

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**MA-684/2016 in
OA-756/2013**

Reserved on : 12.08.2016.

Pronounced on : 20.08.2016.

**Hon'ble Mr. Shekhar Agarwal, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

Girish Chand & Ors. Vs. UOI & Ors.

Present : Sh. Krishna Kumar, counsel for applicants.
Sh. Rajinder Nischal, counsel for respondents.

ORDER

Mr. Shekhar Agarwal, Member (A)

MA-684/2014

This application has been filed seeking the following relief:-

"It is therefore most respectfully prayed that this Hon'ble Tribunal may kindly set aside the order dated 16.05.2015 issued by the Respondents and direct the Respondents to promote the Applicants w.e.f. 17.09.2012 as recommended by the DPC by enforcing their order dated 22.05.2014 in full compliance with consequential benefits."

2. It is seen that OA-756/2013 was disposed of by us on 22.05.2014 by the following order:-

"10. In view of above, impugned communication dated 18.09.2012 issued by the respondents cannot be legally sustained and is accordingly quashed and set aside. We direct that the respondents to take the vigilance status of the applicant as on date. This is because of the lapse of time

between the date of recommendation of the DPC on 17.09.2012 and at present. If there is nothing adverse against the applicant the respondents shall give effect to the recommendations of the DPC within 3 months from the date of receipt of copy of this order. Consequential benefits relief arising out of the promotion of the applicants shall be regulated by the Respondents in consonance with the rules and instructions within the aforesigned period.

11. OA is allowed with aforementioned directions. No order as to cost."

3. In compliance thereof, the respondents have passed order dated 16.05.2015 by which the applicants were promoted to the post of Dark Room Assistants from the date of assumption of charge of the post.

4. Now, on the strength of the order of this Tribunal dated 22.05.2014 the applicants are seeking promotion w.e.f. 17.09.2012 instead of from the date of assumption of charge as granted by the respondents.

5. We have heard both sides and have perused the material placed on record. We are inclined to agree with the respondents. We notice from our order dated 22.05.2014 that the directions to the respondents were to promote the applicants by giving effect to the recommendations of DPC held on 17.09.2012 and also to grant them consequential benefits. The minutes of the DPC have been produced by the respondents. The DPC has not recommended retrospective promotions for the applicants. Thus, the applicants cannot now claim retrospective promotion on the basis of our order

dated 22.05.2014. If we were to allow this, we would be modifying our own order, which cannot be permitted. By means of this MA, the applicants cannot seek a relief, which was not granted by us while disposing of the OA.

6. We, therefore, do not find any merit in this MA and the same is dismissed.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/