

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/219/2021 & OA/021/220/2021

HYDERABAD, this the 10th day of March, 2021



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

OA/021/219/2021

1. P. Siddaiah,
S/o.P. Khasim Saheb, (Group. B)
Aged about 66 years,
Occ: Assistant Director Retd.
R/o. 8-1-137, Gandhi Nagar,
T.G.P. Colony Road, Badvel – 516 227.
2. M. Narasimha Raju,
S/o. Shivaramaraju (late), (Group B)
Aged about 62, Occ: Assistant Director, Retd.,
R/o. Plot No.401, Silver Springs Apts.,
Block-A, Mithila Nagar, Nizampet post,
Hyderabad – 500 090.

...Applicants

(By Advocate :Sri N. Vijay)

Vs.

1. The Union of India,
Ministry of Communications and IT,
Department of Posts, DAK Bhavan,
New Delhi rep. by itsSecretary.
2. The Chief Post Master General,
Telangana Circle,
Abids, Hyderabad – 500 001.
3. The Director of Accounts,
Postal Department,
Telangana Circle,
Hyderabad – 500 001.

....Respondents

(By Advocate: SriA. Praveen Kumar Yadav, Addl. CGSC)

OA/021/220/2021

1. G.V. Ramana, S/o.Rama Rao (late),
Aged about 65 years,
Occ: Supdt. of RMS Retd.,
R/o.1-1-19, 6, Sree Krupa Villas,
Ashok Manipuri Colony,
Kapra, Hyderabad – 500 103, Telangana State.
2. B. Rayappa, S/o. Lourdaiah (Late),
Aged about 68, Occ: Assistant Director, Retd.,
R/o. D.No.53-1,137, Arulnagar, Vijayawada – 520 008,
Andhra Pradesh State.
3. K. Nagabhushanam, S/o. Late K. Moshe,
Aged about 62 years,
Occ: Supdt. Of Post Offices Retd.,
R/o.H.No.4-149-32-86-3-31, Sree Ram Nagar,
Dhone – 518 222, Andhra Pradesh State.
4. V. Venkateshwalu, S/o.Kondaiah (Late),
Aged about 65 years,
Occ: Supdt. Of Post Offices Retd.,
R/o.H.No.B6-100-8/13, Buchireddypalem -524 305,
SPSR Nellore Dt., Andhra Pradesh State.
5. D. Satyanarayana, S/o. D. Narasaiah,
Aged about 62 years, Occ: Supdt. of Post Retd.,
R/o. H.No.7-385/A, 7th Ward, Behind Andhra Bank,
Chimakurthy – 523 226, Prakasam Dt., Andhra Pradesh State.
6. P.V. Surya Prakasha Rao, S/o. P.Pallaiah,
Aged about 67 years, Occ: Supdt.of Post Offices Retd.,
R/o. D.No.8.4.9, Dwaravari Street, Narasapur-534 275,
West Godavari Dt., Andhra Pradesh State.
7. P. Surya Chandra Sekhar, S/o. Radhakrishnamurthy (Late),
Aged about 64 years, Occ: Supdt.of Post Offices Retd.,
R/o. 40-6-18, Darga Street, Mangalavarapu Peta,
Rajahmundry – 533 101, Andhra Pradesh State.
8. Arbind Panda, S/o. Lakshman Panda (Late),
Aged about 61 years, Occ: Asst., Director-II (Retd.),
R/o.6-341, RMS Block, Ravindra Nagar II,
Govt. Dairy Farm Post, Visakhapatnam – 530 040.
Andhra Pradesh State.
9. B. Bhaskar, S/o. B. Gnanappa (Late),
Aged about 68 years,
Occ: Supdt. of Post Offices Retd.,

R/o. D.No.86/241-3, Shyamalanagar,
Kurnool-518 002, Andhra Pradesh State.

10. N. Gopal Reddy, S/o. N. Narayana Reddy,
Aged about 66 years,
Occ: Supdt. of Railway Mail Service Retd.,
R/o. D.No.1-3-538, 5th Road, Opp. BSNL Office,
Anantapur – 515 004, Andhra Pradesh State.



11. P. Venkatesu, S/o. P. Narayanappa,
Aged about 68 years,
Occ: Supdt. of Railway MAIL Service (Retd.),
R/o. D.No.4-1257, Ganeshnagar,
Kalyanadurg Road, Anantapur – 515 004,
Andhra Pradesh State.
12. N. Subba Rao, S/o. N. Tata Rao (Late),
Aged about 64 years,
Occ: Asst. Superintendent of Post Offices (Retd.),
R/o. LIG 134, APHB Colony, Amalapuram – 533 201,
East Godavari Dt., Andhra Pradesh State.

...Applicants

(By Advocate : Sri N. Vijay)

Vs.

1. The Union of India,
Ministry of Communications and IT,
Department of Posts, DAK Bhavan,
New Delhi rep. by its Secretary.
2. The Chief Post Master General,
A.P. Circle,
Krishna Lanka, Vijayawada – 520 013.
3. The General Manager (PA& Finance),
Postal Accounts Office,
Krishna Lanka, Vijayawada – 520 013.

