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09.12.2005

MA-1135/2005

MA-1762/2005

OA-342/2003

Present: Shri ATM. Rangarajan, learned senior counsel with Shri K.L. Shastry,
Counsel for applicant
Shri N.K. Aggarwal, learned counsel for respondents

MA-1135/2005 and MA-1762/2005

MA-1135/2005 has been filed on behalf of the applicant seeking clarification of Tribunal's orders dated 17.11.2004 whereby OA-342/2003 was disposed of. Applicant has claimed that relief ought to have been given regarding regularization as Director (ST) with effect from the initial date of appointment, i.e., 10.9.1996, with consequential benefits.

MA-1762/2005 has been filed on behalf of the respondents seeking extension of time for implementation of Tribunal's directions.

We have heard the learned counsel on both the MAs.

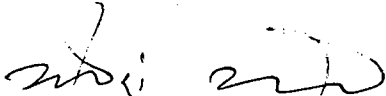
Learned counsel of respondents filed a copy of respondents' order No. A-32013/1/2005-SA dated 25.11.2005 to the effect that applicant has been appointed as Director (Sugar Technical) in the scale of Rs.12000-375-16500 w.e.f. 23.11.2005 until further orders, enclosed with these orders the joining report of the applicant dated 25.11.2005.

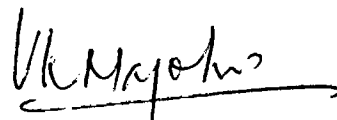
Respondents having passed orders of promotion of the applicant in compliance of Tribunal's directions dated 17.11.2004, MA-1762/2005 is disposed of having become infructuous.

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In MA-1135/2005 , learned counsel of applicant contended that applicant ought to have been promoted not w.e.f. 23.11.2005 but w.e.f. 10.9.96 when he was given ad hoc promotion to the post of Director (ST). Learned counsel stated that applicant had made this prayer in the OA that his services should be regularized in the post of Director (ST) from the date of initial appointment, i.e., 10.9.1996, with consequential benefits. However, respondents have given him the relief w.e.f. 23.11.2005 vide orders dated 25.11.2005. Vide orders dated 17.11.2005 whereby OA-342/2003 was disposed of, although the applicant had sought various reliefs, only the relief granted to the applicant was that respondents would re-examine the entire matter and take a decision with regard to channel and avenue of promotion to the applicant to avoid stagnation and they were supposed to devise their own ways and means to process the above directions. The applicant had not been granted the relief of regularization of his services as Director (ST) from the initial date of ad hoc appointment, i.e., 10.9.1996, with consequential benefits. Such a relief cannot be granted at this stage through MA-1135/2005. If the applicant is not satisfied with the respondents' orders dated 25.11.2005, he may resort to appropriate proceedings as per law.

MA-1135/2005 is accordingly disposed of.


(Mukesh Kumar Gupta)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

cc.