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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

O.A.No.2089/88

Date of Decision: 8.11.91

All India R.M.S. Assistant
Superintendents & Inspectors

Applicants

Shri Sant Lal

Counsel for the Applicants

Vs.

Union of India

Respondents.

Counsel for the Respondents.

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*

JUDGEMENT

(of the Bench delivered
by Hon'ble Member Shri B.N. Dhoundiyal)

This OA has been filed by the All India R.M.S. Assistant Superintendents' and Inspectors' Association seeking upgradation of the posts of Office Supervisors (Rs.1400-2300) in the Office of Superintendents/Senior Superintendents to those of Assistant Superintendents (Rs.1640-2900), keeping in view the nature of duties and responsibilities and to maintain parity with their counterparts in the Postal Divisions.

2. According to the applicant Association, representing Inspectors and Assistant Superintendents in the Railway Mail Service, a Committee appointed by the P&T Department

on the Cadre Management of Inspectors and Assistant Superintendents of Post Offices, observed that the duties of the Head Clerks were onerous and Senior Inspectors of Post Offices were unwilling to accept the job. Besides, 50% of the posts of I.P.O.s had been upgraded to the grade of ASPOs and hence they became higher in rank than the Head Clerk, who had to coordinate their work. The Committee, therefore, recommended upgradation of the posts of Head Clerk (now called Office Supervisor) in I.P.O. grade (Rs.1400-2300), to A.S.P.O.s grade (Rs.1640-2900). The recommendations of the Committee were accepted on the Postal side and all posts of Head Clerks in I.P.O.s grade were upgraded to the A.S.P.O.s grade. However, a similar upgradation is yet to be extended to the R.M.S. side. The applicants have prayed for a direction to the respondents to upgrade the posts of Head Clerks (Office Supervisors) to the Superintendent/Senior Superintendent R.M.S. as was done in the case of their counter parts in the Postal Division. They have pointed out that the sanctions for the clerical posts including Head Clerks are governed both in the R.M.S. and the Postal side by the same norms, notified by the Ministry of Communications on 10.6.71.

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3. The application was admitted on 8.12.88. Since 1.11.88, when it first came up for hearing, repeated notices were issued to U.O.I. (Director General, Department of Posts, Dak Bhawan, New Delhi 110 001). Shri Vasudev, Assistant Superintendent appeared on behalf of the respondents on 2.3.89 and undertook to file counter affidavit within 2 weeks. As the Tribunal felt that for a proper adjudication of the case, the point of view of the respondents should also be on record, a notice giving last opportunity was served on them. Despite this, no counter was filed, and on 17.8.89, the right of the respondents to file counter affidavit was forfeited.

4. We have gone through the records of the case carefully and have heard the learned counsel of the applicants. The duties and responsibilities of the Supervisors in the R.M.S. branch are identical to those of their counter parts in the Postal Divisions. Equality of treatment for similarly situated employees has been recognised in a catena^{bw} of Judgements.^{**} The consideration that the Head Clerk has to coordinate and supervise the work of Field Officers, 50% of whom were in a grade higher to him applied in the case of R.M.S. also, as the units attached to it are mostly under the charge of ASRMS but the post of Office Supervisors remains in the IRM grade only. Therefore, the grievance^{bw} of the applicants appear to be genuine. It can be seen from the Minutes of the Meeting held with Secretary (P) on 4.1.88, that the respondents were not averse to consider this matter and a Committee was constituted under the Chairmanship of

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^{by}
DDG(P) to consider this aspect along with promotional avenues for I.P.O.s, A.S.P.O.s and I.R.M.s and A.S.R.M.S. Courts normally intervene in the matters of fixation of pay scales, if the principle of equal treatment for similarly situated employees is denied and the provisions of Article 14 and 16 of the Constitution are violated. We, however, feel that, it would be more appropriate for the Government to arrive at a just and reasonable decision. There is nothing to indicate that the Committee set up under the Chairmanship of DDG(P) will not take into consideration just and equitable demands for parity, but, this should be done within a reasonable time.

5. The application is, therefore, disposed of with the direction to the respondents to ensure that the committee set up under the Chairmanship of DDG(P) gives its recommendation on the question of upgradation of the post of Head Clerks (Office Supervisors) in the R.M.S. to A.S.P.O.s grade, as expeditiously as possible but in no event, later than 31.12.91, and thereafter, necessary orders are passed by the competent authorities in the light of those recommendations.

6. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL) 8/11/91
MEMBER(A)

P.K. Kartha
(P.K. KARTHA) 8/11/91
VICE CHAIRMAN(J)

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1. John Lucas Vs. Ad.Mech.Engineer, 1987(3) ATC 328.
2. Dharam Pal Yadav & Ors. Vs. U.O.I. & Ors. 1988(6) ATC 396 at 402.
3. A.K. Khanna Vs. U.O.I., ATR 1988(2) C.A.T. 518.
4. Prof. E.N.Tase Vs. University of Bombay J.T.(1989)(1) SC. 364.