

**Central Administrative Tribunal
Principal Bench**

OA No.4433/2013

New Delhi, this the 17th day of August, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

L. T. Hrangchal
S/o Shri H. T. Singa
Aged about 56 years,
R/o M-2765, Netaji Nagar,
New Delhi 110 023.

... Applicant.

(By Advocate : Shri A. K. Behera)

Versus

1. Union of India
Through the Secretary
Ministry of Home Affairs
Government of India,
North Block,
New Delhi 110 001.
2. State of Mizoram
Through its Chief Secretary
Department of Home
Mizoram Secretariat,
Khatla,
Aizawl- 796001.

... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

In the present OA, the applicant has sought for the following reliefs:-

- “(a) Call for the records pertaining to the case.
- (b) Quash and set aside the impugned orders dated 26.09.2002 at Annexure A-1.
- (c) Declare that the applicant was entitled to be considered and promoted against the vacancy of IPS of Mizoram segment because of the non-promotion of Shri C. Vanlalvena from the Select List, 2006, and further direct the respondents to hold a Review DPC/Selection Committee meeting for the same and to promote the applicant from the Select List of 2006 with all consequential benefits;

Or

In the alternative declare that the applicant is entitled to 1999 as the year of allotment as per Rule 3 Indian Police Service (Regulation of Seniority) Rules, 1988 and quash the order dated 08.07.2009 to the extent it states that year of allotment of the applicant as 2003.

- (d) Direct the respondents to give all consequential benefits to the applicants on the basis of the above prayers.
- (e) Pass any other order or direction which this Hon'ble Tribunal thinks fit and proper in the facts and circumstances of the case.
- (f) Cost of the Original Application may be awarded in favour of the Applicants and justice may be done."

2. The main relief is at Sl. No.(c) which has two limbs in the alternative. The alternative relief has been granted as per the counter affidavit filed by respondent No.1. Reference is made to para 7 thereof, which reads as under:-

"7. That consequent up on the above order of the IPS Division, the respondent Ministry vide its order dated 26.12.2014 (Annexure R-2) considered the case of the applicant and a meeting of the Review Committee was held on 12th December 2014 for promotion of the applicant to the Selection and DIGP grade in the Cadre consequent of change of batch from 2003 to 1999 of the applicant. The recommendation of the Screening Committee have been accepted by the competent Authority and accordingly, the applicant was promoted to the selection grade of IPS in the pay scale of Rs.37400-67000+ Grade Pay of Rs.8900 w.e.f. 13.5.2013 in the cadre notionally."

A copy of the order dated 26.12.2014 granting alternative relief is also placed on record.

3. Shri A. K. Behera, learned counsel for the applicant submits that the applicant has not been granted complete relief, as prayed for in the relief clause. According to him, with the change of year of allotment, the applicant is entitled to the consequential benefits as well, as is mentioned in prayer (d) of the relief clause. However, from Annexure R/2, we find that with the change of year of allotment, the applicant has been granted consequential relief notionally in terms of promotion w.e.f. 13.05.2013 and actual financial benefits prospectively. In this manner, consequential relief stands granted. Learned counsel for the applicant submits that as a matter of fact he was entitled to actual financial

benefits retrospectively. If the applicant is aggrieved of that part of the order dated 26.12.2014, he is entitled to seek remedial measures.

4. Mr. Behera's further submission is that in the aforesaid para (c) of the relief clause, first limb of the prayer was with respect to the grant of promotion in the selection list of 2006, and in the event said relief is not granted the alternative relief may be granted. However, we find that there is no such averment in the relief part. The reliefs are sought in the alternative and not that in the event first relief is not permissible, the second may be granted. This contention is not accepted.

5. In view of the above, the OA is rendered infructuous. Dismissed accordingly.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/