

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00032/2021

Tuesday, this the 19th day of January, 2021

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

Hon'ble Mr. K.V. Eapen, Administrative Member

1. S. Jayakumar, S/o. K.P. Sukumaran Nair, aged 55 years, working as Senior Accountant, O/o. The Director of Accounts (Postal), Kerala Circle, Thiruvananthapuram, residing at TC-9/2741(2), Sreesruthi, CSM Nagar, Sasthamangalam, Thiruvananthapura – 695 010, Mob: 94471 10553.
2. S. Sathya Moorthy, S/o. Late M.K. Sankaranayanan, aged 57 years, working as Senior Accountant, O/o. The Director of Accounts (Postal), Kerala Circle, Thiruvananthapuram, residing at TRA 93, Thavalode, Sreevaraham, Vallakadavu PO, Thiruvananthapuram - 695 008, Mob: 94003 65162. **Applicants**

(By Advocate : Mr. V. Sajithkumar)

V e r s u s

1. Union of India, represented by the Secretary to the Government of India, Director General of Post, Department of Posts, Ministry of Communication, Sanchar Bhavan, New Delhi – 11001.
2. The Chief Postmaster General, Kerala Circle, Trivandrum-695 033.
3. The Director General (Posts), Dak Bhavan, New Delhi – 110 001.
4. The Deputy Director General (PAF), DAK Bhavan, Sansad Marg, New Delhi – 110 001.
5. The Senior Director General (PA Wing), Ministry of Communications and IT, Department of Posts, New Delhi – 110 001.
6. The Director of Accounts (Postal), Kerala Circle, IV Floor, GPO Building, Thiruvananthapuram – 695 001. **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

This application having been heard on 19.01.2021, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard the learned counsel appearing for the applicants and Advocate Mr. N. Anilkumar, SCGSC learned counsel appearing for the respondents.

2. MA No. 180/52/2021 for joining together is allowed.

3. The applicants are aggrieved by the inordinate delay on the part of the respondents in considering the request for stepping up of seniority and pay of the applicants to overcome the anomaly of juniors drawing higher pay and benefits than the seniors as a result of the irregular transfer to Kerala Circle in the cadre of Junior Accountants in the Department. They have filed this OA seeking the following reliefs:

“(i) To direct the respondents to consider Annexure A9 and Annexure A10 representations and to dispose off the same by granting parity of pay and seniority to the applicants in a time bound manner.

(ii) To direct the respondents to grant the applicants pay equivalent to their juniors working in the cadre of Senior Accountant with effect from the year on which such juniors were accommodated in the Kerala Circle.

(iii) To direct the respondents to accommodate the applicants above the transferees in the seniority list of Accountants issued by the respondents.

(iv) Grant the cost of this Original Application.”

4. When the matter was taken up for consideration, it appears that the applicants have not exhausted their remedies available and in the present OA they have sought an interim order to provisionally grant them pay equivalent to the transferees who were accommodated in the Kerala Circle by converting the DR quota vacancies in the cadre of Junior Accountants. There

representations Annexures A9 and A10 are pending and no order is seen passed.

5. In view of the pendency of representations, we deem it appropriate to direct the competent authority to consider and dispose of Annexures A9 and A10 representations filed by the applicants on the basis of the relevant rules and orders and pass a speaking order within a period of three months from the date of receipt of a copy of this order.

6. The Original Application is disposed of as above without going into merits at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

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APPLICANTS' ANNEXURES

- Annexure A1** - True copy of the relevant pages of the Postal Manual Volume IV.
- Annexure A2** - True copy of the transfer police issued as per letter NO. 141-141/2013-SPB-II dated 31.1.2014 on behalf of the 1st respondent.
- Annexure A3** - True copy of the representation dated 13.8.2015 submitted by the 1st applicant before the 2nd respondent.
- Annexure A4** - True copy of the representation dated 1.5.2017 submitted by the 1st applicant before the 4th respondent without enclosures.
- Annexure A5** - True copy of the representation dated 6.11.2017 submitted by the 1st applicant before the 3rd respondent without enclosures.
- Annexure A6** - True copy of the guidelines for transfer to regulate transfers of Group C officials issued as per F. No. 141-141/2013-SPB-II dated 31.7.2018 issued on behalf of the 1st respondent.
- Annexure A7** - True copy of the relevant pages of the gradation list of Senior Accountants of Kerala Circle issued as per letter No. Admn.I/E.I/C-26/GL/2016-17 dated 25.9.2018, issued by the 6th respondent.
- Annexure A8** - True copy of the representation dated 23.6.2020 submitted to the 5th respondent by the 1st applicant through proper channel.
- Annexure A9** - True copy of the representation dated 28.9.2020 submitted by the 1st applicant to the 5th respondent.
- Annexure A10** - True copy of the representation dated 28.9.2020 submitted by the 2nd applicant to the 5th respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-