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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 279/83

DECIDED ON : 3.6.1993

N. K. Popli & Ors.

... Petitioners

vs.

Union of India & Anr.

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. B. N. DHUNDIYAL, MEMBER (A)

Shri M. R. Bhardwaj, Counsel for Petitioners

Shri J. C. Madan for Shri P. H. Ramchandani,
Counsel for Respondents

JUDGMENT (ORAL)

Hon'ble Mr. Justice V. S. Malimath, Chairman :-

The only grievance of the petitioners in this case is that the time limit which was extended for opting for the new scales of pay vide Ministry of Finance order dated 13.3.1984 not having been circulated amongst them, they were denied the opportunity of exercising the said option. It is necessary to point out that they had such an option earlier which they did not exercise and preferred to remain in the old scale obviously because that was far more advantageous from their point of view. After the time for exercising the option expired, representations appear to have been made for extension of the time for exercising the said option. It is in the light of the representations that the Ministry of Finance made an order on 13.3.1984 to consider the options exercised belatedly. If the petitioners are right in their stand that they were not given notice of the extension of the time for exercising the option, they would be entitled to complain about the arbitrary action on the part of the authorities in denying them the benefit of exercising the option by not

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informing them about the decision taken to grant the extension. The respondents have taken the stand in the reply that some of the representatives of the Data Processing Units to which the petitioners belong having made the representations along with others the Ministry of Finance made an order on 13.3.1984 for the purpose of granting extension in deserving cases. Office memorandum dated 9.7.1985 (Annexure R-3) has been produced along with the reply enclosing a copy of the order dated 13.3.1984 of the Ministry of Finance and inviting the attention of the officers and staff of the Data Processing Centre, Delhi. It is clear from the same that all the officers and staff were directed to be notified through their sections and notice board. It is also stated in the reply that some persons did avail of this facility offered to them whereas the petitioners did not. There is no good reason to disbelieve the stand of the respondents that the attention of the staff of the Data Processing Centre, Delhi was invited to the order of the Ministry of Finance, dated 13.3.1984 by publishing the same on the notice board and communicating the same through the respective sections. There is also a presumption in regard to the regularity of proceedings and conduct of official business. The petitioners have not placed any material to rebut this contention of the respondents.

2. On the materials placed before us, we are satisfied that there was due publication of the order regarding extension of time dated 13.3.1984. It, therefore, follows that the petitioners did not exercise their options within the time granted to them on their own volition. They cannot now, therefore, contend that they lost the opportunity to exercise their options. Hence, this petition fails and the same is accordingly dismissed. No costs.

B. N. Dholiyal
(B. N. Dholiyal)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman