

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.178/87

DATE OF DECISION: 28.08.1992

Shri Radhey Shyam

Applicant

Shri Sant Lal

Counsel for the applicant

Versus

Union of India & Ors.

Respondents

Shri P.P. Khurana

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? *Ans*
2. To be referred to the Reporters or not? *Yes*

JUDGEMENT

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

This OA has been filed by Shri Radhey Shyam, a
Sorting Postman, working in the Post and Telegraphs, Delhi
against the impugned order dated 3.6.83, issued by the
Director General, Post and Telegraphs, New Delhi, revising
the pay of certain categories of P&T staff, but denying the
same benefits to selection grade Postmen.
Encl

2. The applicant was appointed as Postman in 1952 and was later promoted to selection grade of Rs.225-330. The impugned order dated 3.6.83 revised the pay of (i) Sub-Inspectors (ii) Higher Grade Wireman (iii) Telegraph Overseers (iv) Sorting Postmen and (v) Head Main Guards to 260-6-326-EB-8-350 w.e.f. 1.1.78. Later, it was decided in compliance with the Award of the Board of Arbitration that the revision will take effect notionally from 1.1.75 and arrears arising out of the pay fixation will be allowed from 1.1.78. The selection grade postmen were in the same grade as Sorting Postmen and even though they were also given the pay scale of Rs.260-350, they were denied arrears of pay including increments. The representation submitted by the applicant on 18.10.84 and the appeal submitted on 15.3.85 did not elicit any reply. The applicant prays that the respondents be directed to include the selection grade postmen in the list of beneficiaries mentioned in their letter dated 3.6.83, with all consequential benefits.

Aw

...3...

3. The respondents have stated that out of 9 categories of employees, only 2 categories namely, Sorting Postmen and Head Mail Guards, were given the benefit of retrospective revision w.e.f. 1.1.75 by the Board of Arbitration and the selection grade postmen were not a party to this award. However, the question of stepping up of the pay of the seniors in whose case some anomaly occurs is under examination in the Department. The pay scales of Selection Grade Postmen and the Sorting Postmen are the same but the cadres are different. The cadre of Selection Grade Postmen was temporary one created under the 20% promotion scheme, which was later abolished. The respondents have also raised objections regarding limitation, as the impugned order was issued on 3.6.83 whereas, the application was filed in 1987.

4. We have heard the arguments addressed at the Bar by the learned counsel for both parties and perused the documents placed on record. As regards the preliminary objection, regarding limitation, the question has been considered by this Tribunal and an order was passed on 20.3.87, rejecting the application for condonation of *6v*

delay. However, this matter was reviewed and it was held that since the appeal to the Director General Telegraphs was made on 15.3.85, and the application before the Tribunal was filed on 11.2.87, the delay was of a few months only. This was condoned vide order issued on 10.7.87. There is some force in the contention of the applicant that both the Selection Grade Postmen and Sorting Postmen are basically postmen enjoying the same pay scale and grant of revision of scale to one category of postmen and its denial to the other, would be arbitrary. The category of Selection Grade Postmen was introduced w.e.f. 1.6.74 on the basis of the instructions contained in the P&T Board letter dated 15.6.74, providing 20% of the number of posts of Postmen, Village Postmen and Stamp Vendors to be upgraded from the scale of Rs.210-270 to Rs.225-350.

It was clarified that:-

"The additional posts provided on the above basis will carry higher responsibility and may be utilised for supervisory or supervisory-cum-operative duties at the discretion of the competent authority. These will be identified by the competent authority."

Am

...5...

5. Thus it appears that these posts were categorised as those having higher responsibilities than the Postmen. When the revision of pay scale of Sorting Postmen was given retrospective effect from 1.1.75, it should have been applied to the other categories of the same grade. In a similar case, G. Panneerselvam Overseer Postman Vs. D.G. P&T New Delhi and Others (T.A.No.888/86, Madras Bench, C.A.T. decided on 27.11.86). It was held that the revised pay scale would be equally applicable to the categories of Head Postmen and Overseer Postmen w.e.f. 1.1.75. There is no reason why a distinction should be made in case of Selection Grade Postmen.

6. In the conspectus of the facts and circumstances of the case, we hold that the applicant is entitled to succeed. The respondents are directed to include the category of Selection Grade Postmen in the list of beneficiaries mentioned in the respondents letter dated 3.6.83 and give them the benefit of notional pay revised w.e.f. 1.1.75 and arrears arising out of such pay fixation
By

...6...

W.E.F. 1.1.78. The respondents shall comply with the above directions, expeditiously and preferably, within a period of three months, from the date of receipt of this order.

7. There will be no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL) 28/8/92
MEMBER(A)

28/8/92
(P.K. KARTHA)
VICE CHAIRMAN(J)

kam
270892