

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.92 of 2003

Jabalpur, this the 19th day of February, 2003.

Hon'ble Mrs. Meera Chhibber, Member(J)

H.D. Paul S/o late Shri Janki
Prasad Paul, date of birth 13.9.1956,
R/o Rajendra Nagar, Gali No.8,
Satna (MP)

-APPLICANT

(By Advocate- Mr. V. Tripathi)

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Chief Post Master General, M.P. Circle, Hoshangabad Road, Bhopal, M.P.
3. Chief Post Master General, Chhattisgarh Circle, Raipur (CG)
4. Senior Superintendent of Post Offices, District Durg (CG)

-RESPONDENTS

O R D E R (ORAL)

By this O.A., the applicant has sought the following relief:-

- "(a) Summon the entire relevant record from the respondents for its kind perusal.
- (b) Command the respondents to extend the benefit of judgment passed in OA No.687/95 dated 26.11.2001 (Annexure A-3) and consequently, fix the applicant's pay as per circular dated 27.1.1994 Annexure A-1.
- (c) Accordingly, the applicant's pay be fixed in Postal Assistant Cadre by taking into account the pay he was drawing as adhoc UDC with all consequential benefits.
- (d) Any other order/orders, direction/directions may also be passed.
- (e) Award cost of the litigation in favour of the applicant.

2. It is submitted by the applicant that All India Saving Bank Control Organisation (SBCO) Employees had filed OA No.687/1995 in Jabalpur Bench and this Tribunal

was pleased to allow the O.A. by the detailed judgement dated 26.11.2001 holding therein as follows:-

"7.2 Earlier, their pay was protected and later on the recovery was ordered. Having worked for long period in the higher grade of Rs.1200-2040 and thereafter under a scheme meant for extending benefit of Time Bound Promotion to remove stagnation and they place them in a lower pay scale of Rs.975-1660 under the said scheme, without protecting their emoluments, would be unjust. Taking care of these difficulties, another department under the same Ministry i.e. Telecom Deptt has issued instructions whereby pay of similar adhoc employees was protected. We see no reason ~~as~~ why similar treatment cannot be given to the applicants.

7.3 In view of above discussions, we feel that it will be in the interest of justice if the emoluments of the applicants are protected in similar manner as done in the Government of India, deptt. of Telecom letter No.27-4/87-TE II (Pt.B) dated 27.1.94 (Annexure A-9) and accordingly ordered. Let this order be complied within three months from the date of its receipt. No order as to costs."

It is submitted by the applicant that pursuant to this judgement, he also gave a representation on 7.1.2002 claiming benefit of the same judgement (Annexure A-5, at page 21 of the OA), but till date, according to him the respondents have not passed any orders on his representation while the relief has been given to as many as 15% ^{of other personnel} pursuant to the judgment by order dated 5.3.2002 (Annexure A-4). It is submitted by the applicant that all these persons have been given the benefit of judgement, ^{of whom} ~~who~~ are junior to the applicant. Therefore, the respondents cannot deny to give the same benefit. It is thus submitted that since the matter has already been decided by the Tribunal, he should be given the benefit as claimed by him.

3. I have heard the applicant's counsel and perused the pleadings and original record as well.

4. Without going into the merit of the case, ^{since} that the Tribunal had already decided the matter and the respondents ^{have} ^{are} not even considered his representation so far, I think that this case be disposed of at the admission stage itself without calling for any reply from the respondents by giving a direction ^{to} the respondents to consider the representation of the applicant filed as Annexure A-5 with the O.A. and to pass a reasoned and speaking order thereon within a period of three months from the date of receipt of copy of this order, under intimation to the applicant, and in case the respondents find the applicant ^{as} similarly situated person and there is no other impediment in this way, the respondents may pass appropriate orders within ^{the} stipulated period of time. With the above directions, the O.A. is disposed of with no order as to costs.



(Meera Chhibber)
Member(J)

MA:

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प्राप्तकर्ता सं औ/न्या..... जबलपुर, दि.....
प्रतिलिपि लाले दिन:-
 (1) राधिका, राज विजयनाथ यादव एसोसिएशन, जबलपुर
 (2) जनकी, विजयनाथ/यादव..... के काउंसल *S. Patel*
 (3) प्रत्यक्ष विजयनाथ/यादव..... के काउंसल *Ranjan Dasgupta*
 (4) विजयनाथ, विजयनाथ यादव विजयनाथ यादव
सूचना द्वारा आवश्यक कार्यक्रम के द्वारा

Desh

अप्रैल 2007

signed
21/07