

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A.No. 481 of 1996

Date of order : 17.4.2002

(Dictated in Court)

Shree Shankar Sah, son of late Saryug Sah, resident of Village-Mansi, P.O.-Mansi, P.S.-Mansi, District-Khagaria, aged 53 years, at present posted as POSTAL ASSISTANT, Khagaria, S.O. in Begusarai Postal Division.
.. Applicant.

- Vrs. -

1. Union of India through D.G. (Post), Govt. of India, New Delhi-110 001.
2. Chief Postmaster General, Bihar Circle, Patna-1.
3. Postmaster General (North), Muzaffarpur.
4. Director of Postal Services, Northern Region, Muzaffarpur.
5. Superintendent of Post Offices, Begusarai Division Begusarai. Respondents.

Counsel for the applicant : Shri N.P.Sinha with Shri I.D. Prasad.

Counsel for the respondents : Shri G.K. Agarwal, ASC.

C O R A M

Hon'ble Mr. Justice B.N. Singh Neelam, Vice-Chairman.
Hon'ble Mr. Sarveshwar Jha, Member (Administrative)

O R D E R

By Hon'ble Mr. Justice B.N. Singh Neelam, V.C. :-

Heard Shri N.P. Sinha, learned counsel for the applicant Shri Shree Shankar Sah filing this original application seeking relief/reliefs as detailed in para 8 of the original application, which runs as under :-

(a) That the clarifications issued by respondent no.2 in his No.Staff/BCR/91/Postal Ch.I dated 18.7.1996 as referred to in Annexure-A/11 dated 22.8.1996 may be declared bad in law and quashed.

(b) That the memo issued by respondent no.5 in his No.B-1/BCR/Promotion/91 dated 22.8.1996 (Annexure-A/11) may be declared an order against the spirit of Govt. policy decision and quashed.

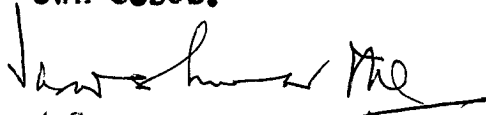
(c) That the respondents be commanded to implement the orders passed by the respondent no.5, memo No.B-1/TB/Promotion/95 dated 7.9.1995 and his notional pay may be commanded to be fixed based on effect of his promotion under BCR Scheme from 1.10.1991 with all consequential benefits.


2. To cut short the matter, in course of argument it has been submitted that the applicant has joined the service on 16.7.1962 and had completed 26 years of service in the year 1984 and was entitled for having the benefits of the Biennial Cadre Review Schemes coming into effect from 1.10.1991 but the same could not be given to him from that date but given from 1.9.1995 because of one proceeding under Rule 14 commencing at that time, which however, concluded some time in the year 1995 itself. The claim of the applicant in such circumstances under the scheme that notional promotional may be given from 1.10.1991 itself, in this connection a reference is made to Annexure A/4. With regard to the punishment so imposed because of one proceeding, ^{pending} a reference is also made which is at Annexure-A/5. Hence ~~he sought~~ ^{he is} the prayer that his pay fixation rather should have been from the date of ^{of the scheme} enforcement dated 1.10.1991, though the period from

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1.10.1991 to 1.9.1995 in all fairness submitted that the applicant is not entitled for the arrears but from 1.9.1995 onwards he is entitled for the payment of the dues, ^{of relating to the difference of pay} because of notional fixation to be made from 1.10.1991. Since the applicant is ^Q also retiring on 31.1.2003, as submitted the applicant will also be benefited of the pensionary benefits after his retirement. In support of his contention, the learned counsel for the applicant has referred to firstly D.O.P. ^Q letter no. 22-1/89-PE.I, dated 11.10.1991 and 1.11.1991 with that of C & A.G. Cir. No. NGE/38-1990 (497-N-2/39-90), dated 30.8.1990. With regard to circular dated 30.8.1990, it is ^Q submitted that the copy of the same could not be filed at the time of filing of this O.A. as annexure, though relied upon by the learned counsel for the applicant, and a copy of the same is filed in the open court today, ^Q which be kept on the record and it shall remain as part of the record. The ^Q learned counsel for the applicant further submitted that ^Q all these grounds taken in course of arguments and the relief/reliefs so sought for, ^Q for which a direction may be given to the concerned respondents i.e. Respondent No.2 for consideration.

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3. Shri G.K. Agarwal, learned ASC representing the official respondents, in the background of the facts and circumstances has submitted that in the instant O.A. because of one circular dated 30.8.1990 and letter from D.O.P 22-1/89 PE.I, dated 11.10.1991 and 1.11.1991 ^Q referred to above, ^Q a direction may be given to the concerned respondents as to verify the relief/reliefs so sought for ^Q after looking into the D.O.P. letters and in that light ^Q after scrutinising the same, the orders in this regard may be passed within stipulated time.

4. In the background of the facts and circumstances detailed above and also by looking the circulars of the ^{Q and W letter} D.O.P so produced and relied upon, this O.A. is disposed of with directions to the Respondent No. 2 to look into the matter and verify the factual aspects of the instant O.A. in the light of the circulars of the ^{Q & letter} D.O.P. referred to above and dispose of the same by passing reasoned orders in accordance with law within a period of three months from the date of receipt/production of this order. This O.A. stands disposed of accordingly. The parties to bear their own costs.


(Sarveshwar Jha)
Member (Admn.)


(B.N.Singh Neelam)
Vice-Chairman

MES.