

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA.NO. 211 of 1997

Dated New Delhi, this 28th day of August, 1997

HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Mohar Singh  
S/o Late Ghoorelal  
C/o Shri B. R. Taneja  
A-23, Derabar Nagar  
DELHI-9.

... Applicant

By Advocate: Shri D. P. Sharma

versus

1. The Union of India, through  
The Secretary  
Ministry of Communications  
(Dept. of Posts)  
NEW DELHI.
2. The Director of Accounts  
(postal), U.P. Circle  
Hazrat Ganj  
LUCKNOW.
3. The Sr. Supdt. of Post Offices  
Mathura Division, Civil Lines,  
MATHURA.
4. The Sr. Post Master  
Civil Lines  
MATHURA.
5. The Post Master General,  
Agra Region  
AGRA.

... Respondents

None for respondents..

O R D E R (Oral)

Heard the learned counsel for the applicant.  
Pleadings are complete in this case. As the issue  
involved is a short one, the OA is being disposed of at  
the admission stage itself after hearing the  
learned counsel and perusing reply of the  
respondents.

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2. The Applicants grievance is that his retiral benefits have been determined with reference to the basic pay of Rs.2050 instead of Rs.2150. 8

His case is that the respondents have not correctly fixed his pay consequent on his being allowed to cross the Efficiency Bar on 1.9.81 after he had undergone two punishments of withholding his increments for three months in the first stage and later on for one year.

3. In the reply filed by the respondents, they have explained that the applicant was allowed increment placing his pay to Rs.420 from 1.12.78 after the expiry of the period of punishment imposed on him by the order of the respondents dated 30.3.78. The second order of punishment was passed on 31.5.78 (Annexure R-2). His due date of crossing Efficiency Bar was 1.9.79. Because of the second punishment he was not allowed to cross the Efficiency Bar on 1.9.79 and after expiry of the punishment for one year, he was due to cross Efficiency Bar on 1.9.82, but the Review DPC did not find him fit to cross Efficiency Bar from 1.9.82. However, after further review on the next year, the applicant was allowed to cross

Efficiency Bar w.e.f. 1.9.81 raising his pay from Rs.420 to Rs.432 and on the basis of the revised pay from time to time his final pay was correctly fixed under notice to him.

4. The learned counsel for the applicant relies on Government of India's Order No.6 under F.R.25 and pleads since the punishment had been revised, the applicant should be allowed to cross Efficiency Bar releasing his earlier increments also when he was allowed to cross Efficiency Bar from 1.9.81. This particular order relates to a case where a punishment order after it was reviewed, is held as not sustainable and therefore the earlier increments were allowed to be reviewed. Here it is a case where the punishment was never reviewed or modified and the applicant had also not appealed against the punishment and, therefore, the reference to the aforesaid orders is not of any help to the applicant.
5. After going through the pleadings, I find no merit in this case. The OA is dismissed. Parties to bear their own costs.

(K. Muthukumar)

Member(A)

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