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**Study Design**

Union Member (A)

**STEP 2: Model**

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with back wages with effect from 20-4-1988 as per the Judgment of the <sup>Hon'ble</sup> High Court in his favour. The applicant was paid all the back-wages from 1971-1988. The period from 1971 to 1988 was also treated as <sup>on</sup> duty. The only grievance of the applicant in this O.A., is that he should also be promoted to higher grade on par with his ~~2~~ juniors in view of his reinstatement in 1988 and that he also be paid back-wages, treating the period

This O.A., is filed praying for directions to the respondents to consider the promotions due to him during the period from 1-11-1971 to 31-12-1987. 31.7.90.

review DPCs for the purpose and promote him notionally to the next higher cadres of the Assistant Supdt. of Post Offices, PSS Group B, Junior Class I, Senior Class I with effect from the date/dates his next juniors were promoted with all consequential ~~services and monetary~~ benefits such as payment of arrears due, revision of pension, Death-cum-Retirement Gratuity, encashment of leave etc., with interest at 18% per annum.

following was submitted by the learned counsel for the respondents, under instructions from his clients.

- i) The applicant has been paid ~~back wages~~ right from 1971--1988
- ii) The period from 1971 to 1988 had already been treated as duty.

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iii) The case of the applicant for further promotion on the basis of his representation ~~cannot~~ <sup>could not</sup> be finalised as in the meantime the O.A., had been filed and hence the whole issue abated. Further he submits that the promotion of the applicant to the higher grade/grades will be considered on par with his juniors in accordance with the rules if he is found fit for ~~pay~~ <sup>promotion</sup> by the Review DPCs., and his ~~pay~~ <sup>pay</sup> in the promoted grade/grades will be fixed on par with his juniors. This is subject to the recommendations of the first instance.

iv) His pay on notional promotion to the higher Grade/Grades will also be fixed notionally on par with his juniors

v) His final pension will be ~~drawn~~ of the last notional pay drawn by him as he has already ~~been~~ retired from service.

In view of the above submissions of the respondents, no further orders/directions are necessary as the respondents themselves are willing to comply with the request made by the applicant in this O.A.

We make it clear that the above submissions made by the respondents should be complied <sup>with</sup> within five months from the date of receipt of a copy of this Order. We ~~will~~ also make it clear that the applicant is not

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entitled for gratuity or leave encashment <sup>on the basis of last sustained pay fixed at the time of retirement</sup> or any interest at the time of retirement as the payment of gratuity, payment of leave encashment etc., are <sup>at</sup> one time ~~basis~~ <sup>payments</sup>.

The O.A., is disposed of noting the submissions of the respondents. No costs.

*18 Jan*  
B.S. JAI PARAMESHWAR,  
Member (J)

*R. Rangarajan*  
R. RANGARAJAN,  
Member (A)

Date: 21--1-1998.  
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Dictated in open Court.

SSS.

DA.619/95

Copy to:-

1. The Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. The Member (Personnel), O/o The Director General, Department of Posts, Dak Bhavan, New Delhi.
3. The Chief Postmaster General, A.P.Circle, Hyderabad.
4. The Postmaster General, Hyderabad Region, Hyderabad.
5. One copy to Mr. J.V.Lakshmana Rao, Advocate, CAT., Hyd.
6. One copy to Mr. T.V.V.S.Murthy, Advocate, CAT., Hyd.
7. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate.

srr

2/2/98 (9)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
M(J)

DATED: 21/1/98

~~M.A./R.A/C.A.NB.~~

in

C.A.NB. 619/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
शेषण/DESPATCH  
29 JAN 1998  
हैदराबाद न्यायपीठ  
HYDERABAD