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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

OA No.41 of 2009

Subash Ch. Patnaik .... Applicant

Vs

Union of India & Others .... Respondents

1. Order dated : 18-11-2011.

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)  
AND  
THE HON'BLE MR. A.K.PATNAIK, MEMBER (JUDL)

.....  
Heard and perused the materials placed on record.

Despite notice and adequate opportunity to the Respondents no counter was filed till date. Fact of the matter is that on being declared surplus from the Department of Rehabilitation, Rehabilitation Reclamation Organization, Koraput where he was working as Electrician since 24.6.1977 the Applicant was redeployed as Technician (Electrical) in the office of Superintendent of Post Offices, Chandigarh w.e.f. 1.3.1983. Thereafter by the order of the competent authority, the applicant was transferred and posted in the Postal Printing Press, Bhubaneswar where he joined on 3.8.1993. According to the Applicant, in terms of the TBOP Scheme introduced by the Respondents, he is entitled to the financial up gradation under TBOP scheme after completion of 16 years service w.e.f.25.6.1993 taking into consideration his past service which he had rendered before being declared surplus and adjusted

under the Postal Department of the Government of India.

According to the Learned Counsel for the Applicant as per the decision of the Hon'ble Apex Court in the case of **Dwijen Chandra Sarkar & Another V Union of India & Others**, 1999

(2) SCC 119 the service rendered by the employees in the rehabilitation department ought to have been taken into consideration for computing 16 years of service for TBOP. Hence in this OA his prayer is to direct the Respondents to grant the benefit of TBOP by computing the period of service spent by him in the previous department as per the aforesaid decision of the Hon'ble Apex Court. By placing reliance on Annexure-8 it has been stated that by counting past service similarly situated employees have been granted the benefits whereas the applicant has been discriminated. Meanwhile, the applicant has retired from service w.e.f. 28.2.2011 on reaching the age of superannuation and, therefore, in case his prayer is allowed, he can get arrear along with ~~in~~ his retirement dues. Though Learned Counsel appearing for the Respondents was praying for more time to file counter, we do not find any justifiable reason to accept such prayer as in this OA notice was issued to the Respondents on 17.12.2009 and despite passage of near about two years, no counter has been filed by the Respondents, not even an application seeking extension of time to file counter.

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Since it is the specific case of the applicant that counting of past service rendered under rehabilitation department is no more res integra, similarly situated employees have been granted the benefits under Annexure-8, his representations made under Annexure-7 have remained unanswered and that the applicant has meanwhile retired from service, instead of keeping this matter pending awaiting the counter of the Respondents, we dispose of this OA with direction to the Respondents to examine the matter with reference to the law cited above and the order at Annexure-8 for granting the benefit to the applicant and pass a reasoned order within a period of 120 days from the date of receipt of copy of this order.

2. In the result, this OA stands disposed of. No costs.

*Deeb*  
(A.K.PATNAIK)  
Member (Judl.)

*Chakraborty*  
(C.R.MOHAPATRA)  
Member (Admn.)