

O.A./13/89

(3)

CORAM : Hon'ble Mr. P.M. Joshi : Judicial Member
Hon'ble Mr. P.S. Chaudhuri : Administrative Member

25/04/1989

Heard Mr. B.B. Gogia the learned counsel for the petitioner. In view of the points raised in the application, in our opinion, they deserve consideration. Accordingly, application is admitted. Issue notices to the respondents. The respondents are directed to file their reply within 30 days from the receipt of the notice. They are also directed to furnish a copy of the reply to the petitioner. The case be posted on 5th June, 1989 for further direction before Registrar.

(P S Chaudhuri)
Administrative Member

(P M Joshi)
Judicial Member

*Mogera

OA/13/89

Shri Tapubhai K.Gorwadia,
Laxmi Nivas,
5, Bhagwatipura,
Rajkot-2.

: Petitioner

Versus

1. Union of India
Through: Secretary,
Postal Department,
New Delhi.

2. Superintendent of Railway
Main Service, Rajkot Division
Rajkot.

: Respondents

Coram : Hon'ble Mr. P.H. Trivedi

: Vice Chairman

ORAL ORDER

Dt: 7/11/1989

Per: Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Heard Mr.B.B.Gogia, the learned advocate for the applicant. Mr.J.D.Ajmera, learned advocate for the respondent not present. It appears in this case that the petitioner's grievance is regarding recovery on account of pay fixation vis-a-vis ~~in~~ the pay fixed ~~from~~ Mr.Jadeja and in this respect it is stated in the second ^{at} para page-4 of the reply that the audit office did not allow the applicant's pay to be stepped up as he did not fulfilled the conditions laid down under proviso-2 below Rule-8 of CCS. R.P. Rules, 1986. So far as the petitioner's case regarding pay fixation vis-a-vis Shri Rajguru is concerned learned advocate states that a fresh consideration will have to be given to his case. It appears from the comments against para-1 in the Memo dated 24.11.1987 annexed at page 29 his reply that formal sanction of DSP/PMG is necessary as per provision of FR-27.

It is found in this case ^{that} the question of pay fixation involves reference to several documents relating to the dates on which officiating promotion was allowed to the petitioner and M/s.Rajguru and Jadeja which is reflected

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in the dates on which increments were allowed to them with reference to which the petitioner's grievance arises. It is a matter in which problems of accounting, administrative decision^d regarding making local arrangements for officiating promotions and interpretation of FR and SRs are involved. It is appropriate therefore that the case is referred to a competent authority namely Post Master General who should take into consideration the grounds urged in the pleadings of both parties and without being inhibited by the reply of the respondents ^{should} ~~who~~ make a decision on merits by means of a speaking order giving reasons for accepting or refusing the grounds taken. It is directed that this be done within four months of the date of this order. Any action being taken for effecting recovery be implemented only after the speaking orders aforesaid are passed. With this observation and direction, the case is disposed of.

Phenri
(P.H.Trivedi)
Vice Chairman

a.a.bhatt