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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O. A. NO. 260/00788 OF 2014
Cuttack, this the 20th day of November, 2014

CORAM

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

Sri Jeeban Sahu,
aged about 60 years,
S/o Late Hrushikesh Sahu,
Resident of Vill-Kosala,
P.O: Kosala,
PS:Chhendipada,
Dist-Angul, Odisha,
PIN-759130.

...Applicant

(Advocates: M/s- C. Sahani, P.K. Samal, D.P. Mohapatra)

VERSUS

Union of India Represented through

1. The Secretary - Cum- Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110 116.
2. Chief Postmaster General,
Odisha Circle, At/P.O.Bhubaneswar,
Dist-Khurda,
Odisha-751001.
3. Director of Accounts (Postal),
Mahanadi Vihar,
Cuttack-753004.

... Respondents

(Advocate: Mr. S. Banik)

Reec

ORDER(oral)

R.C.MISRA, MEMBER(A):

Heard Shri C. Sahani, learned counsel appearing for the applicant and Shri S. Barik, learned ACGSC appearing for the respondents and perused the records.

2. Applicant is a retired officer of the Department of Posts and while working as Manager Postal Printing Press at Bhubaneswar he retired from service with effect from 30.04.2014 on attaining the age of superannuation. It is the case of the applicant is that, while working as DDM (PLI) in the Office of the Chief Postmaster General of Odisha, he was asked to perform the duties of Manager, Postal Printing Press, Bhubaneswar by an order dated 11.07.2011 of the Chief Postmaster General of Odisha. According to applicant, he officiated as Manager, Postal Printing Press from 22.07.2011 to 09.12.2011. Subsequently, he was approved in STS cadre and worked regularly as Manager, Postal Printing Press, Bhubaneswar. The period during which applicant had worked against STS post reads as under:

- i) As SSRM 'N' Division, Cuttack from 12.08.2009 to 21.07.2010 and 26.07.2010 to 20.09.2010.
- ii) As DDM (PLI) from 01.05.2011 to 21.07.2011.
- iii) As Manager, PPP, Bhubaneswar from 22.07.2011 to 08.12.2011 and 31.12.2011 to 30.04.2014.

3. Grievance of the applicant is that although he had officiated against the post of STS for the above periods, he has not been paid the salary which is attached to this post. The case made out by the applicant is that according to the judgment of the Hon'ble Supreme Court in Silva Raj Vrs. Lt. Governor of Island, Portblair and Others, an employee ordered to look after the higher post even though temporarily in officiating capacity is



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entitled to salary attached to the higher post without treating this as promotion. After the retirement, applicant has been representing to the Director General of Posts, New Delhi for payment of the higher salary for the relevant period. However, no such copy of representation has been filed by the applicant along with the O.A. What it reveals from the O.A. is that he has made his first representation on 24.04.2014 vide Annexure-A/14 before his retirement.

4. Since the applicant has made a representation which is believed to be pending before the concerned authorities, without expressing any opinion on the merit of the matter, I direct the Director General Posts (Respondent No.1) to consider and dispose of the representation if filed and is pending through a reasoned and speaking order and communicate the decision to the applicant within a period of 90 days from the date of receipt of copy of this order.

5. With the above observation and direction this O.A. is disposed of at the stage of admission itself. No costs.

6. On the prayer made by the learned counsel for the applicant send copy of this order along with paper book of the O.A to Respondent No.1 by speed post at the cost of the applicant for which Postal requisite be filed by 21.11.2014. Free copy of this order be made over to learned counsel for both sides.



(R.C.MISRA)
MEMBER (A)