

Central Administrative Tribunal
Jabalpur Bench

OA No.1153/04

Indore, this the 19th day of August 2005.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

Govind Singh Thakur
Son of Shri B.L.Thakur
R-2/22 TTC Colony
Ridge Road
Jabalpur.

Applicant

Shri
(By advocate — [Rajneesh Gupta])

Versus

1. Union of India through
Secretary
Department of Posts
Dak Bhawan
New Delhi.
2. Chief Post Master General
Raipur
Chhattisgarh Circle
3. Director of Postal Services
Raipur Region
Raipur.
4. Senior Superintendent of Post Offices
Jabalpur District
Jabalpur.

Respondents.

(By advocate Shri A.P.Khare)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:



- (i) Direct the respondents to treat the service period of the applicant with effect from 22.3.1984 as per appointment letter (Annexure A1).
- (ii) Direct the respondents to grant the benefit of higher pay scale in the pay scale of Rs.4500-7000 w.e.f 22.3.2000 i.e. on completion of 16 years of service from his initial appointment i.e. 22.3.1984.
- (iii) Direct the respondents to pay the arrears of three years which had accrued to him on account of time bound promotion scheme and which have not been paid to him within a period of 3 years along with interest at 16% p.a.

2. The brief facts of the case are that the applicant who was initially appointed as Postal Assistant in 1983 was deputed to the Army Postal Service Corps vide order dated 20.3.1984. At the time of joining the Army Postal Service Corps, the applicant was paid a basic pay of Rs.260/-. He was repatriated to his parent postal unit on 23.8.99. From the date of induction in the Army Postal Service i.e. from 22.3.1984 to 22.3.2000 i.e. a period of 16 years the applicant was entitled for grant of time bound promotion as per the scheme of the respondents. The applicant was granted the benefit of time bound promotion on 30.3.2004 in the pay scale of Rs.4500-7000. The date of promotion is shown with effect from 22.5.2003. The benefit of higher pay scale on account of time bound promotion scheme was to be given with effect from March 2003. The applicant made several representations in this regard but to no avail. Hence this OA is filed.

3. The learned counsel for the applicant reiterated the facts as is mentioned in his Original Application.


4. The learned counsel for respondents argued that the applicant was initially appointed as Postal Assistant in 1983 and after completion of 2 ½ induction training, he was declared successful in the examination and was appointed as adhoc and temporary Postal Assistant on 22.3.1984 and deputed to Army Postal Service Corps from 22.3.1984 vide order dated 20.3.1984 and rendered 15 years 5 months service in APS from 22.3.84 to 23.8.99 and reverted to parent unit with effect from 24.8.99. The Government introduced Scheme of one TBP with effect from 30.11.87. The applicant promoted under

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one TBP with effect from 22.5.2003 completed 16 years of service as regular service from 11.5.1987 and was placed in the scale Rs.4500-7000. The learned counsel further argued that the applicant has calculated the period he served on adhoc and temporary basis, which cannot be considered for grant of OTBP Scheme. He was regularized in service on 11.5.87 and from this date, on completion of 16 years on regular service, the benefit of OTBP was duly given by the respondents. They have not committed any irregularity or illegality. Hence this OA deserves to be dismissed.

5. After hearing learned counsel for both parties and carefully perusing the records, we find that the respondents have specifically mentioned in their return that the applicant was given regular appointment as Postal Assistant with effect from 11.5.87 vide order dated 30.3.2004. Earlier to it, he had served in the capacity of adhoc/temporary Postal Assistant. The applicant does not controvert this fact by filing any rejoinder. The applicant is claiming the benefit of OTBP Scheme from the date of his initial appointment while he was serving on temporary and adhoc basis. The argument advanced on behalf of the respondents that the benefit of OTBP was given to the applicant with effect from 11.5.87 and he was promoted under OTBP with effect from 22.5.2003 after completion of 16 years of regular service seems to be legally correct. Hence the action of the respondents seems to be perfectly justified and is in accordance with rules.

6. Considering all facts and circumstances of the case, we are of the considered opinion that the OA has no merit. Accordingly the OA is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman