

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.687/02

Jabalpur, this the ^{18th} day of February 2005

CO R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

K.L.Gome (Retd.)
(C.O.) P.O.
S/o Shri Gyrasilal
R/o 19, Narainpura
Main Samver Road
Ujjain(M.P.)

Applicant

(By advocate Shri R.C.Choure)

Versus

1. Power Adhikshak Dak Ghar
Malva Sambhag
Motilal Nehru Nagar Karyalaya
Ujjain (M.P.)
2. Chief Post Master General
Dak Bhavan
Bhopal (M.P.)
3. Director General (Dak Office)
Pensioners Sanchar Mantralaya
Government of India
New Delhi.
4. Accounts Officer Pension (Postal)
Bhopal.

Respondents.

(By advocate Shri Umesh Gajankush)



ORDER

By Madan Mohan, Judicial Member

This OA is filed in Hindi and the reply is also filed in Hindi. By filing this OA, the applicant has sought the following reliefs:

- (i) To direct the respondents to pay monthly special pay of Rs.25 with DA w.e.f. 1st March 1984 till the date of retirement on 31st August 1996 with compound interest.
- (ii) Direct the respondents to fix his pay in the pay scale of Rs.4500/- more than S.P.Joshi and the pension and retirement benefits be paid to him accordingly and removing stepping of the applicant who is senior and deductions were made under VCR and no benefit was given to him.

2. The brief facts of the OA are that according to the Govt. of India, an order dated 6th March 1984 was issued granting a special pay of Rs.25 per month but its benefit was not given to the applicant. The applicant is entitled for this benefit with interest from March 1984 till the date of his retirement i.e. on 31st August 1996. The applicant served a notice under section 18 of CPC on 15th June 1999 which was received by the respondents on 22nd June 1999 but the respondents did not consider and decide the terminal benefits of the applicant. Hence he is entitled for interest at the market rate for Rs.1,14,227/-. The amount paid to the applicant was not in accordance with accurate calculations and no calculation sheet was made available to him in spite of several requests. The applicant also claimed Rs.1 lakh from the respondents for the financial and mental tension and coercion and further requested for correct fixation of the pay of the applicant.



3. Heard the learned counsel for the parties. It is argued on behalf of the applicant that the applicant was promoted vide order dated 12th March 1992 (Annexure R2) w.e.f. 1st October 1991. While the respondents have not considered his promotion from this date, they have taken the undue benefit of the illiteracy of the applicant considering the letter written by the applicant dated 20.3.1992 (Annexure R3) which is apparently against the interest of the applicant. Hence, legally this cannot be taken into consideration, in which the applicant has mentioned that the benefit of his promotion be given to him from 1.1.92 and further argued that the respondents have paid the retiral dues to the applicant after a considerable delay. The applicant has also not opted the special pay of Rs.25 which was ordered by the Govt. of India and the benefit of the same was also not extended to the applicant and his representations were also not considered by the respondents. The applicant is entitled for interest on Rs.1,14,227 and he is also entitled for Rs.1 lakh as compensation for the acts of the respondents which caused financial loss and acute mental tension and coercion to the applicant and further the applicant is also entitled for 24% compound interest on his retiral dues. Hence the OA deserves to be allowed.

4. In reply, the learned counsel for the respondents argued that keeping in view the service period of the applicant, he was promoted under BCR Scheme since 1.10.1991 in the pay scale of Rs.975-1660 but the applicant himself in the application dated 20th March 1992 has expressed his desire to accept it w.e.f. 1.1.92. Hence his pay was fixed as Rs.1300 w.e.f.1.1.92. The applicant has put in his signature in English on his alleged letter dated 20th March 1992 (Annexure R3). Hence he cannot say that he is an illiterate person. He never raised any objection against it before the respondents and after the BCR promotion, the supervisory allowance was closed which was being given to the employee before the BCR promotion i.e. Rs.30 p.m. and the applicant was retired on 31st August 1996. The applicant has alleged that Shri D.P.Saxena and S.P.Joshi are junior to him but it is incorrect because S.P.Joshi was posted

as postman on 12th May 1958 and D.P.Saxena was directly recruited on this post on 11th May 1959 while the applicant was promoted on the post of postman w.e.f. 12th February 1966. A detailed chart is given in Annexure R5. The amount of pension and other retiral dues are payable to the applicant from time to time according his eligibility. The respondents have neither committed any irregularity or illegality in their action. Hence the OS has no merit and deserves to be dismissed.

5. After hearing the learned counsel for the parties and careful perusal of the records, we find that according to the arguments advanced on behalf of the applicant, he was promoted w.e.f. 1.10.91 vide order dated 12th March 1992 (Annexure R2) but on a perusal of R-3 which is signed by him in English in which he has clearly mentioned that the benefit of his promotion may be given to him w.e.f. 1.1.92. The argument advanced on behalf of the applicant that the applicant is an illiterate person and the letter apparently should not be taken into consideration seems to be not tenable because the applicant has signed this letter in English and he has nowhere denied his signature and rather he has not made any complaint to the respondents not to consider this letter. So far the special pay is concerned, the respondents have clearly mentioned in their return that it was closed by order of the Govt. of India, Ministry of Communication dated 11.10.91 and it was closed. Hence the applicant is not at all entitled for this relief. The applicant has not controverted this argument of the respondents. We have perused R-5 in which the date of promotion of the applicant on the post of postman (SC category) is shown as 12.2.1966 while the date of promotion of the post of postman of M.P.Joshi (general category) is 12th May 1958 and another employee D.P.Saxena (general candidate) was initially posted as postman on 11th May 1959. Apparently the applicant is much junior to these aforesaid persons and this fact is not controverted by the respondents. Mere oral version of the applicant is not sufficient. The respondents have clearly mentioned that they have paid all the retiral dues to the applicant from time to time and revised pension was also paid to the applicant. The applicant has not mentioned about the

delayed payment by the respondents. The Tribunal has no jurisdiction to award Rs.1,00,000/- as compensation.

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

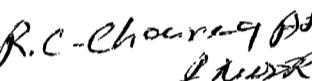
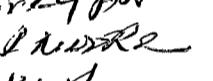
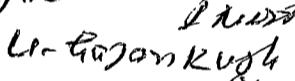

(Madan Mohan)
Judicial Member


(M.P.Singh)
Vice Chairman

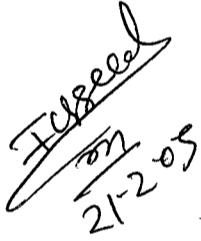
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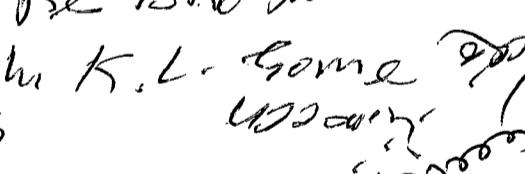
- (1) समिति, उच्च व्यायालय दरार एसोसिएशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/चु. के काउंसल
- (3) पृष्ठांकी श्री/श्रीमती/चु. के काउंसल
- (4) व्यायालय, के प्र.अ., जबलपुर व्यायामीठ
सूचना एवं आवश्यक कार्यवाही हेतु


R.C. Chaurasia

Inder

Mr. Rajan Kishore

P.N. Indore


Fees
on
21-2-05

Re I.S.I. No


Mr. K.L. Gome
Warden
14/3/05


D.Y. REGISTRAR
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