

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1442 of 2001

Allahabad this the 11th day of December, 2001

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, A.M.

Hari Prasad Gupta, Son of Late Sri Ram Lal Gupta,
at present working as Sorting Assistant R.M.S.(G)
Division, Gorakhpur, R/o South Betia Hata, Gorakhpur.

By Advocate Shri Anil Kumar

Applicant

Versus

1. Union of India through Secretary, Postal Services
New Delhi.
2. Director, Postal Services, Gorakhpur.
3. Senior Superintendent R.M.S(G) Division, Gorakhpur.
4. Head Record Officer, R.M.S.(G), Division Gorakhpur.
5. Post Master General, Gorakhpur.

Respondents

By Advocate Shri R.C. Joshi

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. the applicant has prayed
that the orders dated 09.03.90 and 08.03.91 may be
implemented. He has also prayed for a direction to
the respondents to pay the difference of pay and
allowances from the due date 14.08.95 alongwith
10% interest per annum.

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2. The facts in short giving rise to this application are that the applicant was subjected to disciplinary proceedings in which he was awarded penalty of removal from service. However, the appeal was allowed and he was reinstated. He again approached for orders for the period of suspension i.e 14.08.81 to 13.09.85. The prayer was that the period of suspension may be treated for the purpose of salary and allowances. The period stated was from 14.08.81 to 31.08.87. Senior Superintendent passed the order dated 22.02.88 denying the claim of the applicant, then he filed appeal before the Director, Postal Services. Director Postal Services decided the appeal on 09.03.90. The operative portion of the order reads as under:-

"I, Mrs. Suneeta Trivedi, D.P.S. Gorakhpur Region, Gorakhpur, therefore, after considering all the circumstances of the case pass the following order in this case (i) the period of suspension from 14.08.81 to 13.09.85 shall be treated as duty for the purpose of pension only and the pay and allowances for the said period shall be restricted to the subsistence allowance already paid to the appellant (ii) the period from 14.9.85 to 31.8.87 shall be treated as duty for all purposes and the appellant shall be entitled for full pay and allowances for the said period."

3. The grievance of the applicant is with regard to the period 14.08.81 to 13.09.85 and submission is that he is entitled for increments etc. He also approached the Senior Superintendent, who passed the order on 08.03.91 to the effect that the applicant will be entitled for increment and the pay of the official should be fixed on 14.09.85 taking into account all the pending increments and the

arrears may be paid thereafter. In our opinion, in the facts of the present case applicant should have approached an authority superior to Director Postal Services. At the moment there are two orders which appear to be in conflict with each other and a direction for their implementation shall not be appropriate until the conflict is resolved by an order by the superior departmental authority.

4. For the reasons stated above, we do not think that the applicant is entitled for any relief as claimed. However, the applicant is still in service. If he is advised, he may file a representation before the Post Master General, Gorakhpur, which may be considered and decided in accordance with law by a reasoned order expeditiously in any case before the applicant retires from the service. Subject to above directions, O.A. stands disposed of finally. No cost.



Member (A)



Vice Chairman

/M.M./