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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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OA.No.841 of 1996

Dated New Delhi, this 7th day of January, 1997.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Tushar Kanti Pal
Upper Division Clerk
Ministry of Communications
Department of Telecom(Hq)
Sanchar Bhawan
20 Ashoka Road
NEW DELHI.

... Applicant

By Advocate: Shri D. P. Mukherjee, Sr. counsel
with Shri Bikas Kar Gupta.

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1. Union of India
Through the Secretary
Department of Telecom
Ministry of Communications
Sanchar Bhawan
20 Ashoka Road
NEW DELHI-110 001.
2. The Joint Secretary (A&P)
Department of Telecom
Ministry of Communications
Sanchar Bhawan
20 Ashoka Road
NEW DELHI-110 001.
3. The Assistant Director General (Admn.)
Department of Telecom
Ministry of Communications
Sanchar Bhawan
20 Ashoka Road
NEW DELHI-110 001.
4. The Secretary
Department of Posts
Ministry of Communications
Dak Bhawan
Parliament Street
NEW DELHI-110 001.
5. Department of Personnel & Training
Government of India
Lok Nayak Bhawan Khan Market
NEW DELHI-110 003.
6. Shri C. V. Ranga Venkatesh, Asst.
PAP Section, Department of Posts
Dak Bhawan, NEW DELHI-110 001..... Respondents
By Advocate: Mrs S. R. Khan

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O R D E R (Oral)

Shri A. V. Haridasan, VC(J)

The applicant who is borne on the Central Secretariat Clerical Service, is aggrieved by the fact that on bifurcation of the Posts and Telegraph Department into Department of Posts and the Department of Telecommunications and creation of two separate cadres for the clerical staff, he was denied the opportunity to exercise his option by not communicating the circular inviting option while he was on sanctioned leave away from his Headquarters. He was deprived of the opportunity of opting the Postal cadre. The option was to be exercised latest by 16.6.94, but according to the applicant, the communication addressed to his native place in Calcutta was despatched from Delhi only on 17.6.1994 when he had already left for Delhi. Immediately on reaching back at Delhi, he came to know that there was a circular inviting option. On 8.7.94 he submitted his option to go to the Postal Wing. However, his representation for option was turned down by the respondents by the impugned orders. The Postal Department on 26.8.94 issued a list of 13 officials taken on the cadre of Postal Wing. The applicant therefore, has filed this application for setting aside the impugned orders and for a direction to the respondents to

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allow him to file his option to join Postal Department from the scheduled date of option with all consequential benefits flowing therefrom.


2. The respondents in their reply have admitted that the applicant at the relevant time was on sanctioned leave but, contended that the circular inviting the option was put in transit on 14.6.94 and not on 17.6.94 as stated by the applicant. However, it is contended that as the applicant did not exercise his option within the time stipulated, he is not entitled to give his option.


3. As the issue involved in this case is simple and pleadings are also complete, we admit this application and proceed to dispose it of simultaneously. The only objection against granting the relief prayed for by the applicant is that the applicant has sought to exercise his option beyond the period stipulated for exercise of option. However, one thing which is beyond dispute is that till 14.6.94, the circular inviting option was not even put in transit to the applicant's residential address and that the last date for exercise of option was 16.6.94. Even if, as contended by the respondents, the circular was put in transit on 14.6.94 the applicant would have left by the time his native place to reach Delhi and he could not

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have exercised his option. Even if the applicant remained in his native place, it is doubtful that the communication put in transit on 14.6.94 would have reached in time so that he could exercise his option before 16.6.94. Therefore, it is evident that the applicant has been deprived of an opportunity to opt. Under these circumstances, we have no hesitation to hold that the decision taken by the respondents to reject the request for ^{options} submitted by the applicant for the reason that it is belated, is unsustainable. We, therefore, dispose of this application with a direction to the respondents to reconsider the option given by the applicant on 8.7.94 treating that the applicant had submitted it within the period stipulated, take further action accordingly and to grant consequential benefits to the applicant. The above exercise shall be completed within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.


(K. Muthukumar)
Member(A)


(A. V. Haridasan)
Vice Chairman(J)

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