

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.1298-OF-1996

DATE-OF-ORDER:--4th-July,-1997

BETWEEN:

C.CHOWDAPPA

.. APPLICANT

AND

1. Union of India represented by
the Secretary, Ministry of Communications,
Dept. of Posts, New Delhi-110001,
2. The Chief Postmaster General,
A.P.Circle, Hyderabad-500001,
3. The Postmaster General,
Kurnool Region, Kurnool-518005,
4. The Superintendent of R.M.S.,
AG Division,
Guntakal 515 801.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.BSA SATYANARAYANA

COUNSEL FOR THE RESPONDENTS:Mr.V.RAJESWAR RAO, Addl.CGSC

CORAM:

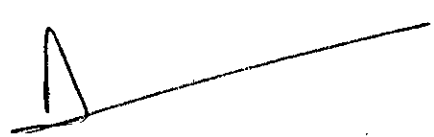
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.BSA Satyanarayana, learned counsel for
the applicant and Mr.V.Rajeswara Rao, learned standing
counsel for the respondents.

2. The applicant has filed this OA praying for
declaration that the action of the respondents disallowing
the applicant the benefits of (i) ignoring the entire




(49)

Military Pension; (ii) fixation of pay of the applicant by granting one increment for each completed year of service in Army as ex-Combatant Clerk is illegal, arbitrary and violative of the judgement delivered in OA No. 248/87, MA No.167/95 in OA No. 1091/91 and in consequence direct the respondents to give the benefit of pay fixation of one increment for every completed year of service in the Army ignoring the entire Military Pension in so fixing the pay, with all consequential benefits thereon along with interest on the delayed payment.

3. When the OA was taken up for hearing, the learned counsel for the respondents brought to my notice that a similar relief has been considered and disposed of in OA 248/87 decided on 26.8.1988. A copy of the judgement is enclosed as Annexure A-3 at Page 14 to the OA. Further it is also brought to my notice that a similar prayer was made in OA 1091/91 and that OA was also disposed of on 23.2.1994 taking due note of the judgment in OA 248/87. The applicant thereafter filed M.A.No.167/95 in OA 1091/91 for reverification of the facts in regard to his status as Combatant Clerk in the Army. That M.A. was disposed of to fix the pay of the applicant in terms of the Order-16 and in accordance with the extant instructions. The applicant felt aggrieved with non-implementation of judgements of this Tribunal in the above referred OAs including that of the M.A, filed C.P. 107/95 in M.A.No.167/95 in OA 1091/91 which was disposed of on 11.4.96. In that order it was observed by this Tribunal as follows:-

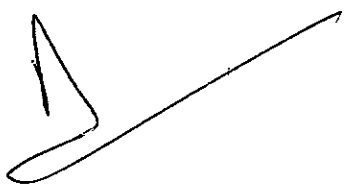
"However, it appears to us that there is some substance in the argument of the



applicant that in the light of Ministry of Defence O.M.No.2(1)/83/D(Civ.) dated 8.2.83 and Corrigendum dt. 24.10.83 (See pages 53-54 of Swamy's Compilation of Re-employment of Pessioners, Vth Edn. therewith. We think that the applicant should have raised that question before the authorities concerned by filing a representation. Hence we give liberty to the applicant to file a representation, if so advised, to the appropriate authority within a period of four weeks from today. The representation shall be disposed by the respondents on merits within four weeks thereafter."

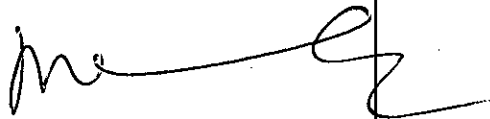
The C.P. was closed with the observations as referred to above. In pursuance of those observations, the applicant submitted his representation on 20.4.96 (Annexure A-8 at Page 30 to the OA) addressed to R-2. It is stated that the representation is still pending. A reminder to that representation also was submitted by him on 17.6.96 (Annexure A-9 at page 32 to the OA).

4. After perusing the above documents, I am of the opinion that a fresh OA is not considered essential at this juncture. The only direction that can be given is to ask R-2 to dispose of the representation dated 20.4.96 and 17.6.96 taking due note of the directions given in the earlier OAs, MA and the observations made in the CP as extracted above. As the applicant is complaining that inspite of the repeated reminders, his representation dated 20.4.96 is not disposed of, I feel that a time limit should be set for disposing of his representation.

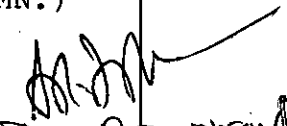


5. In view of the foregoing, R-2 is directed to dispose of the representation of the applicant dated 20.4.96 and 17.6.96 in accordance with law taking due note of the directions given in the earlier OAs/MA and the observations made in the CP, within a period of three months from the date of receipt of a copy of this judgement. The applicant is at liberty to take such action as he deems fit under law if he is going to be aggrieved by the reply to be given by R-2 as directed above.

6. The OA is disposed of as above. No order as to costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -4th-July, -1997
Dictated in the open court.


Dr. R. Rangarajan (3)

vsn

Copy to:-

1. The Secretary, Ministry of Communications, Union of India, Dept. of Post, New Delhi.
2. The Chief Postmaster General, A.P. Circle, Hyd.
3. The Postmaster General, Kurnool Region, Kurnool.
4. The Superintendent of R.M.S., AG Division, Guntakal.
5. One copy to Sri. B.S.A. Satyanarayana, advocate, CAT, Hyd.
6. One copy to Sri. V. Rajeswar Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

24/7/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

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

DATED: 4/7/97

ORDER/JUDGEMENT

M.A./R.A./C.A. NO.

in

O.A. NO.

1298/96

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण,
Central Administrative Tribunal

प्रेषण/DESPATCH

27 JUL 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH