

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th day of February, 2010

ORIGINAL APPLICATION NO. 142/2006

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

L.N. Narwaria son of shri Jamuna Lal Narwaria by caste Narwaria, aged about 52 years, resident of House NO. 51, Sector 4, Keshopura, Kota, presently working as SA in the office of Railway Mail Service, Jaipur, office of SSRM, JP Dn. Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Principal Chief Postmaster, Rajasthan Circle, Jaipur.
3. The Senior Supdt. Railway Mail Service, Jaipur Division, Jaipur.
4. The head Record Officer, Jaipur Division, Jaipur, Opp. Radio Station, M.I. Road, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Gaurav Jain)

ORDER (ORAL)

Heard learned counsel for the parties.

The grievance of the applicant in this case is that in fact no adverse entry below the Bench mark has been communicated to him, as such the same could not have been found ground to deny the benefit of TBOP Scheme to him from the due date. Since this is not the specific pleading made in this OA and the stand taken of the respondents in the reply is that the performance of the applicant was not satisfactory. In other words, the case of the respondents is that

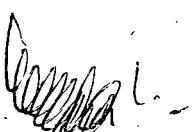
the applicant was not found fair & good for the Committee for placement under TBOP Scheme. As such, he was not granted the benefit of TBOP Scheme.

2. Keeping in view the aforesaid fact, learned counsel for the applicant submits that he will file representation before the authority concerned in view of the law laid down by the Apex Court in the case of **Dev Dutt** as the Apex Court has held that entry below the Bench mark has to be communicated.

3. In view of what has been stated above, the applicant is directed to file representation before the appropriate authority within 15 days from today. If the representation is filed within the aforesaid period, in that eventually, the authority shall pass a reasoned & speaking order within a period of two months from the date of receipt of the representation.

4. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRO)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (S)

AHQ