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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.1623/2003

New Delhi this the 18th day of May, 2004

Hon'ble Shri Shanker Raju, Member (J)  
Hon'ble Shri R.K.Upadhyaya, Member (A)

R.P.Verma,  
S/O late Bhagwan Singh  
Retired APM, Belaganj, Agra  
Presently residing at:  
G-16-B, Mansarovar Park,  
Shahdara, Delhi-110092

..Applicant

(By Advocate Shri S.N.Anand )

VERSUS

Union of India through :

1. Secretary,  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi-110001
2. The Director of Accounts(Postal)  
Sector 'D' Aliganj, Lucknow (UP)
3. The Director of Postal Services,  
O/O Postmaster General, Agra  
Region, Agra (UP).
4. The Senior Postmaster  
Head Post Office,  
Agra (UP)
5. O.P.Chaturvedi,  
Retired APM Agra Division,  
Through Senior Superintendent  
Post Offices, Agra Division,  
Agra (UP).

..Respondents

(By Advocate Shri S.M.Arif )

O R D E R (ORAL)

(Hon'ble Shri Shanker Raju, Member (J)

Applicant through this OA seeks stepping up of pay at par with his junior under FR 22(1)(a)(1).

2. The stepping up of his pay has not been extended to him. He had earlier filed OA 2815/2002 which was disposed of by the Tribunal vide its order

dated 28.5.2002 directing the respondents to consider the grounds taken in OA and to pass a reasoned order. Consequent upon it, a reasoned order has been passed, which is impugned herein.

3. Learned counsel of the applicant states that in so far as the three conditions which are to be fulfilled before stepping up of pay two conditions are undisputedly complete except the option exercised by the applicant accruing on Biennial Cadre Review (BCR).

4. In furtherance it is stated that the applicant has sent his option on 15.7.1994 and had again sent a photocopy of the option dated 15.7.1994 through his representation dated 11.2.1998.

5. By referring to Annexure A/6 dated 15.5.1999 it is contended that the applicant's option was very much available with the respondents. Accordingly, Sr. Postmaster, Agra recommended his case for stepping up of pay on fulfilment of conditions under FR 22(1)(a)(1). This according to the applicant is a conclusive proof for exercise of his option.

6. The applicant superannuated in March, 2002 and as such he seeks consequential benefits i.e. retiral benefits as well.

7. On the otherhand, respondents counsel vehemently opposed the above contentions and stated

that option filed by the applicant at Annexure A-3 appended with the OA is an afterthought, the document had been prepared by the applicant taking advantage of his being in charge of Sikandra SO Agra and also managed the impression of date stamp of Sikandra SO Agra on the same. He has further stated that if the applicant had exercised this option then this would have been reflected in the representation dated 22.12.1997.

6. In view of the above, it is stated that on the analogy of not exercising his option requirement of FR ibid has not been fulfilled. The applicant's claim is liable to be rejected.

9. I have given careful thought to the rival contentions. No doubt, before stepping up of pay to be effected at par with the junior inter alia one of conditions is exercise of option. Applicant had exercised his option and appended it in OA. Annexure A-6 clearly shows that the applicant had given his option and accordingly his case has been recommended for stepping up of pay. The contention putforth that this document tendered by the applicant is an afterthought cannot be accepted. The Specific plea taken by the applicant is that he had given his option in time. Therefore, the plea of respondents is liable to be rejected because they had not taken any action against the applicant for his misconduct in the event

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he has fabricated and misused his power while creating receipt of the option.

10. Accordingly, we are satisfied that the applicant has fulfilled all the eligibility conditions laid down under FR ibid. He is entitled for the benefits. Accordingly, OA is allowed. Respondents are directed to step up the pay of the applicant at par with his junior, i.e., respondent No.5 from 1.2.1994 with all consequential benefits including retiral benefits. This should be done within a period of six months from the date of receipt of a copy of this order. No costs.



( R.K.Upadhyaya )  
Member (A)



( Shanker Raju )  
Member (J)

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