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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 188 of 1993

Cuttack this the 12th day of February, 1996

Choudhury Gagan Chandra Das ...

Applicant(s)

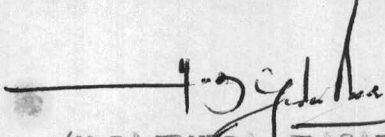
Versus

Union of India & Others ...

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of No.
the Central Administrative Tribunal or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

12 FEB 96

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 188 of 1993

Cuttack this the 12th day of February, 1996

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

...

Choudhury Gagan Chandra Das, aged
about 60 years, son of late Choudhury
Radhashyam Das, At/PO: Kotian,
Via: Kaduapada, Jagatsinghpur
District: Cuttack

...

Applicant

By the Advocate: M/s. Devanand Mishra
R.N. Naik
A. Deo,
B.S. Tripathy
P. Panda
D.K. Sahu

Versus

1. Union of India represented by its
Secretary in the Department of Posts,
Dak Bhawan, New Delhi
2. Chief Post Master General,
Orissa Circle, Bhubaneswar
District: Puri
3. Senior Superintendent of Post
Office, Cuttack City Division,
Cuttack

...

Respondents

By the Advocate: Mr. Ashok Mishra
Standing Counsel (Central)

...

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): This Original Application was
filed on 7th April, 1993, admitted on 14.4.1993, counter
was filed on 13.7.1993, the hearing was adjourned on
5.1.1995 and 15.1.1996, and heard finally on 17.1.1996.

2. The applicant, Shri Gagan Chandra Dash, was

working as time-scale Postal Assistant at Paradeep Port Sub Office, during November, 1974. Under a Scheme for 20% promotions of T.S. Postal Assistants to Lower Selection Grade (L.S.G.), Respondent 2 approved the promotion of the applicant to L.S.G. on 14.11.1974, his name figuring at Sl. No.166 in a list of 223 officials so approved to be promoted. Pursuant to this, Respondent 3, posted the applicant from Paradeep Port Sub Post Office to Biribati Sub Post Office. It is seen from Annexure-5 to the counter-affidavit that the applicant declined, on 8.1.1975, his promotion and posting to Biribati for a period of 6 months owing reportedly to the ill-health of his wife. Ultimately he joined at Biribati on 20.8.1975.

3. It is seen that the promotion offered to the applicant was to take effect from 1.6.1974, subject to certain conditions. The grievance in the present Original Application is that the applicant was not paid higher emoluments of Lower Selection Grade from 1.6.1974 till the date of his joining at Biribati on 29.8.1975. He prays for a direction to the respondents to count this period from 1.6.1974 to 28.8.1975 for the purpose of pay fixation and pension.

4. The application is misconceived. The selection, approval and promotion of the applicant from time-scale P.A. to L.S.G. was subject to the condition that the official would work against an identified post in an office to which he was posted. The applicant, for his

— 10 July 1975 —

personal reasons, declined promotion and joined the office of his posting only on 28th August, 1975. No higher emoluments are, therefore, admissible during this period, nor can he claim any consequential benefits.

There is no merit in the application. The same is disallowed. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

12 FEB 96.

B.K.Sahoo//