

ORDER DATED 4th OCTOBER, 2010

P.L BholApplicant
Vrs.
Union of India & OthersRespondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

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Heard Sri Sanjib Mohanty, Ld. Counsel for the applicant and Sri D.K. Behera, Ld. Addl. Standing Counsel appearing on notice for the Respondents on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. By filing this Original Application the applicant seeks higher scale of Senior Time Scale in the Postal Service from 01.11.2006 to 31.07.2009 during which period he had been asked to officiate on promotion to JTS Group-A in a post meant for Senior Time Scale Post. In this connection he has already submitted a representation dated 19.01.2010 (Annexure-A/18). The applicant has since retired on 31.07.09. No decision has yet been communicated to him with reference to his representation/application at Annexure-A/18 due to which he has filed the present O.A. seeking the following relief:-

- “ (A) To allow the applicant to draw the pay scale attached to the post of Senior Time Scale in Indian Post Office Services Group-A as per Annexure-A/6 for the entire period 01.11.2006 to 31.07.2009 as has actually worked in the post as per order of the Respondent No.2 and to direct the respondents to pay the applicant pensionary benefits and consequential reliefs based on such fixation within a stipulated period
- (B) To allow the due increment on 1st July of 2007, 2008 & 2009 as per the recommendation of 6th CPC in pay Scale of Senior time Scale Group-A Post.

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- (C) To direct the Respondents to treat the adhoc appointment period from 01.11.2006 to 28.07.09 continuous quashing the period of reversion.
 - (D) To pass any such other relief's/orders, may be deemed fit and proper in the interest of justice."
 - (E) To order and direct the Respondents to pay the cost of litigation to the applicant.

3. Sri D.K. Behera, Ld. Addl. Standing Counsel for the Respondents submits that since the representation is still pending and no decision has been taken so far by the C.P.M.G., Orissa Circle, Bhubaneswar, it would be worthwhile to wait for a decision of the competent authority regarding grant of higher scale to the applicant. The applicant claims that he is entitled to this relief in terms of the Hon'ble Apex Court's decision in the case of Selva Raj Vrs. Lt. Governor of Island Port Blaire and Others [1999 AIR (SC) 838] and in the case of Dwarika Prasad Tiwari Vrs. M.P. State Transport corporation and another [2002 SCC (L&S)9].

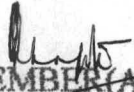
4. In the aforesaid premises, without any waste of time, at this stage it would be proper that the case of the applicant is remitted to Respondent No.2 to consider the claim of the applicant in terms of the extant rules/instructions as well as the Hon'ble Apex Court's decisions referred to above within a reasonable time frame and convey the decision to the applicant. Ordered accordingly. Respondent No.2 shall consider the matter within a period of three months from the date of receipt of copy of this order and issue a reasoned order.

5. With the above observation and direction without going into the merit of the case this Original Application is disposed of at the stage of admission itself.

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6. Send copies of this order to the Respondents (together with the copy of this O.A) and also copy of this order may be supplied to the Ld. Counsel appearing for the parties.


~~MEMBER(A)~~

K.B

