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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1598/2003
MA-2636/2003
MA-966/2004

New Delhi this the 15th day of July, 2004.

Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.A. Singh, Member(A)

Mr. Mohd. Ibrahim,
S/o Sh. Haji Abdul Hamid,
Retired TBP/LSG Stg. Assistt.,
Gali No.19, House No.RZ-344,
Tuglakabad Extension,
New Delhi-19. Applicant

(Through Sh. T.D. Yadav, Advocate)

Versus

1. Union of India through
the Secretary, Ministry
of Communications, Deptt. of
Posts, Dak Bhawan,
New Delhi-1.
2. The Chief Postmaster General,
Deptt. of Posts,
U.P. Circle,
Lucknow-226001(UP).
3. The Director Postal Services(Hqrs.),
O/o the Chief Post Master General,
U.P. Circle, Lucknow-226001(UP).
4. The Senior Superintendent,
Railway Mail Servies,
R.M.S. "O" Division,
Lucknow-226004(UP). Respondents

(through Sh. Mohit Sachdeva, proxy for Sh. M.M.Sudan,
Standing Counsel)

ORDER (ORAL)

Hon'ble Shri Shanker Raju, Member(J)

Heard the learned counsel for the parties.

2. The following reliefs have been prayed
for in this OA:-

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- "(i) To direct the respondents to grant
all the consequential benefits like
revision of pay and grant of

increments etc. flowing from the regularisation of suspension periods and pay the same with penal interest as the respondents have failed to honour Ann. A-1 dated 15.6.2001 inspite of a lapse of two years.

- (ii) To direct the respondents to recalculate bonus and encashment of E.L./H.P.L. for the suspension periods as a result of revision of pay in terms of prayer in para 8.1.
- (iii) To direct the respondents to pay penal interest on the amount of Rs. 17432/- with held illegally alongwith principal amount.
- (iv) To direct the respondents to revise the retiral benefits on account of the treatment of suspension periods spent on duty and further revision of pay as a result of grant of Time Bond One Promotion (TBOP) w.e.f. 12.4.86, commutation Gratuity and leave encashment etc. would have to be accordingly revised.
- (v) To direct the respondents to issue a fresh P.P.O. w.e.f. 21.2.2001 and pay the pension arrears as a result of the revision of pay in terms of prayer in para 8.4. supra.
- (vi) To award exemplary costs as the application is being forced to enter into avoidable litigation.
- (vii) To grant any other relief/ or reliefs as this Hon'ble Tribunal deems fit under the circumstances of the case."

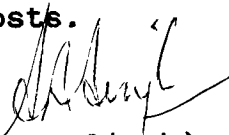
3. In the supplementary counter it is stated that all the benefits due to the applicant have already been disbursed to him as the applicant had been declared as proclaimed offender, on promulgation of CCS(Revised Pay) Rules, 1986, the pay was fixed in accordance with rules and arrears have been paid to the applicant. In so far as bonus is concerned, the same has been attached as a consequence of the order

passed by the Judicial Magistrate Ist Class, Jullandhar dated 11.8.2003. The subsistence allowance has been paid @ 50% from 6.2.1985 to 5.12.1985 and 60% from 6.12.1985 to 31.12.1985 and from 1.1.1986 to 11.4.1986. As such the arrears on calculation has already been paid.

4. Regarding EL/HPL, it is stated that the applicant has already been paid EL in his credit in leave account and HPL was credited as well.

5. In the rejoinder rebutting the above submissions of the respondents, it is stated that Efficiency Bar of the applicant has been with-held from 1982 onwards on account of pending disciplinary proceedings. The proceedings have been quashed by this Court vide order dated 10.7.2000. In this view of the matter applicant seeks revision of pay in TBOP scale with entitlement of difference of emoluments. To this there is no response from the respondents.

6. In the fitness of things, we dispose of this O.A. with a direction to the respondents to look into the grievance of the applicant in so far as EB and revision of pay is concerned, if the same have not already been paid. The respondents are directed to pass a detailed and speaking order within three months from the date of receipt of copy of this order. No costs.


(S.A. Singh)
Member(A)


(Shanker Raju)
Member(J)