

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

01.06.2012

OA No. 390/2012 with MA 176/2012

Mr. P. N. Jatti, Counsel for applicant.

Heard learned counsel for the applicant. The OA as well as MA are disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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K. S. Rathore
(Justice K.S.Rathore)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 1st day of June, 2012

Original Application No.390/2012
With MA No.176/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

R.N.Vijay
s/o Mohan Lal,
aged about 63 years,
r/o 21, Govind Nagar,
Jaipur, presently retired
as SAHSG from
RMS Office, Jaipur

.. Applicant

(By Advocate, Shri P.N.Jatti)

Versus

1. The Union of India
Through the Secretary to the
Department of Posts,
Dak Bhawan,
Sansad Marg, New Delhi
2. Chief Post Master General,
Rajasthan Circle,
Jaipur
3. Senior Superintendent,
Railway Mail Service,
JP Dn. Jaipur.

4. Head Record Officer,
Railway Mail Service,
Opp. Radio Station,
M.I. Road, Jaipur

.. Respondents

(By Advocate:

O R D E R (ORAL)

The applicant has preferred this OA praying for the following reliefs:-

“8.1 That by a suitable writ/order or the directions the respondents be directed to rein-instate the increment which has been withdrawn by the respondents as per the orders dated 11/9/2003.

8.2 That further all the arrears be paid to the applicant of the increment which has been withdrawn as per the orders dated 11/9/2003.”

2. Upon perusal of the material available on record, it transpired that the applicant has earlier challenged the impugned order 11.9.2003 (Ann.A/2) by way of filing OA No.486/2003, which was decided by this Tribunal vide order dated 16.4.2004. The order dated 11.9.2003 of the Tribunal was challenged by the Union of India before the Hon'ble High Court by filing D.B. Civil Writ Petition No.4753/2004 and the Hon'ble High Court dismissed the said writ petition. The applicant has also filed OA No.347/2009 which was decided on 17th August, 2009 observing that the OA is premature



and cannot be entertained, but a liberty was granted to the applicant to file representation, which is pending consideration

3. Upon perusal of impugned letter dated 20.7.2011 (Ann.A/1), it is evident that it is information obtained under RTI Act, 2005 whereby it is informed by the respondents that the the CAT's order dated 16.4.2004 in OA no.486/2003 and order of the Hon'ble High Court dated 30.1.2008 in DB Civil Writ Petition No.4753/2004 filed by the Union of India stands challenged before the Hon'ble Supreme Court of India by way of Filing SLP No.21691/2009, as such, the matter is sub-judice before the Hon'ble Supreme Court of India and decision on the representation dated 16.7.2009 filed by the applicant as per the direction of this Tribunal vide order dated 17th August, 2009 in OA No.347/2009, can only be taken by the respondents after the decision of the Hon'ble Supreme Court in SLP No.21691/2009.

4. In the above circumstances, in our considered view, the letter/information dated 28.7.2011 obtained under RTI does not give fresh cause of action to the applicant and since the matter is sub-judice before the Hon'ble Supreme Court, no direction can be given to the respondents on the issue at this stage. The applicant will be at liberty to proceed further in the matter according to the final outcome of the pending SLP No. 21691/2009 before the Hon'ble Supreme Court.



4. Consequently, in view of the observations made hereinabove, since SLP is pending consideration before the Hon'ble Supreme Court, the OA deserves to be dismissed being premature and the same is hereby dismissed as premature.

5. In view of the order passed in the OA, no order is required to be passed in Misc. Application for condonation of delay, which stands disposed of accordingly.

Anil Kumar

(ANIL KUMAR)
Admvt. Member

K.S. Rathore

(JUSTICE K.S.RATHORE)
Judi. Member

R/