

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 6/1/88

APPLICATION NO 881 to 885 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

KV Doraswamy and 4 others

Vs

RESPONDENTS

Secretary, D/Posts and anr

To

1. KV Doraswamy,  
AS (Vig)  
Office of the Post Master General,  
Bangalore.
2. IR Prabhu,  
Complaints Inspector, (POSTS),  
Bangalore West Post Office,  
Bangalore-560 001.
3. N.Somanath,  
P.R.I.(P),  
Seshadripuram Post Office,  
Bangalore-560 020
4. V.Mohan, UDC,  
Office of the Post Master General,  
Bangalore-560 001.
5. R.Badrinath, UDC,  
Office of the Post Master General,  
Bangalore-560 001.
6. The Secretary,  
Department of Posts,  
New Delhi.

7. Post Master General,  
Karnataka Circle,  
Bangalore-560 001
8. Sh M.R. Achar, Advocate,  
No- 1074 & 1075,  
Banashankari I Stage,  
Bangalore-560 050
9. Shri M. Vasudava Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Recd. copy m  
@ 7. 1/1/88  
Rd 5/1/88

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~/XXX/~~

~~XXXXXX0001~~ passed by this Tribunal in the above said application  
on 15-12-1987.

RECEIVED 9 copies 7/1/88

Diary No. 1592/EN/87

Date: 7.1.88

Encl: as above.

DEPUTY REGISTRAR  
(JUDICIAL)

9/c

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 15TH DAY OF DECEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NOS. 881 TO 885/1987

1. K.V. Doreswamy,  
Major, A S 9Vig),  
O/o the PMG,  
Bangalore.

2. I R Prabhu,  
Major, Complaints,  
Inspector (Postal),  
Bangalore West PO.

3. N. Somanath,  
Major, P.R.I, (P),  
Seshadripuram PO  
Bangalore.

4. V..Mohan,  
Major, UDC,  
O/o P.M.G.  
Bangalore.

5. R. Badrinath,  
Major, UDC,  
O/o the P.M.G.  
Bangalore.

..... Applicants.

(Shri M. Raghavendrachar, Advocate)

v.

1. The Secretary,  
Department of Posts,  
New Delhi.

2. Post Master General,  
Karnataka Circle,  
Bangalore.

..... Respondents.

(Shri M. Vasudeva Rao, CGSSC)

These applications having come up for hearing to-day,

Vice-Chairman made the following:

O R D E R

In these applications made under Section 19 of the  
Administrative Tribunals Act, 1985 ('Act'), the applicants,  
while challenging Memorandum No.7(39)-E.III/79 dated 4.12.1979



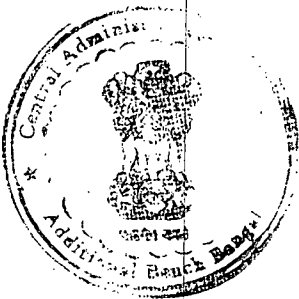
(Annexure-A) of Government have however sought for a direction to extend the benefit of special increment in the form of Personal Pay provided in that order to them also as in the case of those to whom that order is applicable.

2. The applicants who have undergone sterilisation operations prior to 4.12.1979, claim that they are also entitled to the benefit of the order of Government dated 4.12.1979 for special increment in the form of Personal Pay.

3. On these applications, the Office had raised more than one objection, and one of them touches on the question of limitation. On the objections raised by the Office and merits, we had notified the respondents. In response to the same, the respondents have entered appearance through Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, and have filed their reply.

4. Shri M. Raghavendrachar, learned counsel for the applicants while making his submissions on the office objections and merits brought to our notice that on 7.10.1987, the Director of Medical, Ministry of Communications, Department of Posts, New Delhi ('the Director'), had made a recommendation to Government to extend the benefit of the order of Government dated 4.12.1979 to all these persons who had undergone sterilisation prior to that date also, and Government had not so far taken its decision on the same.

5. Sri Achar has produced a copy of the letter addressed by the Director, and we have perused the same. In that letter, the Director had made a recommendation to Government to extend the benefit of the order dated 4.12.1979 and the further orders made



thereon from time to time to all those who had undergone sterilisation prior to 4.12.1979 also. Shri Rao does not dispute that Government had not so far taken decision on the same.

6. On an earlier occasion Government had refused to extend the benefit to those who had undergone sterilisation operations before 4.12.1979. But notwithstanding the same on the recommendations of the Director, it is undoubtedly open to Government to take a different decision also. Whether it should do so or not is for Government itself to examine and decide. We cannot at this stage decide as to what decision Government will also take. But before Government does so, we consider it proper not to examine any of the questions raised in these applications, and leave the matter to be examined and decided by Government one way or the other. We do hope and trust that Government will take an expeditious decision on the recommendation made by the Director.

7. Whether the applicants should make any further representations or not before Government is a matter for them to decide. When any such representations are made, we have no doubt that they will also be considered by Government linking them with the recommendations of the Director.

8. We need hardly say that as and when Government takes a final decision, and if that decision turns out to be an adverse decision, then it is undoubtedly open to the applicants to approach this Tribunal. When the applicants approach this Tribunal with fresh applications, it is open to respondents to raise the very



objections now raised before us and such other objections as are open to them at that time.

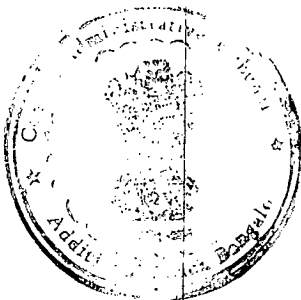
9. With these observations, we dispose of these applications as having become unnecessary for the present without deciding any of the questions but with liberty reserved to both sides to urge their respective cases in the fresh applications if any that <sup>is to be</sup> made by the applicants. But in the circumstances of the case, we direct the parties to bear their own costs.

*sd/-*  
Vice-Chairman *15/11*

*sd/-*  
Member (A) *15-12-87*

- True Copy -

dms/Mrv.



*R.V. Umesh*  
DEPUTY CHIEF JUSTICE  
NATIONAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL JUDGE  
BANGALORE  
*6/11*