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THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH- ALLAHABAD.

O.A. No. 1195 of 1992.

Shri Bechan Singh Bisth..... Applicant.

Versus

The Union of India & others..... Respondents.

Hon'ble Mr. Maharaj Din - J.M.

(By Hon'ble Mr. Maharaj Din - J.M.)

This is an application under Section 19 of the Administrative Tribunals Act seeking relief that the respondents should be directed to fix the pay of the applicant higher than Sri M.D. - Kothiyal from the date of promotion and also to pay the entire arrears of salary to the applicant. It has been further prayed that the respondents be directed to fix the salary of the applicant in the lower selection grade of the post of Sub- Post Master as per Fundamental Rule 22-C.

2. The applicant was appointed as a Clerk in the Postal Department on 5th May, 1956. In the year 1979, the applicant was given selection grade on 13.4.1979 and was promoted in the lower selection grade on the basis of Divisional seniority as Sub - Post Master. Sri M.D. Kothiyal, above whom the applicant is claiming seniority was also appointed as a Clerk in the year 1957 and was junior to him. Sri M.D. Kothiyal was wrongly shown as senior to the applicant and as such was given officiating promotion in the lower selection grade from time to time. The applicant made representation for fixation of seniority and also for his promotion upon which seniority was refixed on 9.3.79 and on Divisional seniority list, the name of the applicant was placed at serial no. 1212, whereas Sri M.D. Kothiyal was placed at Sl. No. 1538. The applicant and Sri M.D. Kothiyal were promoted together to the lower selection grade as Sub Post Master in the month of May, 1979 (Annexure-A-1). It is stated that M.D. Kothiyal was wrongly given officiating promotion in the lower selection grade on account of which he was getting higher pay at the time of promotion than the applicant who was senior to him. The applicant made representation to the Director General, Department of Posts New Delhi for removal of the anomaly of the pay which he was getting

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less than his junior (Annexure A-2). The applicant also made a detailed representation to the Director of Accounts (Postal) U.P. Circle Lucknow for fixation of his pay while he was promoted to the lower selection grade (Annexure A-3). The matter was also examined by the Director of Postal Accounts, U.P. Circle Lucknow who wrote several letters to the Superintendent of Post Offices Gopeshwar, District Chamoli regarding fixation of the pay of the applicant (Annexure A-4). But the representations of the applicant are still lying un-disposed of with Superintendent of Post Offices Gopeshwar, District Chamoli.

3. The learned counsel for the applicant has stressed that the application can be disposed of at admission stage by issuing direction to the respondents to dispose of the representation. The representations of the applicant are lying un-disposed of with respondent no. 4 despite directions of the Higher Authorities. In my opinion it would be just and proper to afford an opportunity to the respondents, first to dispose of the representations of the applicant about the fixation of his pay. As such respondent no. 4 Superintendent of Post Offices Gopeshwar, District Chamoli is directed to dispose of the representation of the applicant by passing an speaking order within a period of three months from the date of communication of this order.

4. This Original Application is accordingly disposed of at the admission stage.

Dt: Sept. 6, 1992.

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Member (J).