

**Central Administrative Tribunal
Hyderabad Bench**

OA No.021/1016/2019

with

OA No.020/1017/2019

Hyderabad, this the 22nd day of January, 2020

Hon'ble Shri Ashish Kalia, Member (J)
Hon'ble Mr. B. V. Sudhakar, Member (A)

O.A.No.1016/2019:

1. P. Radha Krishna, S/o P.S.Sastry
Age 61 years, Occ: Retired SSRM,
Hyderabad Sorting Division
Hyderabad, Residence: H.No.6-250, Plot No.429
Raghavendranagar
Meerpet PO, Hyderabad – 500 097.
2. G.V.Satyanarayana, S/o G. Appalachari
Age 62 years, Occ: Retired, SRM, Hyderabad 'Z' Division
R/o H.No.5-1-72, Sri Veeranjaneya Colony Saheb Nagar
Vanasthalipuram, Hyderabad – 500 070.
3. K Venkata Ramireddy, S/o Late Veera Reddy
Age 57 years, Occ: SSRM
O/o Hyderabad Sorting Division, Hyderabad.
4. M.V.Muralidhar, S/o Late M.N.Swamy
Age 60 years, Occ: Retired SSPOs, Hyderabad
Residence: Flat No.204, Manikanta Residency
Second Street
Alakapuri, R.K.Puram Post, Hyderabad – 500 102.
5. D Venkateswarlu, S/o Late D. Chalamiah
Age 57 years, Occ: Assistant Manager
O/o MMS, Hyderabad.

6. G.V.Rao, S/o G. Satyanarayana
Age 58 years, Occ: AD II, Head Quarters Region,
Hyderabad.
7. A Padmanabha Setty
S/o A. Veeraiah, Age 64 years
Retired ADM PLI, CO, Hyderabad.
8. P.V.Rama Rao, S/o P.V. Krishnaiah
Age 59 years, Occ: AD, O/o HQR, Hyderabad.
9. P Siva Sankaraiah, S/o P Munesulu
Age-58 years Occ:SRM O/o. `Z' Division, Hyderabad-1.
10. G. Suryanarayana,
S/o G. Appalaswamy, Age 64 years
Retired AD, Circle Office, Hyderabad.
11. SK. Shabbeer, S/o SK Subhani
Age 56 years, Occ: AD, CEPT
O/o CPMG, Telangana Circle, Hyderabad.
12. VVVS Prasada Rao,
S/o (Late) Narasimha Rao
Age 61 years, Occ: Retired APMG Staff & FS&BD
Telangana Circle, R/o Flat No.403,
L.J.Heights Appartments
Golidonka Road
Ithanagar, Tenali – 522201.
13. C.Jaya Ramireddy, S/o Late Timmi Reddy
Aged 64 years, Occ: Retired SPOs Nalgonda
R/o Door No.1-24, Gandaboyanapalle
Chintaparthi SO, Chittoor District, Pin: 517277.
14. P. Rangaiah Naidu, S/o Late Suryanarayana Murthy
Age 64 years, Occ: Retd. AD (Mktg.) Erstwhile A.P.Circle
Hyderabad R/o H.No.4-123/2, Dwarakanagar Thangellamudi
Eluru – 534005 West Godavari District. ... Applicant(s)

(By Advocate: Mr. N. Vijay)

Vs.

1. The Union of India, Ministry of Communications
And IT, Department of Posts
DAK Bhavan, New Delhi represented by its Secretary
2. The Chief Post Master General, Telangana Circle
Abids, Hyderabad.
3. The General Manager (Finance),
Telangana Circle, Hyderabad. ... Respondent(s)

(By Advocate: Mrs. B. Gayatri Varma, Sr. PC for CG)

O.A.No.1017/2019:

1. J. Srinivasulu
S/o Late J. Chalapathaiah (Group-B)
Age 57 years, Occ: SSPOs,
O/o Vijayawada Division
Vijayawada – 520001.
2. K.V.V.Satyanarayana
S/o Late K. Ramana
Age 57 years, Occ: SPOs, Anakapalle
R/o D.No.177, Road No.7
Lakshminarayana Nagar, Ring Road
Anakapalle – 531 001.
3. B.M.D.Ismail,
S/o Abdulla Saheb
Age 57 years,
Occ: A.D, O/o Postmaster General
Kurnool Region, Kurnool.

