

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

3

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p>31-5-2011 OA. No. 228/2011 Mr. S.P. Singh counsel for applicant. Heard bld. counsel for applicant. The OA is disposed of by a separate order.</p> <p><u>Anil Kumar</u> (Anil Kumar) Member (A)</p> <p><u>I.C. S. Rattan</u> (Justice K.S. Rallan) Member (T)</p> <p><u>Zoomr</u></p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 31st day of May, 2011

ORIGINAL APPLICATION NO. 228/2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

R.K. Pacherwal son of Shri Kapurchand, aged about 55 years, by caste Brahman, resident of Village Kuloth Chhoti, PO Jhakod, District Jhunjhunu, working as Postal Assistant at Pilani Post Office.

.....Applicant

(By Advocate: Mr. S.P. Singh)

VERSUS

1. Union of India through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Director, Post Master General, Western Region, Jodhpur.
4. Superintendent of Post Offices, Jhunjhunu Division, Jhunjhunu.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

By way of this OA, the applicant has prayed for a direction to quash & set aside the order dated 18.05.2011 and the respondents be directed to confer his grade pay Rs.4200 instead of Rs.2800/- In accordance with law.

2. Order dated 18.05.2011 is under challenged by which the Superintendent of Post Offices, Jhunjhunu issued a show cause notice regarding withdrawal of benefits granted under the MACP issued vide letter dated 13.04.2010. This show cause notice was not only issued to the applicant but issued to as many as 8 persons. The applicant has still to file reply to the show cause notice. The applicant also placed



reliance on the decision of the Jodhpur Bench of the Tribunal in OA No. 223/2010 decided on 23.02.2011 [**Ram Chandra Purohit vs. Union of India & Others**] whereby Jodhpur Bench of the Tribunal disposed of the OA with the direction to the respondents to finally decide whether the applicant is entitled for 3rd financial upgradation under the MACP Scheme or not within a period of six months from the date of receipt/production of the order. After considering the ratio decided by the Jodhpur Bench and considering the facts & circumstances of the present case, we are of the view that this OA is premature as opportunity is provided to the applicant to represent his case. In such circumstances, the present OA deserves to be dismissed as the respondents have not yet considered the reply to the show cause, if any, submitted by the applicant and have to pass the final order. Cause of action will be made available to the applicant only after passing of the order after considering the reply of the applicant to the show cause notice. Thus at this stage, this OA deserves to be dismissed and the same is hereby dismissed as being premature.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)
AHQ

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)