

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

(15)

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 20th day of February, 2002.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member- A.

Hon'ble Mr. A.K. Bhatnagar, Member- J.

Orginal Application No. 09 of 1997.

R.B. Verma S/o Late Vishwanath Verma a/a 57 years.
R/o 117/2F, Radha Nagar, Phulwaria Road,
Daraganj, Allahabad.

.....Applicant

Counsel for the applicant :- Sri S.L. Kushwaha

V E R S U S

1. Union of India through the Secretary, M/o Defence (Finance), New Delhi.
2. Controller General of Defence Accounts, West Block- V. R.K. Puram, New Delhi.
3. Controller of Defence Accounts, Patna.

.....Respondents

Counsel for the respondents :- Km. S. Srivastava

O R D E R (Oral)

(By Hon'ble Mr. C.S. Chadha, Member- A.)

The case of the applicant is that he was working as an Assistant Accounts Officer (AAO) at S.L.A., CVD, Panagarh and he was not duly informed about the extention of the date for filing option up to 31.12.1988 regarding fixation of pay in accordance with revised scales. He claims

C. Chaudhary

that since he was not informed about this provision, he could not apply in time and his pay, therefore, was wrongly fixed. Learned counsel for the respondents has stated that the information was sent to all the offices and the information was received in the office in which the applicant had worked, because the person who received it, Sri V.K. Malakar, and the applicant, both signed in the same attendance register. The claim of the applicant is that he worked in SLA, CVD whereas the notice was sent to L.A.O.B, Panagarh. This has been rebutted by the respondents by showing the original records which relate to SLA, CVD, Panagarh.

2. The case of the applicant is that he should have been notified personally as per the circular dated 02.12.1998 by the Controller of Defence Account, Patna. We are afraid that the intention of the department was never to notify each person personally but to send such notices to all the departments. It is not possible for the department to notify each individual separately. The notification of circular dated 02.12.1998 is not for notifying each person. The department discharged the duty by informing all the concerned offices through the letter which was duly received in the offices of the applicant. We are unable to understand why the person dealing with accounts him-self was not aware about the information for exercising the option up to 31.12.1998. In fact, initially he should have applied even before the extended date. It cannot be considered that he was unaware all the proceedings and that he must be informed by the personal notification. We are

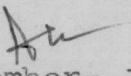
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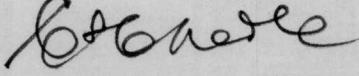
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unable to agree with the contention that he failed to exercise his option due to a failure of the department. The O.A is accordingly dismissed.

3. There will be no order as to costs.


Member- J.


Member- A.


/Anand/