

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

O.A. No.128/2015

CORAM:

HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER(J)
HON'BLE MR. ANAND MATHUR, MEMBER(A)

Sri Jeeban Sahu, aged about 60 years, S/o Late Hrushikesh Sahu, resident of Vill.-Kosala, PO-Kosala, PS-Chhendipada, Dist.-Angul, Odisha, PIN-756127.

.....Applicant

VERSUS

1. Union of India represented through its Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
2. Chief Post Master General, Odisha Circle, At/PO-Bhubaneswar, Dist-Khurda, Odisha-751001.
3. The Director Accounts (Postal), Mahanadi Vihar, Cuttack-753004.

.....Respondents.

For the applicant : Mr. C.P. Sahani

For the respondents: Mr. S. Behera

Heard & reserved on : 08.01.2021

Order on :18.03.2021

O R D E R

Per Hon'ble Mr. Swarup Kumar Mishra, Member (J):-

This Original Application has been filed by the applicant the following relief(s):-

“To direct the respondent(s) to pay the differential salary in grade pay of Rs.6600/- along with all consequential benefits with interest quashing the impugned order No.11-8/2015-SPG dated 27.01.2015 at Annexure-A/15 and Pay-slips at Annexure-A/12 and A/13.
And any other order as the Hon'ble Court deem just and proper in the interest of justice.”

2. The brief of the case as inter alia averred by the applicant in the OA is that the applicant was given ad-hoc promotion vide letter dated 10.08.2009 (Annexure A/3) as SSRM 'N' Dn. Cuttack and he worked there from 12.08.2009 to 21.07.2010 and from 26.07.2010 to 20.09.2010. The applicant was then posted as DDM (PLI) vide letter dated 29.04.2011 (Annexure A/5) where he worked from 01.05.2011 to 21.07.2011 and also remained in dual charge of Manager, PPP, Bhubaneswar. Thereafter the applicant was posted as Manager, PPP, Bhubaneswar vide letter dated 11.07.2011 (Annexure A/7) where he worked from 22.07.2011 to 08.12.2011. The applicant submitted that he was promoted to Junior Time Scale of Indian Postal Services Group A vide letter dated 29.12.2011 (Annexure A/9) and posted as Manager, Printing Press, Bhubaneswar and he retired on attaining the age of superannuation as Manager, Postal Printing Press, Bhubaneswar on 30.04.2014.

3. The applicant submitted that the posts i.e. SSRM 'N' Dn, Cuttack, DDM (PLI) CO BBSR and Manager Postal Printing Press Bhubaneswar are STS cadre carrying PB-3 with grade pay of Rs. 6600/- while he was given grade pay of Rs. 5400/- in lower pay band w.e.f. 11.04.2009 instead of grade pay of Rs. 6600/- despite working in STS Posts. The applicant then submitted representation dated 24.04.2014 (Annexure A/14) praying for grant of grade pay of Rs. 6600/- The applicant further submitted reminders on 09.06.2014 and 24.07.2014. Since Respondent No. 1 did not consider the representation the applicant filed OA No. 788/2014 which was disposed of by this Tribunal vide order dated 20.11.2014 directing Respondent No. 1 to consider the representation of the applicant within 90 days. The applicant submitted that Respondent No. 1 vide order dated 27.01.2015 (Annexure A/15) rejected the representation of the applicant . Hence this OA.

4. The respondents in their counter inter alia averred that as per the order of this Tribunal the representation of the applicant was disposed of with a speaking order dated 27.01.2015. The respondents submitted that as per Indian Postal Service Group A amendment Rules 1997, the applicant is not entitled to get STS scale even though the post is of STS Cadre. Respondents submitted that as per memo dated 27.07.1999 (Annexure R/1) a post will be deemed to be in JTS if the post holder is having group A Service up to four years and in STS as and when he is promoted to the STS grade through DPC after four years of service. The respondents submitted that applicant was given posting on ad-hoc basis and it was just a circle level arrangement to meet the local requirements. The respondents further submitted that vide postal letter dated 17.10.2001 (Annexure R/2) it has been clarified that “JTS officers completing 4 years of regular service as on 1st January of vacancy year are eligible for holding STS cadre posts. The post will be deemed to be in JTS if the officer holding the post is in JTS. The post will be deemed to be in STS as and when the officer is promoted to the STS grade through DPC. In other words the status of the post in Gr-A (JTS/STS) of Indian Postal Service Group A is linked to the status of the officer”.

