

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 14th day of August, 2008.

ORIGINAL APPLICATION NO.148/2008

CORAM :

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

Mahaveer Prasad Sharma,
S/o Shri Kedar Mal Sharma,
R/o Village Post Sarana,
Teh.Sarwad,
District Ajmer.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Post Master General,
Southern Region,
Ajmer.
4. Supdt. of Post Offices,
Beawar Division,
Beawar.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

"That by a suitable writ/order or direction the respondents be directed to pay the difference of full TRCA with effect from 30.12.2004 to 30.5.2005 with a justified interest."

2. The dispute in this case is regarding payment of TRCA for a period w.e.f. 30.12.2004 to 30.5.2005 i.e. the period when the applicant was out of job on account of his removal from service and the date when he was reinstated in service when the order of removal from service was modified by the appellate authority.

3. We have heard learned counsel for the applicant at admission stage. We are of the view that since the order of removal has been modified and the applicant has been debarred for promotion for three years, as such it is not a case where the applicant has been completely exonerated thereby entitling him for pay and allowances for the aforesaid period when he did not work. Thus, we see no infirmity in the impugned order (Ann.A/1).

4. Learned counsel for the applicant submitted that as can be seen from the impugned order (Ann.A/1), the applicant has not been held entitled for TRCA, whereas the appropriate authority has not passed any order regarding how this period of absence has to be treated for the purpose of continuity of service. Thus, according to learned counsel for the applicant, appropriate order may be passed treating the aforesaid period as spent on duty for the purpose of benefits as available under the rules.

5. Since it is not a case of the applicant in the OA and the appropriate authority has also not passed any order in this regard, we are of the view that it will be appropriate for the applicant to make a representation before the authority concerned in that regard and we see no reason for the appropriate authority not to take into account the prayer of the applicant. Needless to add that in case the applicant

still feels aggrieved, it will be open for him to file a substantive OA for that purpose.

6. With these observations, the OA stands disposed of at admission stage itself with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

vk