

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00128/2015
WITH
MISC. APPLICATION NO. 291/00078/2015

DATE OF ORDER: 20.03.2015

CORAM

HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Pramod Kumar Joshi S/o Shri Nand Kishore Joshi, aged about 58 years, R/o Station Road, Laxman Garh, Sikar and presently working as Assistant Post Master, Sikar Head Post Office, Sikar.

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through Secretary to the Government of India, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, New Delhi - 110001.
2. Post Master General, Rajasthan Western Region, Jodhpur.
3. Director of Postal Accounts, Jhalana Doongri, Jaipur.
4. Superintendent of Post Offices, Sikar Postal Division, Sikar.
5. Post Master, Sikar Head Post Office, Sikar Postal Division, Sikar.

...Respondents

ORDER (Oral)

The applicant has filed the present Original Application seeking a direction to the respondents to hold good step up of pay allowed in the year 1996 by quashing letter dated 04.04.2012 (Annexure A/1) with the audit report at

Annexure A/2 and to refund Rs. 26,335/- along with interest with the other consequential benefits and for further direction to obtain approval of competent authority and to act as per options available to the applicant by extending chance of option and to re-fix the pay of the applicant with all consequential benefits. The applicant has also sought relief for direction to the respondents to allow one additional increment w.e.f. 01.01.2006, if the month of increment remained as April 2006 with all consequential benefits.

2. The applicant is aggrieved by the action of the respondents in passing the orders at Annexure A/1 dated 04.04.2012. He is also aggrieved that the action of the respondents withdrawing the benefits of stepping up of pay allowed in the year 1996 is against the procedure and also not allowing one additional increment after recommendation of the 6th Pay Commission. According to the applicant, he is entitled for the same.

3. It has been averred in the O.A. that the applicant is substantive employee of the respondent-department. He was allowed higher scale from time to time as per rules. At present, he is working as Assistant Post Master, Sikar Head Post Office, Sikar. It has also been pointed out that the applicant made requests for stepping up of pay with one

Shri Ayub Khan, junior to the applicant, and the respondents allowed stepping up of pay at the stage of Rs. 4750 w.e.f. 14.08.1996 from the date of Shri Ayub Khan and the applicant continued to draw pay and allowances and further the applicant was placed in next higher scale w.e.f. 01.07.1996 vide memo dated 22.11.2006 (Annexure A/4).

4. It has further been averred that audit party on behalf of the respondent no. 3 while audit of Sikar Head Post Office gave its findings that step-up was allowed to the applicant without obtaining the approval of the competent authority and, therefore, was not in order. The audit party also mentioned that over payment of Rs. 26,335/- for the period from 14.08.1996 to 31.03.2009 be recovered from the applicant and the respondent no. 5 without any order of the competent authority acted upon the audit report and lower down the applicant in pay & allowances. It is also submitted that department has also recovered an amount of Rs. 26,335/- from the applicant. Annexure A/2 is the copy of the respective para of audit report. The applicant made request before the respondent no. 2 on 20.12.2009 to consider the matter afresh and to issue necessary orders. The respondent no. 2 vide letter dated 20.04.2010 forwarded the request of the applicant before the respondent no. 1 for clarification. The applicant was

repeatedly making requests to settle his claim. His requests for seeking refund of Rs. 26335/- alongwith interest has not been conceded. In spite of repeated requests made by the respondent no. 2 vide his letters dated 16.11.2010, 04.03.2011 and 15.06.2011, Annexure A/7, A/8 & A/9, respectively, to the respondent no. 1 to clarify the position, no clarification has been made.

5. The applicant claims his fixation of pay from the date of next increment in the year 1996 and also step-up of pay allowed with his junior.

6. Heard the learned counsel for the applicant and perused the records. We have examined the matter in detail. We find that the grievance of the applicant has not been so far considered by the respondent no. 2 and that the consideration is getting delayed for no sound reason. It is seen that several communications have been made between respondent no. 2 and respondent no. 1 in this regard.

7. In the facts and circumstances of the case, we are of the view that the issue highlighted by the applicant will have to be examined by the respondent nos. 1 & 2 without further delay. Appropriate orders can be passed by the respondent no. 1 & 2.

8. We, therefore, dispose of this O.A. in limine without issuing notices to the respondents with a direction to the respondent nos. 1 & 2 to consider the grievances of the applicant and pass appropriate reasoned & speaking orders in accordance with the provisions of law within a period of two months from the date of service of this order. The applicant is also directed to serve a copy of this order immediately to the respondent nos. 1 & 2 along with a complete copy of this O.A.

9. In view of the order passed in the O.A., no further order is required to be passed in the M.A. for condonation of delay. The M.A. is also disposed of accordingly. There shall be no order as to costs.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER