

17

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.145 of 1988

Date of decision : January 3,1989.

All the Postal Employees working under the direct control of Superintendent of Post Offices, Baripada in the district of Mayurbhanj represented by Shri Bipin Behari Das, aged about 50 years, s/o Sri Anam Charan Das, Orissa Circle, Secretary associated with All India Postal Employees Union, At- Chandini-Chowk, Town/Dist.Cuttack.

...

Applicant.

Versus

1. Postmaster General, Orissa Circle, Bhubaneswar, At/P.O.Bhubaneswar, Dist-Puri.
2. Superintendent of Post Offices, Baripada, At/P.O.Baripada, Dist.Mayurbhanj.
3. Union of India represented by Secretary to the Government of India, Ministry of Communication, New Delhi.
4. Director General of Post, Dak Bhawan, Sansad Marg, New Delhi-1.

...

Respondents.

For the applicant ... Mr.Pradipta Mohanty, Advocate.

For the respondents ... Mr.A.B.Mishra, Sr.Standing Counsel
(Central)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
-

J U D G M E N T

K. P. ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant is one Shri Bipin Behari Das representing all the Postal Employees working under the direct control of the Superintendent of Post Offices, Baripada in the district of Mayurbhanj and being the Secretary is associated with All India Postal Employees Union and the prayer of the applicant is to direct the respondents to pay the Tribal area allowance in view of a decision taken by the Government of India and communicated vide Annexure-1.

2. Shortly stated, the case of the applicant on behalf of the Postal employees of Mayurbhanj district is that the Government of India took a decision that those incumbents working in the Tribal area would be entitled to a special allowance according to the pay range as determined and mentioned in letter No. 20022/7/87-EII(B) dated 1.12.1987 from the Ministry of Finance. The grievance of the applicant is that despite such directions issued by the Ministry of Finance, the postal employees serving in Mayurbhanj district have not yet been paid their dues so far as the tribal area allowance is concerned and it is further prayed that necessary directions be issued to the competent authority.

3. In their counter, the respondents maintained that the matter has been channelised before filing of this application and as such, it is maintained by the respondents that the application being not maintainable, is liable to be dismissed.

4. We have heard Mr. Pradipta Mohanty, learned counsel for the applicant and Mr. A.B. Mishra, learned Senior Standing Counsel (Central) at some length. Mr. Mohanty submitted that in view of clarification issued by the Department of Posts (Ministry of Communications) Dak Bhavan, New Delhi dated 19.5.1988, payment should be made by the competent authority to the postal employees serving in Mayurbhanj District. The clarification contained in Annexure-R-4 runs thus :

" I am directed to refer to your letter no. Est/1-3/1/88-Corr dt. 12.4.88 on the above subject and to clarify that the Tribal area allowance will be admissible after completion of four years of continuous service in one or more of the scheduled tribal blocks as on 1.3.87 or thereafter and subject to the condition for drawal of Tribal area allowance. "

This letter has been issued to the Postmaster General, Orissa Circle, Bhubaneswar. From the above quoted letter it is crystal clear that those incumbents who have either completed four years of continuous service ^{from} ~~from~~ ^{1.3.1987} in scheduled tribal blocks or after completion of four years subsequent to 1.3.1987 would be entitled to the allowance fixed by the Government of India. Needless for us to state that the blocks in which different incumbents are serving would be entitled to such allowance ^{as} has been stated in the enclosure to Annexure-A/1 and we hope the competent authority would take into consideration all these matters and pay the amount due to the employees within three months from today if not already paid.

44 24

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs,

[Signature]
2/2/89
.....
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,



[Signature]
3.1.89
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 3, 1989/S.Sarangi.