

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH.

ORIGINAL APPLICATION NO. : 833/96

Dated this Thursday the 16th day of March 2000.

Shri S.G. Pokharkar

Applicant

Shri S.P. Kulkarni

Advocate for the  
Applicant.

VERSUS

Union of India & Anr.

Respondents.

Shri Karkera for Shri P.M. Pradhan

Advocate for the  
Respondents.

CORAM :

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman  
Hon'ble Shri B.N. Bahadur, Member (A)

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches  
of the Tribunal ?
- (iii) Library.

*R.G. Vaidyanatha*  
*Vice Chairman.*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

Original Application No.833/96

Dated this Thursday the 16th Day of March, 2000.

Coram : Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman  
Hon'ble Shri B.N. Bahadur, Member (A).

Shri S.G. Pokharkar,  
Head Record Officer  
Higher Selection Grade I,  
Pune R.M.S.,  
Pune - 411 001.  
(By Advocate Shri S.P. Kulkarni)

.. Applicant.

Vs.

1. Union of India, through  
Director General Posts,  
Sanchay Bhavan,  
New Delhi - 110 001
2. Chief Post Master General,  
Maharashtra Circle,  
Mumbai - 400 001.

.. Respondents.

(By Advocate Shri Karkera for Shri P.M.  
Pradhan).

ORDER  
( Per : Justice R.G. Vaidyanatha, Vice Chairman )

This is an application filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985. The Respondents have filed their reply. We have heard Mr.S.P. Kulkarni, Learned Counsel for the applicant and Shri S.S. Karkera, for Mr.P.M. Pradhan, Learned Counsel for the Respondents. A short point is made before us for consideration, whether the applicant is entitled for the benefit of 1990 Circular which is annexed at Exhibit A-4 to the O.A.

...2..



2. The applicant joined the Postal Department as Sorting Assistant in RMS 'B' Division, Pune on 14.9.1964. After passing the RMS Accountants Examination in 1975 he was promoted as TS Accountant and at that relevant time in the year 1976 he was in the pay scale of Rs.260-480 with a special pay of Rs.45/-. Then in the year 1978 as per decision of D.G., P & T, New Delhi the pay scale of Rs.260-480 was revised to pay scale of Rs.380-620, without any promotion. However, the applicant was asked for option to the new scale of Rs.380-620 and accordingly the applicant has given his willingness for the post of TS Accountant in the new cadre and has exercised his option on 1.2.1979 and came to the new cadre of Rs.380-620. It appears that in the year 1981 Directorate declared that the cadre of PO & RMS Accountants in the pay scale of Rs.380-620 as defunct and there will be no separate cadre or no promotion in that cadre and officials were given option to come back to old cadre. In response to this again option was given by the applicant by exercising his option to come back to the old scale of Rs.260-480 with special pay of Rs.45/-.

3. It appears on the basis of representations of the officials against a policy decision was taken that defunct cadre of Accountants should be revised and promotional opportunities should be given to the employees who were working in the defunct cadre of Accountants as per 1990 circular. Now the applicant has come to this Tribunal seeking the benefit of 1990 Circular.

  
...3..

It may be added here that the applicant was in a higher scale when he opted for new scale of Rs.380-620 and he has changed his option as per his own choice to the old scale of Rs.260-480 with special pay and then now demanding the benefit of 1990 circular and for this grievance he has approached this Tribunal. In our view the claim of the applicant is devoid of merit and cannot be granted.

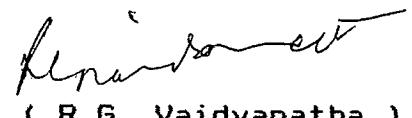
4. The Accountants in the dying cadre having old scale had no promotional opportunities, the applicant has come under the promotional opportunities once he went back to the old cadre if a policy decision is taken. Therefore in the facts and circumstances once the applicant has opted for the old scale on his own volition cannot get the benefit of 1990 Circular.

5..... Learned Counsel for the Respondents contended that the applicant is challenging the pay fixation on his exercising the option in the year 1981 by filing an application before this Tribunal in the year 1996 i.e. after a lapse of 14 years. Therefore the claim of the applicant is barred by limitation of delay. The 1990 circular gives benefit to officials in the dying cadre, whilst the applicant has approached this Tribunal in the year 1996. On the face of it, the claim of the applicant is hit by limitation. However, we need not examine this point in detail since on merits we have rejected applicant's claim and hold that the applicant is not entitled to the reliefs as prayed for.

6. In the result, the application fails and is hereby dismissed, but with no order as to costs.

  
B.N. Bahadur

Member (A).

  
( R.G. Vaidyanatha )

Vice Chairman.

H.