....Respondents

(By Advocate: Sri M. Swarna, Addl. CGSC)

ORAL ORDER (COMMON)
(As per Hon'ble Mr. B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OAs are filed being aggrieved by the action of the respondents in not considering the representations of the applicants for granting an increment while enhancing the Non-functional Grade Pay of Rs.5400/- after completing 4 years of regular service in the Grade Pay of Rs.4800/-, which was granted to all other similarly placed persons. The applicants sought a direction to the respondents to grant an increment with arrears and to re-fix their pension.

As the relief sought is one and the same from the same respondents, a common order is passed.

3. Brief facts of the case are that the applicants joined the respondents organisation as Postal Assistants and rose up to the rank of Superintendent Post Offices, Group B. Applicants were granted the Grade Pay of Rs.4800 while working as Asst. Supdt. of Post Offices and as per CCS (RP) Rules 2008, applicants are entitled for grade pay of Rs.5400 for rendering service of 4 years in the grade pay of Rs.4800 on a non-functional basis or on promotion as Supdt. of Post Offices. The grade pay of Rs.5400 after rendering 4 years in grade pay of Rs.4800 was granted in pursuance of the orders of the Courts. However, applicants were not granted the higher grade pay of Rs.5400 even though eligible as per the court orders and hence, the OA.

4. The contentions of the applicants are that the issue has been adjudicated by the Courts directing grant of grade pay of Rs.5400 to those

who have rendered service of 4 years in the grade pay of Rs.4800. Even as per CCS (RP) Rules 2008, the applicants are entitled for the higher grade pay of Rs.5400. Ld. Counsel for the applicants submitted that other Departments of the Govt. of India are granting the higher grade pay in question. Therefore, not granting the relief sought by the applicant is arbitrary and illegal.



5. Heard both the counsel and perused the pleadings on record.

6. I. The dispute is about non grant of grade pay of Rs.5400 to the applicants after rendering 4 years service in the grade pay of Rs.4800. This matter fell for consideration before the Tribunal in OA 296/2014 wherein it was directed to grant the higher grade pay of Rs.5400 and when the decision of the Tribunal was challenged in the Hon'ble High Court in WP 31576/2016, the WP was dismissed on 6.11.2018. Similar issues were adjudicated in OA Nos.1016/2019 & 1017/2019 and OA No. 304/2020 wherein the verdicts delivered are in favour of the applicants. The relevant portions of the verdict of the Tribunal in OA 304/2020 and that of the Hon'ble High Court in WP No.31576/ 2016 are extracted here under:

WP No. 31576 of 2016

“Upon being informed that the judgment relied upon by the Tribunal has been stayed by the Supreme Court, this Court granted interim suspension of the order under challenge on 20.09.2016. Thereupon, the contesting respondents-applicants filed W.V.M.P.No.564 of 2017 to vacate the said order. As it was brought to the notice of this Court that there was no stay in operation in so far as the judgment of the Madras High Court was concerned as was stated before this Court at the time of passing of the interim order, this Court, vide order dated 13.02.2017, vacated the interim order dated 20.09.2016.

While so, Sri N. Vijay, learned counsel appearing for the contesting respondents-applicants, would now inform this Court that Civil Appeal No.3893 of 2011, arising out of the judgment of the Madras High Court in W.P.No.13225 of 2010, along with SLP (Civil) Nos.23513 & 3189 of 2015 and 17576 of 2017, were dismissed by order dated 10.10.2017.

In that view of the matter, as the Tribunal merely followed the edict of the Madras High Court in the aforesaid judgment which now stands confirmed, we find no grounds to entertain this writ petition for independent adjudication.

The writ petition fails and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs."



OA 304/2020

"Therefore, the higher grade pay of Rs.5400 for which the applicants were eligible in 2012/2014, cannot be denied by applying revised MACP guidelines issued on 4.7.2017 and that too which were irrelevant to the case of the applicant.

Thus, based on the aforesaid, it is crystal clear that the respondents have violated the rules and law in revising the pay of the applicants and denying the pay fixation, after granting higher grade pay of Rs.5400/-. Therefore, the impugned order 26.5.2020 is liable to be quashed and hence quashed and set aside. Consequently, respondents are directed to consider pay fixation @ 3% on the Grade Pay of Rs.5400/- from the date due to the applicants. Arrears of pay and other consequential benefits shall be paid to the applicants. Time period allowed the judgment is three months from the date of receipt of the order.

With the above direction, the O.A. is allowed, with no order as to costs."

II. The Ld. Applicants counsel submitted that the order of the Hon'ble High Court has not been further challenged. Therefore, the matter in the instant OAs is fully covered by the judgments in the OAs cited supra. We note that similar relief is granted by other Departments of GOI viz., Customs and Central Excise Department/ Income Tax, etc. Hence, we direct the respondents to grant similar relief in the light of the judgments in the OAs referred to and confirmed by the Hon'ble High Court in respect of the decision in OA 296/2014. Time period allowed to implement the direction is 3 months from the date of receipt of this order.

Accordingly, the OAs are disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVEMEMBER
 /evr/

(ASHISH KALIA)
JUDICIAL MEMBER