

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

17.3.2008

OA 367/2006

Mr.C.B.Sharma, counsel for applicant.
Mr.T.P.Sharma, counsel for respondents.

Heard learned counsel for the parties. The OA stands disposed of by a separate order.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 17th day of March, 2008

ORIGINAL APPLICATION NO.367/2006

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Khem Raj Gupta,
Gramin Dak Sewak Branch Post Master,
Branch Post Office Allapur via
Sawai Madhopur.

... Applicant
(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication &
Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Supdt. of Post Offices,
Sawai Madhopur Postal Division,
Sawai Madhopur.
4. Inspector of Post Offices,
Postal Sub Division,
Sawai Madhopur.

... Respondents
(By Advocate : Shri T.P.Sharma)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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The applicant has filed this OA thereby praying for the following relief :

- "i) That the entire record relating to the case be called for and after perusing the same respondents may be directed not to reduce the allowance of the applicant and applicant be allowed to draw his allowances as Rs.1770/- with yearly increments as being drawn by him upto 31.8.2003 in the scale Rs.1645-25-2345 instead of scale Rs.1280-35-1980 with all consequential benefits including arrears of pay and allowances with the amount recovered from the applicant.
- ii) That the respondents may be further directed not to treat the applicant as fresh appointee on 27.6.2000 and to count his services with effect from 15.1.98 for all purposes by quashing letter dated 27.6.2005 (Ann.A/1)."

2. Briefly stated, facts of the case are that the applicant was appointed as Extra Departmental Mail Career/Delivery Agent (EDMC/DA), Khandewla Branch Post Office, Sawai Madhopur, on 15.1.98. Pursuant to the appointment of the applicant, he was allowed Time Related Continuity Allowance (TRCA) at the stage of Rs.1645/- plus allowances with yearly increment of Rs.25/- and his allowance in the year 2000 was Rs.1695/-. It is averred that the post of EDMC/DA at Khandewla was diverted to the newly opened Branch Post Office Allapur in the year 2000 and the applicant was ordered to work as Branch Post Master Allapur vide order dated 26.6.2000, passed by respondent No.3. Pursuant to the said order the applicant took charge of the said post on 27.6.2000.

3. Grievance of the applicant is that his pay and allowances were fixed at the stage of Rs.1770/- plus allowances upto 31.8.2003, but in the month of September, 2003 his allowances were reduced to Rs.1385/- in the scale of Rs.1280-35-1980 treating him as a fresh appointee w.e.f. 27.6.2000. It is submitted that the applicant immediately thereafter represented before respondent No.3 vide representation dated 3.10.2003 (Ann.A/5) and the respondent No.3, vide order dated 27.7.2005, informed the applicant that he is not entitled for protection

of allowances being a fresh appointee, whereas case of the applicant is that he is entitled to pay protection pursuant to the instructions dated 11.10.2004 (Ann.A/6). It is on the basis of these averments, the applicant has filed this OA thereby praying for the aforesaid relief.

4. Notice of this OA was given to the respondents, who have filed their reply. According to the respondents, the applicant is not entitled to pay protection being a fresh appointee.

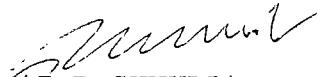
5. We have heard learned counsel for the parties and gone through the material placed on record.

6. The question which requires our consideration is whether the applicant is entitled for protection of the allowances in pursuance of the instructions dated 11.10.2004. According to learned counsel for the applicant, the respondents have not treated the case of the applicant in right perspective and in the light of instructions dated 11.10.2004. We are of the view that without going into the merit of the case as to whether the applicant is entitled to the benefit in terms of instructions dated 11.10.2004, it will be in the interest of justice if a direction is given to the respondents to decide the claim of the applicant regarding fixation of allowances on account of redeployment of the applicant in the light of aforesaid instructions.

7. Accordingly, the respondents are directed to treat this OA as representation of the applicant and decide the claim of the applicant regarding refixation of his allowances on account of redeployment in the light of instructions dated 11.10.2004 by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order. In case the applicant is still aggrieved, it will be open for him to challenge the subsequent order by filing a substantive OA. It is further clarified that in case the claim of the

applicant is accepted by the respondents, the respondents shall refund the amount so recovered within a period of two months from the date of passing of ^{such} ~~this~~ order.

8. With these observations, the OA stands disposed of with no order as to costs.



(J.P.SHUKLA)

MEMBER (A)



(M.L.CHAUHAN)

MEMBER (J)

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