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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.2568/92

Date of Decision: 19.4.93

Shri B.L. Sharma

Applicant

Versus

Union of India

Respondents

Shri Sant Lal

Counsel for the applicant

Shri M.L. Verma

Counsel for the respondents

CORAM: The Hon. Mr. N.V. Krishnan, Vice Chairman (A)

The Hon. Mr. C.J. Roy, Member (J)

1. Whether Reporters of local papers may be
allowed to see the Judgement?

2. To be referred to the Reporter, or not?

JUDGEMENT (Oral)

(delivered by Hon. Vice Chairman (A) Shri N.V. KRISHNAN)

The grievance of the applicant is that the memorial addressed by him to the President of India has been withheld vide annexure A1 letter dated 6.4.92 from the Post Master General (2nd respondents). It is stated therein, that the Directorate has already rejected the earlier petition by the order dated 1.6.84 after considering all the aspect and therefore the petition was withheld.

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2. We have heard the learned counsel for the applicant. He states that the applicant who had about 17 years service submitted his voluntary resignation from service some time in the year 1977. Though he later on tried to withdraw the letter of resignation, that was not permitted. An OA 271/86 filed by him in this regard in the Chandigarh Bench of this Tribunal was dismissed. However, subsequently, the applicant was reemployed by the respondents subject to some conditions. It is after this reemployment in the year 1981 that the applicant sent a memorial to the President of India on 1.4.91 vide Annexure A-3, through proper channel, requesting that the past service may be counted for the purpose of pension and gratuity only. A reminder was sent by the applicant on 24.3.92 vide annexure A4. It is in respect of this memorial that the applicant has been directed to be informed vide Annexure A1 of the 2nd respondent that the memorial to the President has been withheld.

3. The learned counsel for the respondents states that a reply has been filed in the Registry today with a copy given to the learned counsel for the applicant also. A copy thereof has been given to us also. The learned counsel for the respondents submits that in the offer of re-appointment given to the applicant vide annexure R1 letter of the Director General of Posts and Telegraphs addressed by the 2nd respondents as well as in the subsequent letter dated 26.2.81, Annexure R-2 addressed by the latter to the Senior Superintendent of Post Offices, it was made clear that the applicant's pay on re-appointment will be fixed on the minimum pay scale, as he was to be treated only as a fresh recruit and his past service will not be counted for any thing. The direction

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to the Superintendent of the Post Offices in the R2 memorandum states that this condition should be made clear to the applicant and a declaration to this effect should be obtained from him and kept on records before his reemployment and necessary entries should also be made in the service records etc. These conditions have been accepted by the applicant at the time of reemployment as is evident by the R3 declaration, dated 30.6.81. Copies of the earlier memorial dated 31.7.84 to the President of India and its rejection by the 2nd respondent by letter dated 27.10.86, in view of the decision of the Directorate General are filed as annexure R-4 and R5.

4. We have heard the learned counsel for the applicant.

5. Admittedly, he was informed by the letter dated 11.6.84 of the second respondent communicated to him by the Senior Superintendent of Post Offices letter dated 18.6.84 (Annexure A-5) that his petition dated 22.3.83 in this behalf has been rejected by the Director General P&T. He does not state that he does not have a case and therefore, he sent a memorial dated 31.7.84 to the President of India and that it was rejected by the second respondent himself- without apparently forwarding it to any higher authority- by his letter dated 27.10.84, a copy of which was sent to the applicant. But that is one of the points urged by the respondents who have filed R4 and R5 respectively which are copies of the memorial and the letter. If this be the position, the grievance of the applicant arose as early as on 18.6.84, when the Annexure

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A5 letter was sent to him and hence, sending a memorial dated 1.4.91 to the President of India (Annexure A3) - the first ^{one} ~~are~~ according to the applicant- is an extremely belated action, though the second respondent withheld it for another reason, we cannot shut our eyes to the fact that the applicant is guilty of ~~lacks~~ ^{less} _{it} in this regard.

6. That apart, on merits, we find no substance. We are of the view that as the applicant has accepted the offer of reemployment by submitting himself to the conditions stipulated in the R1 and R2 memorandum, one of which was that his earlier service will not be counted for any purpose. We feel that he has no right to reagitate the matter. Therefore, we cannot find fault with the 2nd respondent, when he withheld the annexure A-3 memorial addressed to the President of India.

7. In the circumstances, we find that this application has no merit and dismissed with no order as to costs.

Ershoy
(C.J. ROY)
MEMBER (J)
19.4.93

Parve
(N.V. KRISHNAN)
VICE CHAIRMAN (A)
19.4.93