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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/0080 OF 2016
Cuttack, this the 20th day of February, 2017

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

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Pitambar Parida, aged about 65 years, S/o-Late Balaram Parida, At-Bhomikhal Plot No. 109, PO- Rasulgarh, Bhubaneswar, Dist- Khurda, Retd. Stg. Asst., O/o the Sr. Superintendent RMS 'N' Division, Cuttack, At/PO/Dist-Cuttack.

...Applicant

(By the Advocate-M/s. P. K. Mohapatra, S. C. Sahoo)

-VERSUS-

Union of India Represented through

1. Chief Postmaster General, Odisha Circle, Bhubaneswar, Dist-Khurda.
2. Director of Postal Services, Odisha, Bhubaneswar, Dist-Khurda.
3. Sr. Superintendent, R.M.S., 'N' Division, Cuttack, At/PO/Dist-Cuttack.

...Respondents

By the Advocate- (Mr. P.K. Mohanty)

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ORDER (Oral)

R. C. MISRA, MEMBER (A):

Heard Mr. P. K. Mohapatra, Ld. Counsel appearing for the applicant and Mr. P.K.Mohanty, Ld. ACGSC appearing for the Respondents, on whom a copy of this O.A has already been served and perused the materials placed on record.

2. Mr. Mohapatra submitted that the applicant is a retired Sorting Asst. in HSG-II. He was appointed as Stg. Asst. in RMS 'N' Division Cuttack on 29.06.1975 and was promoted to Higher Scale in LSG (TBOP) w.e.f 29.06.1991. Thereafter, although as per Rules, he was due to be promoted to the next higher scale, i.e. HSG-II w.e.f. 29.06.1999, he was promoted to HSG-II w.e.f. 10.07.2000 after completion of 26 years of service. His promotion as LSG w.e.f 29.06.1991 was not treated as promotion but financial up-gradation of the respondents. In the meantime, the Madras Bench of the Tribunal by its order dated 19.03.2004 passed in OA No.



679/2013 held that the placement of the applicant in LSG may be treated as promotion and this was confirmed by the Hon'ble High Court of Madras. Some similarly placed employees approached before this Tribunal in O. A No. 1196/2004 and this Tribunal vide its order dated 23.07.2008 disposed of the said OA with a direction to consider the case of the applicants in the light of the decision of the decision of the Madras Bench of the Tribunal. Mr. Mohapatra further submitted that the Department has granted relief to some of the similarly placed employees in compliance of the direction of the Tribunal. The present applicant retired from service on 30.06.2010 on attaining the aged of superannuation and has now approached this Tribunal with a prayer that respondents should be directed to consider his case for grant of notional benefit of promotion as HSG-I w.e.f. 29.06.2002 taking into account his promotion as LSG w.e.f 29.06.1991 in view of the earlier decision of the Tribunal in respect of similarly situated employees. Mr. Mohapatra further submitted that the applicant has also filed a representation dated 11.03.2015(Annexure-A/6) to the Chief Postmaster General, Odisha Circle, Bhubaneswar (Respondent No. 1).

3. We find that there has been delay on the part of the applicant to make such representation and the applicant has also filed MA No.206/16 praying for condonation of delay. Ld. Counsel for the applicant submitted that since the matter pertains to the pensionary benefits and his grievance is still pending with the authorities, the question of limitation should not stand in the way of considering the prayer of the applicant. After hearing Ld. Counsel for the both is I have noted that applicant's



representation dated 11.03.2015(Annexure-A/6) is stated to be pending with the Chief Postmaster General, Odisha Circle, Bhubaneswar (Respondent No. 1).

4. Taking into account the submissions of Ld. Counsel for both the sides, since the representation is said to be pending at the level of Respondent No.1, I do not feel inclined to issue notice in this matter. In view of this, at the stage of admission, without expressing any opinion on the merit of the matter, I dispose of this O. A by directing Respondent No.1 to consider and dispose of the representation dated 11.03.2015 in accordance with the rules and instructions if it has been received and is still pending at his level with a reasoned and speaking order and communicate the decision thereon to the applicant within a period of 90(ninety) days from the date of receipt of this order.

5. With the observation and direction as aforesaid, the O. A as well as the M.A. stand disposed of at the stage of admission of itself. No. costs.

6. On the prayer made by Mr. P. K. Mohapatra, Ld. Counsel appearing for the applicant copy of this order along with paper book be sent to Respondent No.1 at the cost of the applicant for which Mr. Mohapatra, undertakes to file the postal requisites by 23.02.2017.

7. Free copy of this order be made over to Ld. Counsel for both the sides as per rules.


(R.C.MISRA)
MEMBER (A)