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**Central Administrative Tribunal
Principal Bench**

OA No. 795/2003

New Delhi this the 10th day of December, 2010

Hon'ble Dr. Ramesh Chandra Panda, Member (A)
Hon'ble Dr. Dharam Paul Sharma, Member (J)

Smt. Kusum Sharma,
B-3/345, Paschim Vihar,
New Delhi-110063

-Applicant

(By Advocate: Shri S. D. Raturi for Sh. Gyan Prakash)

-VERSUS-

Union of India, through

1. The Secretary,
Ministry of Agriculture,
Deptt. of Agriculture and Corp.,
Krishi Bhawan,
New Delhi-110001
2. Eco. & Statistical Advisor,
Ministry of Agriculture,
Deptt. of Agriculture and Corp.,
Krishi Bhawan,
New Delhi-110001
3. The Secretary,
Deptt. of Eco. Affair,
Ministry of Finance,
North Block,
New Delhi-110001

-Respondents

(By Advocate: Shri R. P. Agarwal)

: O R D E R (ORAL) :

Dr. Ramesh Chandra Panda, Member (A)

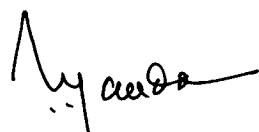
The applicant has filed this OA seeking the consequential benefit of promotion of SAG grade which was granted to her vide order dated 21.08.2001 (Annexure-A4).

The said order is consequent upon the orders passed by the

Agarwal

Tribunal in OA Nos.1206/1993 and 1288/1993 decided on 07.01.1999. Against the said orders of the Tribunal, a writ petition was filed before the Hon'ble High Court of Delhi which was disposed of remanding the case to the Tribunal. However, against the order of the Hon'ble High Court, the matter was agitated before the Hon'ble Supreme Court. In the said case, as the Hon'ble Apex Court stayed the operation of the orders passed by the Hon'ble High Court and the matter continued to be pending before the Hon'ble Apex Court. In the above circumstances, it was considered to keep the present OA in sine die list with liberty to the parties to seek revival of the case whenever final decision was pronounced by the Hon'ble Supreme Court.

2. However, vide the general order dated 5.5.2010 this case along with others was listed and notified for reconsideration to pass appropriate orders. From 6.5.2010 onwards till date, we have listed the case on seven times and have sought the information from the learned counsel for the parties. When the case came up today for hearing, we heard the learned counsel for the parties who informed that the Hon'ble Supreme Court has upheld the judgment of the Tribunal dated 7.1.1999 vide the Apex Court order dated 24.7.2008.



3. Shri R.P. Aggarwal, learned counsel for the Respondents, submitted a copy of the decision taken by the Respondents to allow the consequential benefits of promotion to the applicant w.e.f. 11.12.98, who retired as Additional Economic Advisor w.e.f. 31.7.2000. We take the extract of the decision of the Department of Economic Affairs dated 28.11.2010, which reads as follows:-

"Reference preceding notes of Department of Agriculture and Cooperation

2. Smt. Kusum Sharma, who had retired as Addl. Economic Adviser in the grade of Rs.14300-18300/- w.e.f. 31.7.2000, was given promotion to the grade of SAG w.e.f. 11.12.1998 vide order dated 21.8.2001 following revision in the seniority of IES officers in compliance of the directions of CAT Principle Bench order dated 7.1.1999.

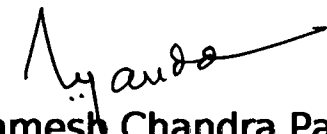
3. Since the order of CAT dated 7.1.1999, by which Smt. Sharma was granted SAG, retrospectively has been upheld by the Supreme Court vide order dated 24.7.2008, Smt. Sharma is entitled to all the consequential benefits of promotion w.e.f. 11.12.1998 as per Department of Economic Affairs order dated 21.8.2001.

4. In view of the above position, it is found that the Respondents have conceded the relief prayed for by the Applicant and as such, the application has become infructuous. However, the Respondent No.3 is directed to grant her all consequential benefits as expeditiously as possible, but positively within a period of two months.

By and

5. Accordingly, in terms of the above directions, the OA is disposed of, as the claims of the Applicant have been largely complied with by the Respondents. No costs.


(Dr. Dharam Paul Sharma)
Member (J)


(Dr. Ramesh Chandra Panda)
Member (A)

/pj/