

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,

J\_O\_D\_H\_P\_U\_R.

Date of Order : 18.7.2000.

O.A. No. 53/1997

Om Prakash Ojha S/O Shri Shyam Lal, aged about 46 years, R/O Chaand Bawari, Fort Road, Jodhpur, at present employed on the post of (P.A.) at Head Post Office, at Shastrinagar, Jodhpur.

... Applicant

vs

1. Union of India through the Secretary to Government of India, Ministry of Communication, (Department of Post) <sup>Dak</sup> Bhawan, New Delhi.
2. The Director General (Posts) P.A.P. Section, (Department of Posts) Dak Bhawan, Sansad Marg, New Delhi.
3. The Post Master General, Rajasthan Western Region, Jodhpur.

.. Respondents

Mr. J.K. Kaushik, Counsel for the Applicant.

Mr. Vineet Mathur, Counsel for the Respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O\_R\_D\_E\_R

( PER HON'BLE MR. GOPAL SINGH )

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Om Prakash Ojha has prayed for quashing the order dated 06.4.1995, (Annexure A/1) and for a direction to the respondents to re-fix the pay of the applicant on the post of Postal Clerk on his re-employment after adding nine increments with all consequential benefits.

2. Applicant's case is that he was enrolled as ~~Combat~~ Clerk in the Indian Air Force on 14.2.1969, and was discharged.

*Om Prakash Ojha*

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ed on 28.2.1978. Thereafter, he was re-employed as Ex-serviceman in Postal Department on the post of Postal Clerk on 24.3.1981 in the grade of Rs.260-480. It is contention of the applicant that though he rendered more than nine years service as Combatant Clerk in the Indian Air Force, he has only been permitted seven increments in the scale of 260-480 on his re-employment as Postal Clerk, though he was entitled to nine increments. Feeling aggrieved, the applicant has filed this application.

3. Notices were issued to the respondents, and they have filed their reply.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. In the counter, it has been submitted by the respondents that as per the verification done by the Defence Accounts Officer, the applicant rendered the service of Combatant Clerk with effect from 14.2.1969, but he was granted a regular pay scale of Combatant Clerk from 16.5.1970. Thus, taking into account, the date of 16.5.1970, as the date of enrolment of the applicant and 28.2.1978 as date of discharge, the total service rendered by the applicant as Combatant Clerk comes to seven years nine months and 12 days, and as per the Government of India instruction on the subject, the respondents have rightly allowed seven increments while fixing the pay of the applicant on re-employment.

6. The applicant has produced a discharge certificate dated 17.2.1993 wherein the service from 14.2.1969 to 18.8.73 and 24.8.1973 to 28.2.1978 has been shown as period of satisfactory paid in Military service. Earlier, the authorities had verified the service for the period from 16.5.1970 to 28.2.1978 as Combatant Clerk. The period from 14.2.1969 to 15.5.1970 was spent on training by the applicant, and this

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period was not verified as service by the Defence Authorities and, therefore, it was excluded for the purpose of pay fixation on re-employment of the applicant by the respondents.

7. We have considered the facts mentioned above and the arguments of the learned Counsel for the parties which were advanced on the lines of their pleadings. In our opinion, there is nothing on record to conclude that the period of training shall count as service rendered to the Military. It is also not shown that during the training period the applicant earned regular increments so as to count period of training as service. Therefore, in our opinion, the period of training has rightly been not included as service rendered in Military.

8. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

9. The Original Application is accordingly dismissed with no order as to costs.

(Gopal Singh)

( GOPAL SINGH )

Adm. Member

AM  
18/7/2000

( A.K. MISRA )

Judl. Member

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