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and

- .. Respondents.

CORAM:

Hon'ble Sri B.S.Jai Parameshwar, Member (A)

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JUDGMENT.

(per Hon'ble Sri B.S.Jai Parameshwar, Member(J)

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Heard Sri T.V.<sup>v.</sup>S.Murthy, learned counsel for the Applicant and Ms. Sakthi for Sri J.R.Gopal Rao, learned counsel for the Respondents.

2. The applicant joined the Respondents Department as Time-Scale Clerk (subsequently redesignated as Postal Assistant) in Guntur Postal Division on 10-8-1965. He had participated in the One Day token strike of the Central Government Employees on 19-9-1968 and the respondent No.3 had served on him a Notice terminating his services by Memo No.8/STK/9/68 dated 19.9.1968 (Annexure A-I at pages 9 and 10 to the O.A.) while he was working as a Postal Clerk at Tenali Head Post Office. However, the Senior Superintendent of Post Offices, Guntur (Respondent No.3) abruptly terminated his services with effect from 25.9.1968 even before the expiry of the stipulated Notice period of one month by his Memo No. 8/STK/S/68 dated 25.9.1968.

3. The applicant submits that subsequently due to lenient policy of the Government towards the striking employees, he was reinstated into service as a Postal Clerk at Narasaraopeta Head Office on 19.10.1969. The period of his absence from 26.9.1968 to 17.10.1969 for about one year and 22 days was ordered to be treated as

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'Dies-Non' thereby depriving him of the pay and allowances for the period i.e., from the date of termination till the date of reinstatement vide the SSP, Guntur Memo Nos., B-298 dated 16.10.1969 and 28.5.1970 (Annexure A-II and A-III page Nos. 11 and 12 to the O.A.) The applicant submits that he was subsequently promoted to the L.S.G., under the T.B.O.P. Scheme with effect from 30.11.1984 and to the HSG-II, under the B.C.R. Scheme with effect from 1.7.1992. He retired from service voluntarily with effect from 1.4.1995 vide the P.M.G. Vijayawada Memo No. ST-I/21-5/C/52 dated 31.1.1995 (Annexure A-IV at P.No. 13 to the O.A.)

4. The applicant submits that the Department of Personnel & Training, Government of India vide their O.M.No.33011/2(S)/86-Estt(B) dated 9.12.1996 (Annexure A-V Page No.14 to the O.A.) decided that in the light of the Award given by the Board of Arbitration (JCM) in C.A. reference No.10 of 1933 that the temporary employees whose services were terminated under Rule 5 of the CCS(TJ) Rules, 1965 as in the case of the applicant, shall be paid pay and allowances for the intervening period from the date of their termination to the date of their reinstatement on receipt of their applications.

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5. The applicant has submitted a detailed representation dated 28.2.1997 (Annexure A-VI at page Nos. 15 and 16 to the O.A.) to the Superintendent of Post Offices, Tenali (the Respondent No.4) praying for payment of pay and allowances from 26-9-1968 to 17-10-1969 along with consequential arrears arising out of periodical increments and with all consequential benefits arising thereof. But no reply was received from the Department. The applicant submits that he has submitted another detailed representation dated 19.12.1998 (Annexure VII Pages 17 to 19 to the O.A.).

6. The applicant has relied upon the directions given by this Tribunal in O.A.No.64/96 dated 4.8.1998 (S.C.J. MOHAMMAD Vs. UNION OF INDIA AND OTHERS) (Annexure IX- pages 21 to 25 to the O.A.) He further submits that he made the representations dated 28.2.1997 and 19.12.1998 (Annexures A-VI and A-VII to the Senior Superintendent of Post Offices, Nellore (Respondent No.2)

7. The applicant has filed this O.A., to --

i) call for the relevant records from the respondents Nos., 2 and 3;

ii) to declare that the applicant is entitled for payment of pay and allowances for the intervening period from the date of termination of his service to the date of his reinstatement viz., 26-9-1968 to 17-10-1969 in terms of the O.M.No.33011/2(S)/86-Estt(B) dated 9. 12.1996 (Annexure A-V to the O.A.) of the Department

*Re*

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of Personnel and Training, Government of India, treating the period as duty for all purposes with all consequential service and monetary benefits such as arrears of salary arising out of periodical increments, fixation of pay from time to time and retiral benefits such as revision of pension, commuted value of pension, DCRG and encashment of leave etc., and

iii) consequently to direct Respondents 1 to 7 to pay the pay and allowances for the period from 26-9-1968 to 17.10.1969 along with all consequential monetary benefits with interest at 24% per annum from 9.3.1997 (i.e., from 3 months after the date of issue of the O.M., dated 9.12.1996 (Annexure A-IV to the O.A.) till the date of payment.

8. Since the representations of the applicant dated 28.2.1997 and 19.12.1998 are still pending with the Department, we feel it proper to direct the Respondent No.7 to dispose of those representations expeditiously.

9. Hence, the Respondent No.7 is directed to dispose of the representations of the applicant dated 28.2.1997 and 19.12.1998 in accordance with the rules within a period of two months from the date of receipt of a copy of this Order.

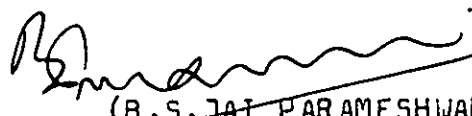
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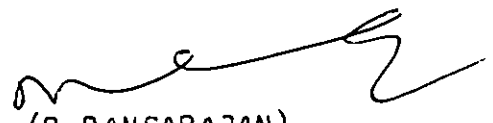
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10. With the above direction the O.A., is disposed of at the admission stage itself. No order as to costs.


11. The Registry shall forward a copy of the O.A., with its annexures to the Respondent No.7 along with a copy of the Order in the O.A.

  
(B.S. JAI PARAMESHWAR)  
Member (J)  
15.3.99

  
(R. RANGARAJAN)  
Member (A)

Date: 15th March, 1999.

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Dictated in open Court.

  
not.

sss.