

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/310/2020

HYDERABAD, this the 3rd day of July, 2020



***Hon'ble Mr.Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member***

Ch. Rama Rao, Gr.C,
S/o. Late JagannadhaRao,
Aged 74 years,
Occ: Retired Head Postmaster, (HSG-I),
Amudalavalasa HO, SrikakulamDn,
R/o. Flat No. 403,
VarahanarasimhaEnclavee,
Krishnamandiram Road,
Back side of Govt. Ele. School,
Isukathota, Visakhapatnam – 530 022,
Andhra Pradesh.

... Applicant

(By Advocate: Mr. B. Gurudas)

Vs

1. Union of India rep. by
The Secretary to the Govt of India,
Ministry of Communications & IT,
Department of Post,
New Delhi – 110 001.
2. The Chief Postmaster General,
AP Circle, Vijayawada -13.
3. The Postmaster General,
Visakhapatnam Region,
Visakhapatnam – 530 017.
4. The Superintendent,
Srikakulam Division,
Srikakulam – 532 001.
5. The General Manager Finance,
AP Circle, Vijayawada – 520 013.

... Respondents

(By advocate: Ms. K. Rajitha for Mr. B. Siva Sankar, Addl. CGSC)

O R D E R (ORAL)

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

The applicant is challenging the irregular action of the respondents in granting pension and other benefits, without taking into account the last pay drawn as Post Master, Amudalavalasa HO in HSG-I cadre.



2. The brief facts of the case are that the applicant was initially appointed as Postal Assistant in Srikakulam Division w.e.f. 16.02.1965. Later, he was promoted under TBOP & BCR on 21.3.1984 & 01.10.1991 respectively. Before retiring from service on 31.05.2005, the applicant continuously worked as Postmaster at Amudalavalasa H.O. in HSG – I grade from 07.09.2002 to 31.05.2005 based on the orders of the competent authority. However, while fixing his pension, the pay drawn in the cadre of HSG-I was not taken into account. Aggrieved the OA has been filed.

3. The contentions of the applicant are that as per fundamental rules, if an employee officiates in a higher grade and retires in that grade, pension has to be fixed as per the pay of the higher grade in which the employee has retired. The last pay drawn has to be considered to fix the pension. Respondents by not doing so have violated Articles 14 & 21 of the Constitution of India.

4. Heard Sri B. Gurudas, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel representing Sri B. Siva Sankar, learned counsel for the respondents.

5. Learned counsel for the applicant contends that as per FR 22(1)(a)(1), the applicant is fully eligible for the higher Grade Pay for fixing his pension in the grade in which he has retired. The relevant paragraph is extracted below:



“(1) where a Government servant holding a post, other than tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale shall be fixed by giving one increment in the level from which the Government servant is promoted and he or she shall be placed at a cell equal to the figure so arrived at in the level of the post to which promoted or appointed and if no such cell is available in the level to which promoted or appointed, he shall be placed at the next higher cell in that level.”

6. Learned counsel for the applicant has also cited the orders of the Hon'ble Supreme Court in *Selva Raj Vs Lt. Governor of Island, Portblair, dated 16.03.1998, AIR (1999) SC 838, JT 1998 (4) SC 500 (1998) 4 SCC 291* in support of his contentions. Besides, the applicant has also made several representations and the latest is dated 22.02.2020 which is yet to be disposed.

Ld. Respondents' counsel has submitted that the respondents have acted as per rules and law and that the latest representation made by the applicant can be directed to be disposed as deemed fit in the matter.

7. In view of the above, the respondents are directed to dispose of the representation after examining the grounds taken by the applicant in the O.A. as well as in the representation referred to and shall passa speaking and reasoned order, within a period of 8 weeks from the date of receipt of a copy of this order.

With the above direction, the O.A. is disposed of, at the admission stage itself. No order as to costs.



(B.V. SUDHAKAR)
ADMN MEMBER

/pv/evr

(ASHISH KALIA)
JUDL MEMBER