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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.585/91

Date of Order: 29.3.1994

BETWEEN:

B.Suryanarayana Rao

.. Applicant.

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1. Union of India, rep. by
the Secretary, Ministry
of Communications,
New Delhi - 110 001.
2. Director General,
Department of Posts,
Dak Bar Bhavan,
New Delhi - 110 001.
3. Director of Postal
Services, A.P.Northern Region,
Hyderabad - 500 001.
4. Superintendent of
Post Offices, Peddapalli Dn.,
Peddapalli - 505 172.

.. Respondents.

Counsel for the Applicant

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

Signature

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Order of The Division Bench delivered by
Hon'ble A.B.Gorthi, Member (Admn.).

The claim of the applicant is for a direction to the respondents to regularise the period from the date of his compulsory retirement from 1.11.71 to the date of his reinstatement on 22.4.88 as duty for all purposes including payment of arrears of pay and allowances and bonus ^{with} ~~the~~ interest at the rate of 12% and for granting him intervening promotions with consequential service and monetary benefits.

Brief backbround of the case may be recalled here.

2. The applicant was subjected to a departmental disciplinary enquiry at the end of which he was inflicted with compulsory retirement from service by order dated 29/30-10-71. His appeal to the appellate authority was rejected on 13.2.73. He approached the Court of Sub-ordinate Judge, Karimnagar in OS. 5/76 and the same was decreed by judgement dated 10.9.80 in favour of the applicant. The department filed an appeal in the High Court of Andhra Pradesh and it was allowed by a judgement dated 15.2.83. Aggrieved by the same, the applicant filed LPA No.60/82 which was disposed of by the High Court of Andhra Pradesh by declaring the order of compulsory retirement as illegal and by ordering reinstatement in service with full benefits and reliefs ^{as} granted by the Trial Court, with costs. Consequently the applicant was reinstated in service by order dated 20.4.88. The respondents paid the applicant costs amounting Rs.1734/- by order dated 25.5.88. Beyond the afore-stated two reliefs, the respondents did not give him any other

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relief such as payment of arrears of pay and allowances for the period from the date of compulsory retirement to the date of his reinstatement. Nor was the petitioner considered for any promotion to which he would have become eligible during the said period.

3. The respondents in their counter affidavit read with their reply to the rejoinder filed by the applicant clarified that because of the circumstances of the case the respondents could not finalise the payment of arrears to the applicant. It is stated that the matter is in the final stage of settlement and the applicant may be paid all the dues within a short time. It is further stated on behalf of the respondents that the relief claimed by the applicant essentially emanates from the order of the Sub-Ordinate Court, Karimnagar as confirmed by the High Court of Andhra Pradesh and as such any remedial action lies with the appropriate Civil Court and not with the Tribunal.

4. In view of the afore-stated facts, we would like to first note the assertion made by the respondents that the payment of arrears of pay and allowance would be ^{made} meet to the applicant in the very near future. If however no such payment is made to the applicant within a reasonable time it is open to the applicant to proceed further in the matter in accordance with law for the execution of the decree as per order XXI of the Civil Procedure Code. We are therefore not inclined to pass any order in this OA either with regard to the payment of arrears or with regard to the applicant's claim for payment of interest thereon.

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5. . As regards the claim of the applicant, ^{for} ~~for~~ L promotions during the intervening period, we find that the applicant made several representations to the concerned authorities requesting that he be considered for the promotions ^{to} which he became due from the dates ^{on which} ~~with~~ his immediate junior was so promoted. We find no reply to any of ^{these} ~~this~~ representations in the record before us. We therefore direct that the representations of the applicant with regard to his promotions may be duly considered and disposed of by the competent authority within a period of 3 months from the date of communication of this order. In case the respondents reject the request of the applicant in this regard, it shall be done by means of a reasoned order and it is needless for us to add that if the applicant is aggrieved by such order he may approach the Tribunal afresh.

6. The application is disposed of with the above observations and directions. There shall be no order as to costs.

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

(A.B. BORTHIN)
Member (Admn.)

Dated: 29th March, 1994

(Dictated in Open Court)

Deputy Registrar(J)CC

To

1. The Secretary, Union of India, Ministry of Communications, sd New Delhi-1.
2. The Director General, Dept. of Posts, Daktar Bhavan, New Delhi-1.
3. The Director of Postal Services, A.P. Northern Region, Hyderabad-1.
4. The Superintendent of Post Offices, Peddapalli Dn., Peddapalli-172.
5. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
6. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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