

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 176/88

199

T.A. NO: ---

DATE OF DECISION 11-11-1991

N.R.Jaiswal

Petitioner

Mr.R.B.Jaiswal

Advocate for the Petitioners

Versus

The Supdt., I.M.S.F'DIvn., Nagpur and others

Respondent

Mr.P.H.Pradhan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. I.Y.Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*


(I.Y.PRIOLKAR)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.176/88

N.R.Jaiswal,
375, Somvar,
Sitabardi,
Nagpur - 440 012.

.. Applicant

vs.

1. The Superintendent,
RMS 'F' Division,
Nagpur - 400 001.
2. The Director of Postal Services,
Nagpur Region,
Nagpur 440 010. .. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman

Hon'ble Shri M.Y.Priolkar,
Member(A)

Appearances:

1. Mr.R.B.Jaiswal,
Advocate for the
Applicant.
2. Mr.P.M.Padhan
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 11-11-1991
(Per M.Y.Priolkar, Member(A))

The applicant while working as
Sorting Assistant in the Posts and Telegraphs
Department in the Lower Selection Grade in the
scale of Rs.425-15-560-EB-20-640 was due to earn
an increment of Rs.20/- on 1-4-1983 subject to
crossing the Efficiency Bar. However, the DPC
which was constituted to decide the case of the EB
in respect of officials including the applicant
did not recommend the applicant to cross the EB
with effect from 1-4-1983. In the subsequent year
also the DPC did not again permit the applicant to
cross the EB. The applicant was finally permitted
to cross the EB with effect from 1-4-1985. It is
stated that the applicant has since retired
from service.

2. The grievance of the applicant is that he was not permitted to cross the EB for the first time when he was due on 1-4-1983 in view of certain disciplinary proceedings against him in which the penalty of Censure was awarded to the applicant on two different occasions by memorandum dtd. 14-12-1982 and 31-3-1983.

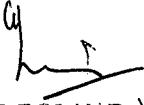
The applicant contends that on the basis of the same censure alone he was not permitted to cross the EB for the second time also on 1-4-1983. He also contended that heavy financial loss has been caused as these increments have been permanently withheld, including the pensionary benefits.

3. In the written reply the respondents have stated that ~~when~~ the applicant was finally allowed to cross the E.B. from 1.4.85 and was granted three increments which ~~were~~ withheld which raised the applicant's pay from Rs.560/- to Rs.620/- w.e.f. 1-4-85 which means an increase of Rs.60/-p.m equal to three increments of Rs.20/-p.m. The respondents have also stated that the arrears on account of increase in pay from 1.4.1986 to 31.3.1986 amounting to Rs.2038/- was drawn and paid to the applicant on 10-4-1986 and thereafter the said increments were regularly drawn in the pay bill and paid to the applicant.

4. Since the office order annexed by the respondents to their reply, Annexure R-8, merely shows that the pay after EB has been raised from Rs.560/- to Rs.580 from 1-4-85, learned counsel for the applicant could not confirm whether the three increments were in fact have been permitted from 1-5-1985 and the entire arrears on this account has been paid to the applicant. If as stated in

the written reply of the respondents, the withheld ~~all~~ level increments have been paid, the pensionary benefits of the applicant are not affected. In the application the reliefs prayed for are for permitting the applicant to cross the EB from 1-4-1983 and also to release all the withheld increments. There is no prayer for the pensionary benefits. As regards pensionary benefits the learned counsel for the respondents stated categorically that all the increments due in fact have been paid and there no loss in pensionary benefits. As regards the increment due on 1-4-1984 but was withheld for one year we do not think this relief should be considered by us as the cause of action has ~~been~~ arisen in the year 1984 and the application has been filed in the year 1988. The total benefit on this account also does not exceed Rs.1000/- ~~also~~. We do not think, therefore, this is a fit case where we should condone the delay and consider this aspect.

5. Accordingly, this application is finally disposed off only with a direction that in case the pay of the applicant has still not been raised by grant of three increments from Rs.560/- to Rs.620/- ~~from 1-4-1985~~ ^{so} the respondents will do within one month from the date of receipt of a copy of this order and make payment of arrears to the applicant. No order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman