

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00627/2018**

**Dated Friday the 15<sup>th</sup> day of June Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Mr. R.Ramanujam, Member(A)**

S. Sundaramani  
No.07, Venkadeswara Nagar (East)  
New Saram, Puducherry.

.. Applicant

By Advocate **M/s. V. Ajayakumar**

**Vs.**

1. Union of India, rep. by  
The Government of Puducherry  
Through the Secretary to Government (Agriculture)  
Chief Secretariat, Puducherry.

2. The Director  
Department of Agriculture  
Puducherry.

.. Respondents

### **ORAL ORDER**

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard both sides. The applicant has filed this OA seeking the following relief:-

“To call for the records of the respondents with No. 3/SGWU&SC/Estt/A2/2017/146 dated 27.2.2018 and to quash the same and consequently to direct the respondents to pay the in-situ increments which are recovered from the retirement benefits of the applicant and to fix the pension and other retirement benefits on the basis of the pay last drawn before cancellation of the increments with arrears with effect from 30.11.1999 the date of retirement on Superannuation and to pass such other or further orders”

2. It is submitted that the applicant was aggrieved that his salary was reviewed and re-fixed from Rs.4190 to Rs. 3960 after cancelling the in-situ promotion granted to him with effect from 01.03.1995. It is alleged that the applicant was compelled to sign a consent letter for withdrawal of in-situ promotion with retrospective effect which he had no option but to comply with. However, subsequently the applicant challenged the action of the respondents in OA 1558/2017 which was disposed of by this tribunal by an order dated 06.10.2017 with a direction to the respondent to consider his representation and pass appropriate / speaking orders within a period of 4 weeks from the date of receipt of copy of the order. The respondents have in pursuance thereof, passed Annexure A11 impugned order dated 27.02.2018 rejecting the representation. Hence this OA.

3. On perusal, it is seen that the applicant had earlier made a representation dated 03.11.2015 which was disposed of by Annexure A7 order dated 17.11.2016 stating that the applicant when granted in-situ promotion became a Group C employee and accordingly he was entitled to serve only upto the age of 58 years which was the age of superannuation for Group C employees. However, the applicant continued to serve till the age of 60 years as if he was a Group D employee which was a clear violation of the rules. To resolve the matter, it appears that the applicant was given an option either to forgo the in-situ promotion granted to him retrospectively or to face action for surreptitiously continuing in service in connivance with the persons whose responsibility also it was to issue superannuation orders. The applicant opted to forgo the promotion retrospectively and orders were accordingly issued.

4. It is not understood what exactly is meant by the statement that the applicant was compelled to sign a consent letter. The applicant had all the liberty to agitate any legitimate grievance before the competent authority and if the stand taken by the official superiors was against the rules, to approach this tribunal for relief. However, having consented to forgo the promotion with retrospective effect to secure regularisation of two years of excess service rendered beyond the age of superannuation, the applicant cannot enjoy the best of both the worlds. While continuing to serve beyond the age of 58, the applicant could not have been unaware of the fact that as a Group C employee, he could not do so. Since he

consciously continued beyond the age of 58, the consent given by him to be treated as Group D must be considered a reasonable compromise which could not be unsettled through this OA. I am unable to see any irregularity or infirmity in Annexure A11 impugned order dated 27.02.2018. The OA is a desperate attempt to seek an undue benefit. It is completely devoid of merits and is, therefore, dismissed .

(R.Ramanujam)  
Member(A)  
15.06.2018

AS