

Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-2792/2004  
MA-2189/2004  
MA-666/2004

New Delhi this the 5<sup>th</sup> day of June, 2006.

Hon'ble Mr. Shanker Raju, Member(J)  
Hon'ble Mrs. Chitra Chopra, Member(A)

Mr. Mohd. Ibrahim,  
S/o Sh. Haji Abdul Hamid,  
Ex-Sorting Assistant(Clerical Cadre)  
Gali No.19/House No. RZ-344/19,  
Tughlakabad Extension,  
New Delhi-19.

..... Applicant

(through Dr. Manmohan Sharma, Advocate)

Versus

1. The Union of India through  
the Secretary,  
Ministry of Communications,  
Department of Posts,  
Dak Bhawan,  
New Delhi-1.
2. The Chief Postmaster General,  
U.P. Circle,  
Department of Posts,  
Lucknow-226001(UP).
3. The Director Postal Services,  
(Headquarters) O/o the Chief  
Postmaster, General U.P. Circle,  
Lucknow-226001(UP).
4. The Senior Superintendent,  
Railway Mail Services,  
Department of Posts,  
RMS "O" Division,  
Lucknow-226004(UP).

..... Respondents

(through Sh.J.B. Mudgil, Advocate)

Order (Oral)

Hon'ble Sh. Shanker Raju, Member(J)

Heard the learned counsel for the parties.

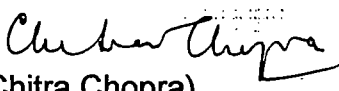
2. Applicant, who superannuated on request of voluntary retirement in 2001, on a disciplinary inquiry and long litigation, which ultimately culminated into exoneration even after liberty was accorded by the Apex Court to hold the

departmental enquiry, which respondents have decided under Rule 9 of the CCS(CCA) Rules to continue the same but later on withdrew the charges. The relief claimed is to promote the applicant as TBOP w.e.f. 12.4.1986, refix his pay w.e.f. 1982 and after this fix again his pay in TBOP w.e.f. 12.4.1986 as the punishment period without cumulative effect was imposed on 1.9.1980 has lost its effect. A direction has also been sought to release his increments/EBs and pay arrears by drawing the pay scale of TBOP w.e.f. 12.4.1986. Another relief claimed is that the decision taken by the respondent as to the service book and leave account be furnished to the applicant.

3. It transpires that the applicant, who had been facing a criminal case at Jalandhar. Due to his non-appearance, attachment orders have been issued. Being a judicial order, the respondents though calculated all his arrears as per Paras 8.1 and 8.2 of the OA, yet the same are not released because of the constraints of the judicial order.

4. In the event, a final decision as to the adjudication is taken by the concerned Criminal Court of criminal jurisdiction at Jalandhar, thereafter within one month retrial and other arrears due to the applicant shall be released with interest admissible under the Rules. It is also directed that within two weeks from the date of receipt of a copy of this order, respondents shall furnish a copy of their decision dated 1.7.2004 to the applicant.

5. In view of the above, O.A. stands disposed of. MAs are disposed of accordingly. No costs.

  
(Chitra Chopra)  
Member(A)

  
(Shanker Raju)  
Member(J)

/w/