

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 900 of 2003

Jabalpur, this the 23rd day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Kishore Kumar Gaur, S/o. Shri
Babulal Gaur, date of birth
1-2-1951, C/o. Sanjay Nagar,
behind Ran Gurjar Bhavan,
Burhanpur (MP).

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, Through ;
Ministry of Communication,
Department of Posts, Sanchar
Bhavan, New Delhi.
2. Chief Post Master General,
M.P. Circle, Hoshangabad Road,
Bhopal.
3. The Director, Postal Services,
Indore Zone, Office of Post
Master General, Indore.
4. The Superintendent of Post Office,
Khandwa Division, Khandwa. ... Respondents

(By Advocate - Shri Om Namdeo)

O R D E R (Oral)

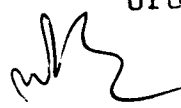
By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has
claimed the following main reliefs :-

"(1) This to
send for the entire records including screening commi-
ttee records pursuant to which the applicant has to
compulsorily retire from service, from the possession
of the respondents, for its kind perusal;

(2) This to
set aside the impugned order dated 21.10.2003
(Annex. A/2).

(3) This to
command the respondents to provide all consequential
benefits to the applicant, if the aforesaid impugned
order is never passed."



2. The brief facts of the case as stated by the applicant are that the applicant was working in the Postal Department in the grade of HSG-II. He was issued with a notice of three months for retirement under FR 56 (J) vide letter dated 21.10.2003. The notice has been served on the applicant on 23.10.2003. In view of this the applicant is proposed to retire from service with effect from 24.01.2004. Aggrieved by this the applicant has filed this Original Application.

3. Heard both the learned counsel for the parties and perused the records carefully.


4. The learned counsel for the applicant states that the applicant has been placed in HSG-II grade (BCR) on 20.09.03. The applicant refused his promotion for some personal reasons and thereafter he was placed in HSG-II scale of Rs. 5000-8000/- on 09.07.2003. The contention of the learned counsel for the applicant is that the applicant has been promoted recently to the higher grade. He therefore cannot be treated as dead wood and retired from service under FR 56 (J).


5. On the other hand the learned counsel for the respondents states that the applicant was never given regular promotion on HSG-II grade. He was only placed under that grade in BCR scheme. The learned counsel for the respondents have also drawn our attention to Annexure R-1, which is a statement showing the details of the punishment awarded to the applicant during his entire service period starting from the date of appointment i.e. 04.01.1974. He has submitted that the applicant has been punished on number of occasions. Therefore his further retention in service is not considered to be fit in public interest.

 6. We have very carefully considered the rival contentions

and have also seen the pleadings placed before us. We find that the applicant has been placed in HSG-II grade recently by the respondents vide order dated 09.07.2003. It appears very peculiar that on one hand the respondents are promoting the applicant to ^ahigher grade and at the same time they are also issuing notices to the applicant that his services are not more required and retiring him under FR 56(J). In the circumstances we deem it appropriate to direct the applicant to submit a detailed representation to the competent authority i.e. respondent No. 1 within a period of one month from today. If the applicant complies with the order, the respondents are directed to decide the representation of the applicant by passing a speaking, detailed and reasoned order within a period of two months from the date of receipt of copy of the representation by them. Till the representation of the applicant is decided by the respondents, the order issued by the respondents on 21st October, 2003 will not be given effect to.

7. With the above direction the Original Application stands disposed of. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

Issued.
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02.04

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पति/व्या
(1) सचिव,
(2)
(3)
(4)
सूचना एवं संचार

S. Paul, Ach.
Om Nandee, Ach.

[Signature]
उप-सचिव