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O.A. No. 516/08

ORDER DATED 20th FEBRUARY, 2009

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Heard Mr. P.K. Padhi, Ld. Counsel for the Applicant and Mr. P.R.J. Dash, Ld. Counsel for the Respondents.

2. It is also to be noted that when this matter for the first time came up for admission, this Tribunal observed that the matter is a belated one as the cadre upgradation given to the similarly placed persons was in the year 2007. Hence the applicant was directed to explain delay by filing an affidavit, whereafter the matter would be taken up for admission. Accordingly the applicant has filed an affidavit explaining delay. The reasons assigned thereon is convincing and accordingly, the delay is condoned and M.A.80/09 is disposed of accordingly.

3. This Original Application has been filed by the applicant owing to non-consideration of his case for payment of B.C.R scale/financial upgradation. It is an admitted fact before this Tribunal that the applicant was appointed as Postal Assistant on 27.12.1980 and *at this time* ~~the meantime~~ *he* has completed 28 years of service. ~~However,~~ As per Annexure-A/1 circular dated 11.10.91 of the Govt. of India, Ministry of Communication, Department of Posts, all the employees coming under Group 'C' and 'D' are entitled for financial upgradation

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on completion of 16 years and 26 years respectively, for the purpose of allowing him financial upgradation. The case of the applicant is that although some of his juniors have been considered, and allowed financial upgradation, he has been discriminated against his representation as per Annexures A/2 & A/3 is still pending consideration.

4. Having regard to the above, this Tribunal is of the view that the matter can be disposed of at the admission stage without considering the merit of the contentions raised in this Original Application by directing the Respondents No.2 and 3, especially, Respondent No.2 to consider the entire case of the applicant as narrated therein Annexures-A/2 & A/3, which are addressed to Respondent No.3 within a reasonable time at any rate within 90(ninety) days of the receipt of the copy of this order. Ordered accordingly.

5. The applicant shall also send a copy of this O.A. and the document thereof to Respondent No.3 for compliance of this order. The O.A. is disposed of at the admission stage. No costs.

L. Kappan
MEMBER (J)