in this panel. In that case his order for subsequent promotion will stand modified. The order shall be complied within three months time. Writ petition filed by the respondents against this order was also dismissed by the High Court.

7. From perusal of order passed by this Tribunal, it is evident that Tribunal has nowhere directed the respondents in its order for grant of revised pension, fixation of pay along with arrears and issuance of revised Pension Payment Order (PPO) to the applicant. The direction was only to promote the applicant from the date his juniours were promoted. It is not disputed that in compliance of the order passed by this Tribunal, after dismissal of writ petition, respondents have passed an order dated 16.6.2017 which was communicated to the applicant on 11.9.2017 and as per direction of this Tribunal, applicant was given selection grade w.e.f. 1.7.1989 i.e. with respect to the date of placement of his

juniors in selection grade in the panel approved on 13.5.1991. Hence the order passed by this Tribunal has already been complied with by the respondents and there is no question of any further execution of order, and as such this Execution Application deserves to be dismissed. Accordingly, Execution Application is dismissed. No order as to costs. If applicant still has any grievance by the order passed by the respondents, it will be fresh cause of action and applicant can challenge the same by filing a fresh O.A. before the appropriate forum.

(GOKUL CHANDRA PATI) (JUSTICE DINESH GUPTA)
MEMBER (A) CHAIRMAN

HLS/-