

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P. (C.) No.7655/2008**

% **Date of Decision: 20.11.2009**

Union Of India & Ors Petitioners

Through Mr.Shailendra Tiwary, Advocate.

Versus

Ram Sewak Bhaskar Respondent

Through Mr.Lalta Prasad.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

HON'BLE MR. JUSTICE VIPIN SANGHI

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | Yes |
| 2. | To be referred to the reporter or not? | No |
| 3. | Whether the judgment should be reported in the Digest? | No |

ANIL KUMAR, J.

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The petitioner has impugned the order dated 07.05.2007 in OA No. 1365/2006 titled as Ram Sewak Bhaskar Vs. Union of India and Others whereby the petitioner was directed to pay the arrears of retiral benefits to the petitioner on account of proforma promotion/notional promotion given to the respondent.

Pursuant to the letter dated 16.04.2001 the name of the respondent was placed in the panel of modified selection of Chief Office Superintendant in Grade of Rs.7450-11500(RSRP). The respondent was also given proforma promotion and his pay had been fixed as

detailed in the said communication. By said letter it was also clarified that no arrears of pay were to be paid to the retired employee pursuant to the notional promotion granted and because pay fixation had been done as per Railway Board PS No. 114/2003.

In view of the communication dated 16.4.2007 granting notional promotion to the respondent, the Central Administrative Tribunal had disposed of the petition with a direction to pay the retiral benefits on the basis of notional promotion granted to the respondent. The Tribunal had directed for payment of arrears of retiral benefits and the Tribunal had not ordered payment of arrears of pay to the retired employee.

In the circumstances, there is no fault in the order of the Tribunal directing payment of arrears of retiral benefits on the basis of proforma promotion granted to the respondent.

The writ petition is without any merit and therefore, it is dismissed. Parties are left to bear their own costs.

ANIL KUMAR, J.

NOVEMBER 20, 2009
'bm'

VIPIN SANGHI, J.