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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1634/90

New Delhi: June 7th, 1995.

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

HON'BLE MRS.LAKSHMI SWAMINATHAN , MEMBER (J)

1. Shri Bhupal Singh Tomar,
s/o Shri Attar Singh Tomar,
Postal Assistant, Gandhi Chowk,
P.O. Baraut, Distt. Meerut (UP).
r/o Vill. & P.O. Shahpur Baraut,
(via Baraut) Distt. Meerut,
UP.
2. Bhartiya Postal Employees Union,
Baraut Branch, Baraut (U.P.)
through its Treasurer Shri Bhupal
Singh Tomar,
s/o Shri Attar Singh Tomar, its treasurer.

.....Applicants.

By Advocate Shri N.S.Verma.

Versus

1. Union of India through
Secretary, Ministry of Finance,
Govt. of India,
North Block, Central Secretariat,
New Delhi.
2. The Director General (Posts),
Secretary to the Govt.
& Chairman Postal Services Board,
Dak Bhawan, Sansad Marg,
New Delhi.

.....Respondents.

By Shri Rohtash Chander Gupta, Departmental
Representative for respondent No.2.

None for the Respondent No.1

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A).

In this application, the Bhartiya Postal Employees Union, Baraut Branch, UP through its Treasurer Shri Bhupal Singh Tomar, Postal Assistant, Gandhi Chowk P.O. Baraut, Distt. Meerut (UP) has claimed HRA/CCA at 'C' Class City rates w.e.f.

1.2.83.

2. The Union claims to represent Class III and Class IV employees of Post Offices located within

8 kms. of Baraut town. By U.P. Govt. Notification dated 31.1.83 (Annexure-A), the limits of Baraut Town were extended, and consequently the population of the Baraut town which was 46,292 as per 1981 census, increased by 5,524 and thus totalling 51,816, by Director of Census Operations, UP Lucknow's letter dated 2.6.88 (Annexure-D). Consequently, the applicants represented to Respondent No.1 (UOI, through the Secretary, Finance Ministry) for grant of 'C' Class status to Baraut Town w.e.f. 1.2.83. Their grievance is that although they claimed 'C' Class status to Baraut town w.e.f. 1.2.83, it was made effective from 1.7.90 instead of 1.2.83. They contend that their subsequent representation to make the orders effect from 1.2.83 have gone unanswered, compelling them to file this O.A.

3. From the order sheet dated 23.3.95, it would appear that it had come to attention that it was actually the Department of Expenditure, Ministry of Finance, which was to deal with the matter, and accordingly notice had been issued to them but none appeared on their behalf although S.R. of notice was stated to have been served upon them. On behalf of Respondent No.2 i.e. Director General (Posts), one Shri Rohtash Chander Gupta appeared.

4. We have heard Shri N.S. Verma for the applicant. Shri R.C. Gupta was unable to assist us very much in this matter because he has correctly pointed out that a decision in this matter has ^{to} been taken by the Department of Expenditure, Ministry of Finance. However, as no reply was filed by them, and none appeared on their behalf, we are unable to ascertain their side of issue, and without knowing

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that, we find ourselves handicapped in pronouncing authoratively upon this issue.

5. In the result, we dispose of this application at this stage, with a direction to Respondent No.1 (Secretary, Department of Expenditure, Ministry of Finance)^{Govt. of India} to examine the claims of the applicants, who claimed^{to} to represent Class III and Class IV employees of P.O. Baraut Town for grant of HRA/CCA at 'C' Class City rates w.e.f. 1.2.83, and dispose of the same by means of a detailed, reasoned and speaking order within two months of the date of receipt of a copy of this judgment, under intimation to the applicants. If any grievance survives thereafter, it will be open to the applicants^{after the} exhausting^{the} available departmental remedies, to agitate the same through appropriate^{original} proceedings in accordance with law.

6. This application is disposed of accordingly.
No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

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