

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 1143/95

DATE OF DECISION: 07.3.2001.

Shri Hariprasad B. Mishra Applicant.

Shri C.B. Kale Advocate for
Applicant.

Versus

Union of India and others. Respondents.

Shri P.M. Mukashi for Shri P.M. Pradhan Advocate for
Respondents

CORAM

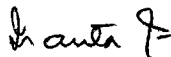
Hon'ble Shri Justice Ashok C. Agarwal, Chairman.

Hon'ble Ms. Shanta Shastri, Member (A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

(3) Library. ✓


(Ms. Shanta Shastri)
Member(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 1143/95

TUESDAY the 27th day of FEBRUARY 2001.

CORAM: Hon'ble Shri Justice Ashok C. Agarwal, Chairman

Hon'ble Ms. Shanta Shastry, Member (A)

Hariprasad B. Mishra
Postal Asstt.
Azad Nagar Post office,
Bombay.

...Applicant

By Advocate Shri C.B. Kale

V/s

1. Senior Supdt. of
Post Offices, Bombay City
North Division, Andheri West
Bombay.
2. The Chief Postmaster General
Maharashtra Circle,
Bombay.
3. The Union of India through
The Director General,
Department of Posts,
Dak Bhavan, Sansad Marg.,
New Delhi.

...Respondents.

By Advocate Shri P.M. Mukashi for Shri P.M. Pradhan.

ORDER (ORAL)

{Per Ms. Shanta Shastry, Member (A) }

In this OA different reliefs have been sought in terms of para 8 of the OA. However the learned counsel for the applicant is pressing only two reliefs namely para 8(a) and (b). The applicant wants due benefit of full leave that would have been credited to his account waiving the ceiling on accumulation of leave. Secondly he wants the benefit of three increments which

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he would have earned had he been allowed to continue telegraph / teleprinter training. The applicant is still prepared to undergo the training successfully, if he is allowed to participate in the training.

2. The respondents submit that the applicant has already been allowed the credit of full 240 days as well as the maximum HPL admissible. However it is not possible to give leave beyond the limit of 240 days as that is the maximum one was allowed to accumulate at any point of time. The learned counsel for the applicant is willing to give up the claim for extra leave. However he would like to pursue the claim regarding benefit of increments to be granted. For this purpose he has to undergo training. The learned counsel for the respondents opposes this stating that the applicant was over aged when he was reinstated in service. The age limit for training is 35 years whereas the applicant was 42 years when he was reinstated and as on today he would be around 50 years and therefore the applicant cannot be eligible for training. Secondly there is no longer any training necessary due to modernisation and as such the applicant cannot be allowed to undergo any training at this stage.

3. We have heard the learned counsel for both sides. In our considered view the applicant deserves to be given an opportunity even though technically it is not feasible on the ground of age limit and non requirement of training. We therefore direct the respondents to waive the conditions regarding age and allow the

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applicant to undergo requisite training. If he is ^usuccessful he would earn the increment from the date he completes his training. The applicant be allowed to undergo training alongwith the next immediate batch or within a period of six months whichever is earlier from the date of communication of this order. With these dirctions the OA is disposed of. We do not order any costs.

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(Ms. Shanta Shastry)
Member(A)

NS

Ashok C. Agarwal

(Ashok C. Agarwal)
Chairman