

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 1578/99

New Delhi this the 11th day of February, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Kamal Singh  
S/o Shri Chet Ram Singh  
Retd. Packer (Group "D")  
O/O the SSPOs, S.E. Division,  
New Delhi.

...Applicant

(By Advocate: Shri Sant Lal)

Versus

1. The Union of India, through  
The Secretary,  
Ministry of Communication,  
Department of Posts,  
Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General,  
Delhi Circle,  
Meghdoot Bhawan,  
New Delhi-110001.
3. The Sr. Supdt. of Post Offices,  
South East Postal Division,  
Golf Link, New Delhi-110003.

...Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER (Oral)

By Mr. R.K. Ahooja, Member (A)

The applicant who was working as a Packer in the pay scale of Rs. 825-1200 was granted a pay scale of Rs. 950-1400 interms of Biennial Cadre Review (BCR for short). The age of retirement of the applicant was 60 as the post of Packer was in Group-D. Respondents, however, concluded that those who had been granted the pay scale of Rs. 950-1400 as Grade "C" became due for retirement at the age of 58. However, an option was given to the applicant and others

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similarly situated to revert to the original pay scale of Rs. 825-1200 and to refund the excess payment drawn by them if they wished to continue in service till attaining the age of 60. The applicant accordingly exercised his option in favour of continuing in service till the age of 60 and on that basis he was reverted to the pay scale of Rs. 825-1200. One Nathu Ram who was similarly situated as the applicant filed an OA No. 740/94 against the decision of the respondents. The OA which was decided on 3.10.97 was allowed. The respondents then filed a SLP before the Supreme Court which was also dismissed on 1.9.97. One Satpal Singh who was also similarly placed as the applicant also came before the Tribunal in OA No. 2452/96 and this OA was also allowed, whereby the reversion to the lower pay scale was quashed and the respondents were directed to fix the retiral benefits of the applicant accordingly. The applicant now before us submits that he filed a representation before the respondents for granting him the same relief but as this did not meet with a favourable response, he has come before the Tribunal.

2. The respondents in the reply have taken a preliminary objection that the relief sought for by the applicant is time barred. They also state that the applicant had not only accepted reversion but also himself opted to revert to the lower pay scale.

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3. Having heard the counsel and having seen the orders of the co-ordinate Bench of this Tribunal in OA No. 2452/96, we are of the view that the applicant is entitled to the relief sought for by him. In OA-2452/96 also the applicant had given his option to revert to the lower pay scale under the threat of being superannuated from service on attaining the age of 58. Following the order of the Tribunal in Nathu Ram Vs. U.O.I. (Supra), it was held that the fact that the applicant had given an option in these aforesaid circumstances did not make a difference. Here also the applicant had opted to revert to the lower pay scale as he would otherwise have been retired from service at the age of 58. Therefore, the case of the applicant before us is on all fours with that of the applicant in Satpal Singh Vs. U.O.I.

4. We do not accept the contention of the respondents that the OA is time barred. Even though the applicant has retired from the service, he has a recurring cause of action since it involves the fixation of his pay in the appropriate grade. However, relief granted to him has to be in terms of the point in time at which he has approached this Tribunal.

5. In the result, the OA is allowed. The order of reversion of the applicant from the grade of Rs. 950-1400 to 825-1200 is quashed. However, the applicant will be entitled to the consequential benefits only with effect from the

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date of his retirement in terms of his pensionary benefits i.e. from 1.1.99. The difference of pensionary benefits will be paid to the applicant within a period of three months from the date of receipt of a copy of this order.

  
(R.K. Anooja)  
Member (A)

  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.