

Central Administrative Tribunal
Madras Bench

OA 310/00679/2018

Dated Monday the 20th day of August Two Thousand Eighteen

P R E S E N T

Hon'ble Shri. R. Ramanujam, Member (A)

S. Arjunan
No. 20/15, Fifth Street
Pudur, Ashok Nagar, Chennai 600 083.

.. Applicant

By Advocate M/s. P.R. Satyanarayanan

Vs.

1. Union of India represented by
The Secretary
Department of Posts
Ministry of Communications & IT
Dak Bhavan, New Delhi 110 001.
2. Chief Postmaster General
Tamil Nadu Circle
Chennai 600 002.
3. Postmaster General
Chennai City Region
Chennai 600 002.
4. Senior Superintendent of Post Offices
Chennai City North Postal Division
Chennai 600 008.

.. Respondents

By Advocate Mr. SU. Srinivasan

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:

“To call for the records relating to Memo No. STA/111-3/BCR/Clfn./Pt.III dated 26.11.1997 issued by the second respondent and proceedings No. C3/N/14/97/SA dated 16.01.2007 passed by the fourth respondent which was confirmed in proceedings No. APA/65-3/SA/CCN/2017/CCR dated 19.06.2017 passed by the third respondent and quash them as illegal and discriminatory and direct the respondents to restore the original date of effect of second time bound promotion (BCR i.e. 15.06.1996 with all other consequential benefits including pension and other retiral benefits and pass such further or other orders ”

2. It is submitted that the applicant had been granted promotion under the BCR scheme with effect from 15.06.1996 at which time he had exercised a certain option regarding pay fixation. However, the authorities unilaterally shifted the date of promotion to 01.07.1996 which not only postponed the date of promotion but also adversely impacted the benefits that the applicant could legitimately receive based on such option. The applicant made a representation at the relevant time which was not considered and the reminders he submitted from time to time were also not responded to. Finally, the applicant submitted a detailed representation dated 19.11.2016 (Annexure A21) ~~dated 19.11.2016~~ which has now been rejected by Annexure A22 letter informing that the option once exercised by the applicant could not be altered after so many years.

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3. Learned counsel for the applicant would submit that the applicant had made a detailed representation on facts, making out a strong case for why he should be allowed to exercise a fresh option in his representation dated 19.11.2016. The impugned order has been passed with a closed and prejudiced mind without even answering a single point raised by the applicant. Accordingly the applicant was left with no option but to file this OA.

4. Learned counsel for the applicant would further allege that the respondents' stand was illegal in terms of the law laid down by a full Bench of this Tribunal in OA 7/JK/2003 decided on 14.01.2005. Accordingly the applicant would be satisfied if he is permitted to supplement his Annexure A21 representation with relevant citations and the respondents are directed to pass a reasoned and speaking order in accordance with law as also the facts of the case.

5. Mr. Su. Srinivasan takes notice for the respondents.

6. Keeping in view the limited relief sought and also the fact that Annexure A22 communication is summary in content and does not go into the points raised in Annexure A21 of the applicant, the respondents are directed to pass a detailed and speaking order para wise on the representation of the applicant dated

19.11.2016 within a period of three months from the date of receipt of copy of this order. The applicant is permitted to supplement the said representation in the meantime with relevant citations within a period of one week from the date of receipt of a copy of this order.

7. OA is disposed of at the admission stage.