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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2358/2001

New Delhi this the 19th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Som Nath Chuchra  
S/O Late Sh. Jiwan Dass  
Chuchra, working as  
Assistant Director (Estt.),  
in the Department of Posts,  
Room No. 116, Dak Bhawan,  
New Delhi-1

R/O 668/8, Dayanand Nagar,  
Bahdadurgarh (HRY)

..Applicant

( In person )

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1. Union of India through the  
Director General, Department  
of Posts, Dak Bhawan,  
New Delhi-110001

2. The Secretary,  
Department of Personnel and  
Training, North Block,  
New Delhi.

.. Respondents

(By Advocate Shri Madhav Panikar )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

In this application, the applicant has impugned the order issued by the respondents dated 7.9.2000 rejecting his representation dated 30.5.2000 on the subject of stepping up of pay w.e.f. 1.12.1999 with his juniors.

2. Today when the case was taken up for admission, Shri Madhav Panikar, learned counsel for the respondents has submitted a copy of the order issued by respondents No. 1 dated 14.2.2002, copy placed on record. He further

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submits that this order has been issued in consultation with the Nodal Ministry i.e. Department of Personnel and Training/Respondent No.2. It is noted from the order dated 14.2.2002 that the respondents have now stated, contrary to their own stand taken in the impugned letter dated 7.9.2000, that consequent upon notional promotion orders issued with respect to the applicant promoting him to Postal Services Group 'B' w.e.f. 29.12.1998, his pay has been revised and ordered to be regulated as per the details given therein. It has also been stated that the applicant will be entitled to arrears of pay and allowances in the scale of Rs.7500-12000 from 13.9.1999 i.e. the date on which the applicant assumed the charge of the post of Postal Superintendent Service (PSS) Group 'B' cadre.

3. In the light of the aforesaid order issued by the respondents dated 14.2.2002, the applicant has fairly submitted that his main grievances have been satisfied, except to the extent that the due arrears of pay and allowances as per the orders have still not been paid to him. Shri Madhav Panikar, learned counsel prays for some time to be given to the respondents to make the necessary payments as per the order dated 14.2.2002. Learned counsel has also submitted that in the circumstances, OA has become infructuous and may be dismissed.

4. It is relevant to note that this OA has been filed on 5.9.2001 and within six months, the respondents

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i.e. the Department of Posts in consultation with the Department of Personnel and Training have issued the necessary orders with regard to revision of the applicant's pay on his promotion to the post of PSS Gr.'B' w.e.f.13.9.1999. However, it is a little disconcerting to note that for the same purpose when the applicant had made a representation to the respondents, the same respondents have rejected his representation by letter dated 7.9.2000. thereby forcing the applicant to file the present Original application. We are also informed that the rejection letter has also been done by respondent 1 in consultation with respondent 2, who have now given a different advice on the basis of which the aforesaid order dated 14.2.2002 has been issued. While it is appreciated that the respondents have taken the necessary decision and not dragged on the litigation further to take appropriate action in the matter in accordance with the relevant rules and instructions, which the applicant states that he is satisfied with, we find that the same decision could have been taken much before the applicant filed the OA on 5.9.2001 so as to avoid such infructuous litigations. Even now the stand of the respondents is that the applicant's revision of pay has been done and regulated in accordance with the relevant provisions of law, rules and instructions, which could have been certainly looked into at the relevant time before the impugned order dated 7.9.2000 was issued. In view of the relevant facts and circumstances of the case, while we dispose of the OA as having <sup>become B-</sup> infructuous, we consider that this is a fit case

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where some costs have to be awarded against the respondents in favour of the applicant.

5. In the result, for the reasons given above, the OA is disposed of as having become infructuous with a further direction to respondent No.1 to pay the arrears of pay and allowances as due to the applicant from 13.9.1999 within one month from the date of receipt of a copy of this order. The respondents shall also pay costs of Rs.1000/-(Rupees one thousand only) in favour of the applicant.

( Govindan S. Tampi )  
Member (A)

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*Lakshmi Swaminathan*  
( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)