

Item No.16

M.A.No.594/2005

M.A.No.595/2005

O.A. No.2427/2003

04.01.2006

Present : Shri R.L. Dhawan, learned counsel for applicants in Mas (original respondents).

**M.A.No.594/2005 & M.A.No.595/2005**

Learned counsel heard.

2. Through this MA 594/2005 has been sought clarification of our orders dated 17.11.2004 (whereby OA 2427/2003 was disposed of) to the effect that the applicant had been promoted to Group 'D' w.e.f. 1.11.2003 and not Group 'C' w.e.f. 1.11.2003.

3. While notice has been served on LR Smt. Shella Rani Gautam wife of deceased applicant Shri Ashok Kumar Gautam, none has come present on her behalf today and the case has been heard.

4. Learned counsel of the applicants in the MA pointed out that vide Annexure M/2 dated 27.8.2004, applicant had been promoted to Group 'D' post in the grade of 2650-4000 and his pay was also fixed vide Annexure M/3 dated 27.1.2005 in scale of Rs.2650-4000 from 1.11.2003 but in Tribunal's order dated 17.11.2004 it has been wrongly mentioned that the applicant had been promoted to Group 'C' post.

5. It is observed from paragraph 8 of our order dated 17.11.2004 that the applicant had been promoted on ad hoc basis in Group 'C' which did not confer upon him any right of regularization on repatriation from Group 'C' in open line. "He has to come back in his substantive post of Group 'D' and thereafter to earn promotion." A reference has also been made in the orders dated 27.8.2004 whereby applicant was promoted but it seems due to clerical error it was mentioned that applicant had been promoted as Group 'C' w.e.f. 1.11.2003. As such in the last sentences of paragraphs 8 and 9 of the order dated

(16)

17.11.2004, the expression Group 'C' should be substituted by Group 'D'. Order dated 17.11.2004 is clarified accordingly and a corrigendum be issued.

6. Accordingly, MA 594/2005 and 595/2005 are disposed of.

*✓*  
(SHANKER RAJU)  
MEMBER (J)

*V.K. Majotra* 4.1.06  
(V.K. MAJOTRA)  
VICE CHAIRMAN (A)

/ravi/