

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 415/2003.

this, the 1st day of September 2003.

HON. MR. A.K. MISRA MEMBER(A)

HON. EMT. MEERA CHHIBBER MEMBER(J)

Raj Kumar Misra aged about 45 years S/o Sri Gaya Prasad  
Misra R/o Village/Mohalla Master Coloney Biswan, District  
Sitapur.

....Applicant.

BY ADVOCATE SHRI Rakesh Yadav.

VERSUS

1. The Union of India through the Secretary Ministry  
of Post and Telegraphs, New Delhi.

2. The Chief Post Master General, U.P. Circle Hazratganj  
Lucknow.

3. The Superintendent of Post Office, Sitapur District,  
Sitapur.

4. The Sub Divisional Inspector (Postal) Biswan District  
Sitapur.

....Respondents.

BY ADVOCATE SHRI N. Mathur.

ORDER (ORAL)

BY HON. EMT. MEERA CHHIBBER MEMBER(J)

By this O.A. applicant has sought the following  
relief:-

(a) that the order dated 20.5.2003 issued by the O.P. No. 3 contained in Annexure No. 4 may kindly be declared illegal and the same may kindly be quashed to the extent of refusing the amendment in the salary of the applicant, and the respondents may kindly be directed to allow the applicant the same salary and emoluments which are being paid to other similarly situated employee and allow all consequential benefits arising out of it.

(b) Any other relief which the Hon'ble Tribunal deems fit and proper be granted to the applicant.

(c) Cost of this petition/original application be awarded to the applicant."

2. The brief facts as alleged by applicant are that applicant was appointed as EDBPM at Post Office Mangrahiya Bazar (Biswan) District Sitapur on 1.5.1976. His grievance is that work is being taken from applicant from 10 A.M. to 3 P.M. like other mail peons, but he is being paid lessor amount of Rs. 1320/- only while in other post offices at Hasanpur, EDDA is being paid Rs. 1740/- per month. In other post offices also at Edokali and Kaua Khera Mail peons are being paid Rs. 1740/- per month while duty hours of all are same therefore, being aggrieved applicant gave a representation for same salary on 4.12.2002, 20.2.2003 (Annexure No. 1 & 2). No reply was given so ultimately he sent legal notice on 17.5.2003. The respondent No. 3



however, vide his letter dated 20.5.2003 informed him that there is no justification to change the payment of TRCA and called his explanation as to how he had sent the legal notice without exhausting the departmental channel (Page-14). It is this letter which has been challenged by the applicant in present O.A.

3. Counsel for the respondent was seeking time to file reply but in view of the fact that no reasons have been assigned by *while rejecting his claim, B* the authorities *A* we are deciding this case at the admission stage itself without going into the merits of case, we feel it is not necessary to call for the reply at this stage, as it would unnecessarily delay the proceedings.

4. Perusal of the O.A. shows that applicant's earlier representations dated 4.12.02 (Page-8) and 20.2.03 (Page.9) were addressed to the authorities by applicant through proper channel. It was only when he did not get any response that he got effected a legal notice through a counsel to the higher authority. We therefore see no justification as to why explanation should be called from applicant on this ground. It is also seen that respondents have rejected the claim of applicant but without giving any reasons and without dealing with the points raised by applicant.

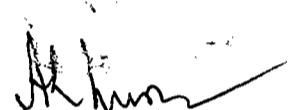
5. Hon'ble Supreme Court has repeatedly held that whenever representation or appeals are filed to the authorities, they should decide the same by passing speaking and reasoned orders so that it may satisfy the individual at that very stage without *B*

dragging him to the court of law. In view of the above discussion, we quash and set aside the letter dated 20.5.03  
*12/July/03*  
(Annexure-4) and ~~recruit~~ the matter back to respondent No. 2 with a direction to apply his mind to the various points raised by the applicant in his representation and the present O.A. and then to pass a reasoned and speaking order within 2 months from the date of receipt of a copy of this order under intimation to the applicant.

6. With above directions, O.A. is partly allowed. No order as to costs.



MEMBER (J)



MEMBER (A)

LUCKNOW: DATED: 1.9.2003.

v.