

7

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

O.A.No.2079/94

New Delhi : May 31st, 1995.

HON'BLE MR. S.R.ADIGE, MEMBER(A).

Shri Brij Bhushan Lal Jain,
s/o Late Shri Kanshi Ram Jain,
retired as Sub Postmaster C. Place, New Delhi,
.....Applicant.

By Advocate Shri Sant Lal.

Versus

1. Union of India, through
the Secretary,
Ministry of Communication, Deptt. of Posts,
Dak Bhawan,
New Delhi-110001.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.
3. The Director of Accounts (Postal),
Civil Lines,
Delhi-110054
.....Respondents.

By Advocate Shri M.K.Gupta.

JUDGMENT

In this application, Shri B.B.L.Jain, Sub Post Master(retired) , New Delhi has prayed for quashing of the impugned orders dated 3.5.90 (Annexure-A1) and 14.12.92 (Annexure-A2) and for condonation of delay in exercising his revised option under Finance Ministry's O.M. dated 27.5.88 and for refixation of his pay in the revised pay scale in accordance with the aforesaid revised option and revision of pension, DCRG and the other pensionary benefits, together with arrears thereon.

2. The applicant retired from Govt. service on attaining the age of superannuation on 31.1.88. At the time of his retirement, he was working as Sub-Post Master in Connaught Place Post Office and was drawing basic salary of Rs.2200/- per month. He

8

did not exercise his option for fixation of pay under Rule 7 of CCS(RP) Rules, 1986. On 27.5.88 the Finance Ministry issued an O.M., the last date for exercising option was fixed as 31.3.88. The applicant submitted two applications; one on 8.9.89 and the other on 17.10.89 to the Post Master General, Delhi Circle, New Delhi requesting him to condone the delay and accept the revised option. The Post Master General(PMG), Delhi Circle, condoned the delay by his letter dated 4.12.89, which according to the respondents, he was not competent to do so. Subsequently, it appears that the Finance of the Office of P.M.G, Delhi Circle were not agreed to such relaxation, as a result of which the applicant's grievance still persists.

3. In this connection, from the contents of the Director of Accounts(Postal) Delhi's letter dated 3.5.90(Annexure-A1), it appears that the power to condone the delay in filing the option vests with the President of India vide Rule 13 of CCS(RP) Rules, 1986, and in fact by that letter, the Sr.Suptd. of Post Offices was called upon to resubmit the case of the applicant for revision of pension after obtaining the approval of the competent authority.

4. In the O.A., it has been contended that the circular letter dated 27.5.88 (Annexure-A3) inviting option was not circulated to the employees who retired on 31.1.88, he came to know only on 20.6.89 when he visited Delhi GPO and submitted his option the same day, and it was under those circumstances that the PMG, Delhi Circle, who was the Head of Department, was satisfied that the circumstances

Avl

for the delay given in the application, were genuine and was pleased to condone the delay. In this connection, the applicant has also averred that he was seriously ill in May, 1988 and then in October, 1988 and had to undergo major surgery on 10.10.88, which also contributed him to unable to submit his revised option within the prescribed time period. Furthermore, it has been averred that the applicant has lost vision in one eye and his other eye could not be set right even after operation.

5. Having regard to the fact that the respondents themselves acknowledge that powers to condone the delay in exercising the applicant's option, vest with the President of India under Rule 13 CCS(RP) Rules, 1986 and they themselves had called upon the Sr. Supdt. of Post Offices at one stage to resubmit the applicant's case for revision of pension after approval of the competent authority, it cannot be said that the letter dated 14.12.92 from the Office of Chief PMG to the applicant stating that his request for condonation of delay in exercising his option cannot be agreed to, because the Finance are not agreeing to the final word on the subject, as it is not a speaking, reasoned order.

6. Accordingly this O.A. is disposed of with a direction to Respondent No.1 (Secretary, Department of Posts) to give the applicant an opportunity of being heard, and thereafter in the light of the submissions, if any, made by the applicant before him, as well as any representation that the applicant might wish to submit, pass a detailed, reasoned and speaking order thereon, within four months from the date of receipt of a copy of this judgment.

M

10

7. This O.A. is disposed of accordingly.
No costs.

Infeligi
(S.R. ADIGE)
MEMBER(A).

/ug/