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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

OA No. 161 of 2011

Chandramani Jena ....Applicant  
-Versus-  
Union of India & Ors. .... Respondents

ORDER DATED – 24<sup>th</sup> April, 2012.

CORAM

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

And

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

Applicant on attaining the age of superannuation retired  
from service on 31.12.2006. The prayer of the applicant in this OA is  
as under:

- “(i) Your Lordship be pleased to direct the respondent to fix the pension on the basis of pay of HSG I including the increments;
- (ii) And further be pleased to direct the respondents to give the differential pension amount from the date of retirement;
- (iii) Your Lordship be pleased to quash the order dated 15.2.2011 under Annexure-A/7 passed by the Respondent No.2;
- (iv) This Hon'ble Tribunal be pleased to direct the respondents to disburse the deducted amount of Rs.18,500/- in favor of applicant within a stipulated period;
- (v) This Hon'ble Tribunal be pleased to direct the respondent No.5 to regularize the officiating period of the applicant from 19.11.02 to 04.10.2005;
- (vi) And this Hon'ble Tribunal be pleased to pass any other order/orders, direction/direction(s) as would be deem fit and proper.”

In paragraph 14 of the counter it has been stated by the  
Respondents that the applicant is not eligible for drawal of increment

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1 | during the period of adhoc arrangement without the approval of the Nodal Ministry. The proposal was sent to Postal Directorate for approval on 25.11.2005 (Annexure-R/2) and reminded on 11.4.2011. But the approval of the Nodal Ministry has not yet been received.

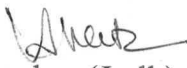
Applicant has also admitted in the MA No. 278 of 2011 filed by him that proposal was sent to the Department of Personnel and Training since 2005 for regularization of the officiating period but till date no decision has been communicated by the nodal Ministry on the said proposal.

Now by producing copy of the order dated 23<sup>rd</sup> December, 2009 of the Ministry of Communications & IT, New Delhi it was brought to our notice by Learned Counsel for the Applicant that in similar circumstances ex post facto approval to the regularization of adhoc promotion in respect of Shri S.K.Bej, Dy. Supdt. (Retd.), Kolkata RMS Division in ASRM cadre for the period from 31.12.1992 to 28.9.1995 having been conveyed, there is no reason to sit over the proposal for approval of the adhoc period in so far as the applicant is concerned. This letter dated 23<sup>rd</sup> December, 2009 was not disputed by the Learned ASC appearing for the Respondents. Since according to both the parties the proposal for regularization of the adhoc period of the applicant was sent by the local head office <sup>and</sup> is pending with the Respondent Nos.1&5 and applicant meanwhile has retired from service and that ex post

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approval in the case of Mr. Bej has already been conveyed, unless similar approval is conveyed to the case of the applicant gross discrimination would be caused to the applicant. Hence, this OA is disposed of with direction to the Respondent Nos.1&5 to communicate their approval on the analogy of Shri Bej's case cited above at an early date at any rate within a period of sixty days from the date of receipt of copy of this order. No costs.

  
Member (Judl.)

  
Member (Admn.)