

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 913/1997

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New Delhi, this the 14th day of March, 2001.

Hon'ble Shri V.K. Majotra, Member(A),  
Hon'ble Shri Shanker Raju, Member(J),

Shri J.P. Avasthi,  
S/o Late Shri Hari Shanker Avasthi,  
Office Asstt.  
Office of P.M.G.  
Agra.  
Residential Address: House No.2/181  
Nanner, Agra-I.  
(By Advocate:Shri D.P. Sharma)

...Applicant.

Versus

1. Union of India,  
Through the Secretary,  
Ministry of Communication,  
(Dept. of Posts)  
New Delhi.
2. The Chief Postmaster General,  
Hazrat Ganj Lucknow.
3. The Postmaster General,  
Agra Region,  
Pratap Pura, Agra.

...Respondents  
(By Advocate:Shri Q.F. Rehman learned proxy counsel of  
Shri S.M. Arif), Shri N.S. Mehta)

O R D E R(Oral)

By Shri V.K. Majotra, Member(A)

The applicant has challenged Annexure A-1 dated 7.4.1995 whereby Respondent No.3, Postmaster General, Agra stated that the applicant had been reverted from the post of HSG-II to the post of LSG Supervisor and on his reversion, the applicant had not joined the duty and as such had not been paid, pay leave salary. The applicant was promoted as HSG-II vide order dated 23.6.86 at Annexure A-2 "purely on adhoc basis" clearly stating that this promotion would not confer any right on regular absorption to the cadre to which he has been promoted. On 11.7.88 (Annexure A-3), the applicant was reverted to the post of LSG Supervisor SBCO. The applicant absented from 4.7.88 to 30.4.95. He claims that he had submitted

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his Medical Certificates to Postmaster, Etah, from time to time and ultimately joined duty on 1.5.1995. He has claimed pay and allowances and leave salary for the period 4.7.88 to 30.4.95. The applicant has also contended that his juniors were promoted to the post of HSG-II and that his work has been satisfactory.

2. The applicant was promoted purely on adhoc basis to the post of HSG-II vide order dated 23.6.86(Annexure A-2) and reverted to the post of LSG Supervisor on 11.7.88 (Annexure A-3). The learned counsel of the respondents has stated that cause of action for the applicant had arisen on 11.7.88. The applicant is stated to have made representations on 29.12.88 and 1.3.89 which was rejected by the respondents on 20.2.89 and 8.9.89 respectively. Thereafter, the applicant has slept over his right and filed this OA against his reversion on 21.4.97. Agreeing with the learned counsel of the respondents, we hold that agitation against reversion on 11.7.88 is clearly time barred. Reliance is placed on JT 1994 (3) SSC 126 Ex. Caption Harish Uppal Vs. Union of India & Others and AIR 1990 SC 10 S.S. Rathore Vs. State of Madhya Pradesh.

3. However, the issue relating to sanction of leave for the period 4.7.88 to 30.4.95 and payment of pay/leave salary and allowances during the related period, being a continued cause of action has to be taken up for adjudication. The learned counsel of the applicant stated that the applicant had submitted the Medical Certificates about his illness to the Post

Master, Etah from where he had proceeded on medical leave. In this connection, the learned counsel showed a number of postal receipts for having despatched the Medical Certificates. The learned counsel of the respondents offered that the respondents would be willing to decide the leave period of the applicant and pay to the applicant pay and allowances/leave salary and allowances, if the leave is sanctioned on the basis of representation and documents to be filed by the applicant.

4. In our view, the ends of justice will be met if the applicant is made to file a representation to the respondents and respondents directed to decide the same within a stipulated period. In this view of the matter, we dispose of the OA directing the respondents to decide the question of applicant's leave period and payment of pay and allowances/leave salary and allowances during the period 4.7.88 to 30.4.95 on applicant making a representation within a period of 15 days to the respondents and the respondents having ~~period~~ a period of 45 days for making a detailed and reasoned order. However, if the applicant remains aggrieved, he shall have liberty to approach the appropriate forum for redressal as per law. 5. OA is disposed of in the above terms. No costs.

*S. Raju*  
(Shanker Raju)  
Member(J)

*V.K. Majotra*  
(V.K. Majotra)  
Member(A)

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