

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

O.A. No. 020/00244/2014

HYDERABAD, THIS THE 23rd DAY OF DECEMBER, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. B.V. Sudhakar, Admn. Member

P SRINIVASA RAO,
S/o Late P. Babu Rao,
Aged about 48 years,
Occ: Contingent Jeep Driver (Full Time),
O/o Superintendent of Post Offices,
Machilipatnam Division, Machilipatnam,
District Krishna.



(By advocate: Mrs. Rachna Kumari)

Applicant

Vs.

1. The Union of India rep. by:
The Director General, Posts,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi 110 001,
2. The Chief Postmaster General,
A.P.Circle, Hyderabad 500001,
3. The Postmaster General,
Vijayawada Region, Vijayawada,
4. The Senior Superintendent of Post Offices,
Machilipatnam Division, Machilipatnam,
District Krishna,
5. The Head Postmaster,
Head Post Office,
Machilipatnam, District Krishna,

Respondents

(By advocate: Mrs. K Rajitha, Sr. CGSC)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicant was engaged as a Contingent Jeep Driver in Machilipatnam Division of Department of Posts, on 01.06.2001. He approached this Tribunal by filing O.A.No.221/2006 seeking regularisation. That was dismissed on 13.07.2007. In Writ Petition No.17005/2007 filed by him, Hon'ble High Court passed an order dated 09.08.2007 directing that the applicant shall be continued as a Contingent Jeep Driver till the post is filled up on regular basis. Thereafter, applicant filed O.A.No.1416/2013 with a prayer to consider his case for appointment as Multi Tasking Staff (MTS). It is also stated that though an interim order was passed therein, it was dismissed in the recent past.

2. The applicant was being paid the salary of Rs,13,680/- in the minimum pay scale of 5200-20200 with grade pay of Rs.2,000/-, till 30.12.2009 and from January, 2014 onwards, the respondents reduced his salary to Rs.8,760/-.

3. This O.A. is filed challenging the reduction of pay and allowances from Rs.13,680/- to Rs.8,760/-. It is stated that once the respondents have extended the benefit of minimum of the pay scale and continued to pay certain amount for a period of five years, there is absolutely no justification in reducing it. It is stated that the

respondents have taken such a vindictive step only because the applicant had filed the OA for regularisation.

4. Respondents have filed counter affidavit. It is stated that the salary payable to a Contingent Employee shall be in terms of the wages prevailing in the concerned State but, inadvertently the applicant was extended the benefit of minimum pay scale. It is also stated that once the mistake was noticed, corrective steps were taken.

5. Heard Mrs.RachanaKumari, learned counsel for the applicant and Mrs. K.Rajitha, learned Senior Central Government Standing Counsel for the Respondents.

6. Applicant is working as a Contingent Jeep Driver from the year 2001 onwards. Although he made an attempt for regularisation of his services in that post, the same did not materialise. However, in term of the order passed by Hon'ble High Court of Andhra Pradesh in W.P.No.17005/2007, he is being continued as a Contingent Jeep Driver, till the post is filled up on regular basis. It is true that in the year 2009, the applicant was placed in the minimum pay scale of 5200-20200 and by January 2014 he was drawing the pay of Rs.13,680/- Respondents, however, realised that the applicant was not at all entitled to put in the pay scale of Rs.13,680/- and from February, 2014 onwards they are paying the salary of Rs.8,760/- in terms of the minimum wages prevailing in the State.

7. We would have certainly granted the relief to the applicant, in case there exists a provision of law, or official order, or a binding precedent that provide for payment of the salary at minimum of pay scale, with grade pay, to a contingent employee. To a specific question put in this behalf, learned counsel for the applicant submits that there is no such material in favour of a contingent employee. In the absence of such a provision of law, the applicant cannot insist on payment of the salary in terms of the pay scale. Respondents stated that they are paying the wages as stipulated by the concerned State Government.

8. We do not find any merit in O.A. Accordingly, we dismiss the same.

9. There shall be no order as to costs.

(B V SUDHAKAR)
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn