

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
T. A. No. 200

199 1

DATE OF DECISION 3.12.91

M. Ismail Kunju _____ Applicant (s)

Mr. O. V. Radhakrishnan _____ Advocate for the Applicant (s)

Versus

Director of Postal Services, Respondent (s),
Southern Region, office of Chief PMG, Kerala Circle,
Thiruvananthapuram. and others

Mr. K. Prabhakaran, AGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
2. To be referred to the Reporter or not ? *to*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *b*
4. To be circulated to all Benches of the Tribunal ? *to*

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The issue under consideration in this application has narrowed down to *a* small compass. The applicant has already been given the benefit of promotion against the 1/3rd quota of LSG for the year 1984 by the order dated 2.11.89 of the second respondent, the Chief Postmaster General, *(Ex A.3) to* *kat*, Kerala Circle, Trivandrum. The only question is, as to with effect from which date this promotion has been given to him *and* is not clear, *because* unless such a date is given, it will not be possible for either the applicant to claim the benefit of pay and allowances, etc. or to the respondents to fix his pay etc. appropriately. On the last occasion when the

matter came up, we directed the respondents to furnish particulars about the date on which the applicant is entitled to such promotion in 1984.

2. When the matter came up for final hearing today, we were ^u ~~are~~ unable to get clear reply to this issue from the learned counsel for the respondents.

3. Our attention has been drawn to the judgment in O.A. 648/90 dated 28.2.91 in which a similar issue was involved. ^{u taken} The views in that application was that the applicant was entitled to have a specific date assigned to him for promotion to LSG to get the pay fixed under FR 22-C from that date onwards, without reckoning special pay drawn in the post of Wireless Licence Inspector and to receive arrears of pay and allowances calculated on that basis.

In the instant case, we are ^u satisfied that interest of justice will be met if we issue similar direction in this case also.

4. Accordingly, while disposing of this application, we declare that the applicant is entitled to have a specific

date assigned to him for the promotion given to him ^{reference to} ~~with~~ the year 1984, Ext. A-3 order so that his pay under ^u ~~late adjustment of special pay as offered by~~ FR 22-C can be fixed and arrears paid. In the circumstances,

we issue a direction to the second respondent to fix such a

^u ~~date~~ ^u ~~his arrears~~ pay within a period of two months from the date of receipt of this judgment and disburse ^u ~~to the applicant~~ ^u ~~to the applicant~~

in accordance with the revised pay so fixed.

5. There will be no order as to costs.

N. Dharmadan

31/12/91

(N. DHARMADAN)
JUDICIAL MEMBER

V. Krishnan

31/12

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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