4. D. Narasimha Rao, S/o Late D. Venkatanarsu
Age 57 years, Occ: A.D.Mails
O/o PMG, Vijayawada Region, Vijayawada – 520 003.
5. V. Venkateswarlu, S/o Late Kondaiah
Age 64 years, Occ: Retired SPOs, Gudivada
R/o B6-100.8/13, Back side of Govt. Jr. College
Butchireddypalem.
6. I.R.K.Naidu, S/o I.Srinivasulu Naidu
Age 62 years, Occ: Retired ASPOs, Chirala
R/o APHB Colony, Nellore.
7. K. Nagabhushanam, S/o K.Moshe
Age 61 years, Occ: Retired SPOs
O/o Nandyal Division, R/o H.No.4-149-88-2
Teachers Colony, Dhone – 518222.
8. N Subba Rao, S/o Late Papa Rao
Age 63 years, Occ: Retired ASPOs,
Residing at LIG-134, APHB Colony
Amalapuram – 533 201.
9. B. Bhaskar, S/o B. Gnanappa
Age 67 years
Occ: Proddatur
R/o D.No.86.241.3, Syamalanagar, Kurnool Camp-B
Kurnool – 518002.
10. P.Venkatesh, S/o Narayanappa
Age 66 years, Occ: Retired SRM
O/o AG Division, Guntakal
R/o D.No.4-1257, Ganesh Nagar.
11. K. Ramesh, S/o K. Nageswara Rao
Age 56 years, Occ: AD O/o CPMG, A.P.Circle
Vijayawada – 520 013.

- (By Advocate: Mr. N. Vijay)

1. The Union of India, Ministry of Communications
And IT, Department of Posts
DAK Bhavan, New Delhi represented by its Secretary
2. The Chief Post Master General,
A.P.Circle
Krishna Lanka,
Vijayawada.
3. The General Manager (Finance),
A.P.Circle,
Krishna Lanka
Vijayawada.

(By Advocate: Mr. R.V.Mallikarjuna Rao, proxy of Mrs. B. Gayatri Varma,
Sr. PC for CG)

Oral ORDER [Common]

By Shri B.V.Sudhakar, Member (A):

2. As the common question of facts and law are involved in these two OAs, they are being heard together and disposed of by this common order.

3. Both the OAs are being filed against the action of respondents in not granting Grade Pay of Rs.5400 w.e.f. the date of completion of regular service of 4 years in the Grade Pay of Rs.4800/- (Pre-revised Rs.7500-12000) contrary to the CCS (Revised Pay Rules), 2008) and the Judgement of the Hon'ble High Court of Hyderabad in W.P.No.31576 of 2016 dated 6.11.2018 confirming the Judgement in OA No.296/2014 dated 14.09.2015 and implemented, as illegal, arbitrary and without jurisdiction.

4. Brief facts of the case are that the applicants were granted Grade Pay of Rs.4800 on various dates on account of financial upgradation under MACP while working as Asst. Supdt. of Post Offices. As per the CCS (Revised Pay) Rules, the applicants are due for higher grade pay of Rs.5400 (in Pay Band-2) after completion of 4 years of service. However, the applicants were not granted the same. Hence the OA.

5. Heard both the counsel and perused the pleadings on record.

6. At the very outset, the learned counsel for the applicants has submitted that a similar issue was dealt by this Tribunal in OA No.296/2014, which was allowed by following the decision of this Tribunal in OA No.1051/2010 and the Writ Petition filed thereupon was dismissed by the Hon'ble High Court of Hyderabad on 6.11.2018. Thereafter respondents implemented the aforesaid orders vide Order dated 19.8.2019 read with Order dated 21.10.2019. Hence, the matter attained finality. However, the respondents have not extended the same benefits to the applicants although they are similarly placed like the applicants in OA 296/2014. He also brought to our notice that representations filed by the Applicants are stated to be pending with the respondents.

7. (I) The Hon'ble Supreme Court held in a catena of Judgements that similarly situated person should not be compelled to go over to the Court, for seeking relief in respect of issues where relief has been granted by coordinate benches/superior judicial forums.

(II) In view of the aforesaid circumstances, ends of justice would be met if a direction is issued to the respondents, without expressing any opinion on merits of the case, to consider and dispose of the representations filed by the applicants, in their respective OAs, within a period of 8 weeks from the date of receipt of a copy of this order. It is

needless to say that while doing so, the orders/judgment relied upon by the applicants, may have to be considered and if the respondents find that the applicants are similarly placed like the applicants in OA 296/2014, the same benefits may also be extended to the applicants herein in accordance with law/rules.

(III) With the above directions, the OA is disposed of with no order as to costs.

(B. V. Sudhakar)
Member (A)

(Ashish Kalia)
Member (J)

nsn