

(8)

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi the 14th day of July 1995.

OA No.1821/91

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Govardhan Prasad
R/o 301-C, Gali No.2, Krishnapuri
Mandawali, Delhi - 110 092.

...Applicant.

(None for the applicant)

Versus

Union of India through

1. The Secretary
Dept. of Posts
Ministry of Communication
New Delhi.
2. The Chief Post Master General
Delhi Circle
New Delhi.

...Respondents.

(By Advocate: Shri M.K. Gupta)

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who was appointed in 'I' Division Jalandhar and promoted as a Sorter (Sorting Division) w.e.f. 1.4.1958 was transferred to New Delhi Sorting Division on 11.3.1987. He was given a special allowance of Rs. 40 per month as supervisory allowance w.e.f. 5.1.1990 by order dated 4.1.1990. His grievance is that while he was discharging supervisory functions and in that process was supervising over Shri Balbir Singh II, he was drawing a basic pay of

Rs.1760/- ^{only} whereas Balbir Singh was drawing a basic pay of Rs.2250/-.

Shri Balbir Singh is at Sl. No.58 in the gradation list of sorting assistants while the applicant is at Sl.No.26, according to the

applicant. Therefore, there is no justification for not giving the applicant the pay on par with his junior Balbir Singh. ^{contends the applic} The ^{ant} applicant has also referred to a judgement of the Tribunal in OA 1746/88 which gave the benefits of pension, DCRG and leave encashment including fixation of pay to the applicant in that case.

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For what purpose the applicant relies on the judgement is not made clear.

However, on the basis of his claim that he is senior to Balbir Singh and is holding a supervisory post, the applicant prays that the respondents may be directed to fix his basic pay at Rs. 2250/- on par with Balbir Singh's pay.

2. The respondents in their reply statement have made it clear that though the applicant was appointed on 1.4.1958 earlier than the date Balbir Singh was appointed, he was placed lower down in the seniority for the reason that he got transferred to Delhi Circle at in mutual exchange with Khushi Ram, Sorting Assistant, New Delhi 38 of P&T Manual Vol.III. Sorting Division under rule / His placement at Sl.No. 26 and the placement of Balbir Singh at Sl.No.58 was an error which was later rectified by order dated 12.9.1988, ^{according to them.} ~~Thereafter~~ Balbir Singh, on the basis of the judgement in OA 1746/88 got lower selection grade with effect from 1.10.1968 and it was on account of that the pay of Balbir Singh was fixed at Rs. 2250 while the pay of the applicant remained at Rs. 1760/-, and ~~the~~ ^{therefore} the respondents

contend that he is not entitled to any such benefit.

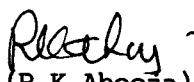
3. When the application came up for hearing today, though it was called twice, none appeared for the applicant. Therefore we did not have the privilege of hearing the counsel for the applicant. However, we have heard Shri M.K.Gupta, counsel for the respondents and carefully gone through the pleadings in this case.

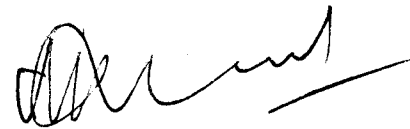
4. The fact that the applicant commenced his career as sorting assistant earlier than Balbir Singh is not in dispute. It is also not in dispute that the applicant was transferred to Delhi from Jalandhar under rule 38 of P. & T Manual Volume III and accepted his seniority at the bottom of the cadre. Thus, he became junior to Balbir Singh and he had to accept the lower position in seniority. ^{applicant's} The case is that his position on the gradation list was

at Sl.No.26 and the position of Balbir Singh was at Sl.No.58. That position was corrected by order passed by the respondents on 12.9.1988. Though the applicant has in his rejoinder stated that this was not done with notice to him; but no step has so far been taken by him to challenge this order. However, Balbir Singh became entitled to the basic pay of Rs.2250/- because he got lower selection grade w.e.f. 1.10.1968 being successful in OA 1746/88 to which the applicant was not a party. Therefore, he was not entitled to the benefit Balbir Singh had received. Under the circumstances, there is no basis for the claim of the applicant for parity of pay with Balbir Singh who is not junior to him.

5. In the light of what is stated above, we do not find any merit in the application and the same is dismissed.

No costs.


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

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