

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004

Order Sheet

Item no.: 2
O.A./117/2017 (TELANGANA)
[ALLOWANCES]
Court No.: 2

No of Adjournment: 17

Order Dated: 24/02/2025

L SHIVANANDA
Vs
DEPT OF POSTS

For Applicant(s) Advocate : M VENAKANNA

For Respondent(s) Advocate : V VINOD KUMAR

Order of The Tribunal

Heard Mr. M. Venkanna, learned counsel for the applicant and Mr. V. Vinod Kumar, learned counsel for the respondents.

As regards reply, dated 16.01.2017 of the applicant, in response to Notice dated 3.1.2017, issued in compliance with the directions of the CAT, the learned counsel for the applicant has stated that as regards personal hearing to be given alongside the notice, since it was the direction of the CAT, the opposite party should not take the plea that as he has not asked, he was not given personal hearing.

Learned counsel for the applicant insisted on following the principles laid down by the Hon'ble Apex Court in Rafiq Masih's case. Learned counsel for the respondents seeks and is permitted to furnish DOPT Circular during the course of the day. According to the said Circular, principle laid down in Rafiq Masih's case would not be applicable in cases where the issue of wrong fixation of pay is involved. He seeks and is permitted to submit judgements in support of their case.

Learned counsel for the respondents has made a point that once again in his reply dated 16.01.2017, the applicant has brought in the issue of letter dated 15.10.2012 of the DG, Posts for consideration, whereas at para 18 of the same order, dated, 15.11.2016 in OA/1001/2014, it has been clearly observed that the instructions, in Annex.A-II, dated, 15.10.2012, would not give the applicant any protection. He has also questioned the

intention of the applicant in harping upon the Circular dated 15.10.2012 despite the directions of the Tribunal in OA/1001/2014.

As regards the point of personal hearing, which has not been agitated since 16.1.2017, even though this Tribunal had mentioned that the applicant should be given the same, having considered all the arguments till now, we feel it is no longer relevant.

Orders reserved.

Varun Sindhu Kul Kaumudi
Member (A)

/pv/