5. Ld. Counsel for the applicant relied on few citations including the following:-

- (1) Hon'ble Apex Court of India in a decision reported in the AIR 1999, SC 838 i.e, in the matter of Siveraj Vs. Lt. Governor of Island, Portblair & Ors.,
- (2) Civil Appeal No.213 of 2013 in the matter of State of Punjab & Ors. Vs. Jagjit Singh & Ors.
- (3) In the matter of Jaipal & Ors. Vs. State of Haryana & Ors., 1988 3 SCC 354.
- (4) Civil Appeal No.2521 of 2013 (Arising out of SLP (C) No.7420 of 2012) in the matter of Arindam Chattopadhyaya & Ors. Vs. State of West Bengal & Ors.
- (5) Randhir Singh Vs. UOI (1982) 1 SCC 618.

(6) Judgment of CAT Cuttack Bench in O.A.602/2010 in the matter of Gourang Jena Vs. UOI & Ors.

6. We have heard learned counsels for the applicant and the respondents, gone through the pleadings and citations relied upon by them. It is seen that the applicant was posted vide letter dated 10.08.2009 (Annexure A/3) and had worked as SSRM 'N' Dn from 12.08.2009 to 21.07.2010 and from 26.07.2010 to 20.09.2010. The applicant was posted vide memo dated 29.04.2011 (Annexure A/5) and he worked as DDM (PLI) from 01.05.2011 to 21.07.2011. The applicant also was posted vide memo dated 11.07.2011 (Annexure A/7) and dated 29.12.2011 (Annexure A/9) and he worked as Manager, PPP, Bhubaneswar for the period from 22.07.2011 to 08.12.2011 and 31.12.2011 to 30.04.2014. The applicant retired on superannuation as Manager Postal Printing Press, Bhubaneswar on 30.04.2014. The applicant is claiming GP of Rs 6600/- for the said period during which he worked against STS posts. The posting of applicant as SSRM 'N' Dn was for about 11 months and two months and the posting was purely temporary and on ad-hoc basis. The applicant was posted as DDM (PLI) and he worked there for a period of about two months and the same posting was also on temporary and ad-hoc basis. The first period of posting of applicant as Manager, PPP, Bhubaneswar was for about 2 months but the applicant worked as Manager, PPP, Bhubaneswar for the 2nd time for a period of two years and four months.

7. Learned counsel for the respondents by referring to annexure R/1 & 2 had submitted that the status of post in group A (JTS /STS) of the Indian Postal Services Group A is linked to status of officers and there is no question of

promotion of Group B officers to STS grade. The applicant was posted to the post of question for limited period at circle level to meet the local requirements on stop gap arrangement, but his substantive cadre was PS Group B only. The post of JTS and STS are interchangeable depending upon the status of the incumbent. The applicant being PS Group B officer cannot claim benefit of STS i.e. grade pay higher than next promotion post. The grade pay of Group B officer is Rs 4800 to 5400/-. The grade pay of JTS is also Rs. 5400/-. It is submitted by learned counsel for the respondents that the applicant has also received grade pay of Rs. 5400/- as Group B as well as JTS officer and he had not objected to the same at that time. It was further submitted by learned counsel for the respondent that the applicant cannot claim as a matter of right the scale of pay which is two steps higher than his substantive post.

8. It is seen that the decision as relied by learned counsel for the applicant are not applicable to the facts and circumstances of this case. It is further seen that principle of equal pay and equal work is not applicable to the facts and circumstances of the present case, as the applicant as a matter of right cannot claim equal pay for since he was not regularly promoted to the post in question by any selection committee but was given adhoc promotion to work purely on temporarily basis. The Postal Printing Manager is senior time scale post carrying grade pay of Rs. 6600/-. As per the circular dated 27.07.1999 (Annexure R/1) and dated 17.10.2001 (Annexure R/2) the senior time scale posts are filled in accordance to recruitment rules. The promotion of JTS officer to STS grade is to be made after completion of four years regular service in JTS grade. Learned counsel for the respondents by referring to annexure R/1 & 2 had submitted that the status of post in group A (JTS /STS) of the Indian Postal Services Group A is linked to status of officers. The applicant was posted to the post in question for

limited period at circle level to meet the local requirements on stop gap arrangement, but his substantive cadre was PS Group B only. The post of JTS and STS are interchangeable depending upon the status of the incumbent. The applicant being PS Group B officer cannot claim benefit of STS i.e. grade pay higher than next promotion post. The grade pay of Group B officer is Rs 4800 to 5400/-. The grade pay of JTS is also Rs. 5400/-. It is submitted by learned counsel for the respondents that the applicant has also received grade pay of Rs. 5400/- as Group B as well as JTS officer and he had not objected to the same at that time. It was further submitted by learned counsel for the respondent that the applicant cannot claim as a matter of right the scale of pay which is two steps higher than his substantive post. It is seen from that the applicant was promoted to the posts purely on temporary and adhoc basis. Since the posting was purely on temporary and adhoc basis the applicant cannot claim the benefit of pay for the post of STS as prayed for.

9. Accordingly the OA being devoid of merit is dismissed but in the circumstances without any order to cost.

(ANAND MATHUR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)