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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No. 503 of 1986

Prem Singh Applicant.

versus

Sr. Post Master, Agra and
two others. Respondents.

Hon'ble D.S. Misra-AM

Hon'ble G.S. Sharma-JM

(Delivered by Hon'ble D.S. Misra)

This is an application under section 19 of the Administrative Tribunals Act XIII of 1985 against the inadvertent attitude of Sr. Post Master, Agra in fixing the initial pay of the applicant 12 stages higher than the starting one.

2. The applicant's case is that after his retirement as a Havildar in the Military Department on 1.10.1979, he was re-employed as a Postal Assistant from 13.3.1981 in Agra Head Post Office in the scale of Rs. 260-480 and was allowed to draw Rs. 260/- p.m. as his basic pay; that the ^{and} pay/allowances of retired military personnel on their re-employment in the civil services is to be regulated in accordance with Art. 526 and 528(B) of central Civil Services (Pension) Rules and decisions of the Government of

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India in their O.M. dated 8.2.1983 (annexure A); that the Sr. Post Master Agra, respondent no.1, fixed the initial pay of the applicant at Rs.360/- per month w.e.f. 25.1.1983 and the same was confirmed by the Director of Accounts (postal) vide his letter dated 19.4.1985 (copy annexures 7 and 8); that the respondent no.1 did not comply with the directions of the Director of Accounts (Postal) till this day; that the applicant made representation to Director Postal Services Kanpur, respondent no.2, on 20.9.1985 but the same remained unattended (copy annexure 9); that the applicant submitted representation to the Post Master General, U.P. (respondent no.3) on 27.11.1986 and this petition has also remained unattended (copy annexure 10). The applicant has prayed that his pay in the scale of Rs. 260-480 may be fixed at Rs.360/- per month and the final approval of Finance Ministry may be obtained within 6 months in accordance with the instructions contained in the letter at Annexure -F.

3. In the reply filed on behalf of the respondents, it is stated that the initial pay of the applicant had been fixed at the stage of Rs.260/- p.m. in the scale of Rs.260-480 and he was allowed total emoluments of Rs. 561.60 P. in addition to Rs.217/- as military pension drawn by him; that on 24th April, 1981 the applicant applied to the Post Master Agra for re-fixation of his pay and after receiving a letter from the Officer

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Incharge (Records) Army Education Records,
Panchmarhi, M.P. regarding pension equivalent
gratuity etc.. The matter was referred to the
Director Accounts (Postal) Lucknow, who gave his
opinion in his letter dated 5.1.1983 stating
therein that the applicant is entitled for
a sum of Rs.260/- per month less Rs.1.30; that
there were several correspondence between Sr.
Post Master Agra and the Director of Accounts
(Postal) Lucknow regarding the fixation of pay
of the applicant and on 17th August, 1985 Sr.

Post Master Agra made a reference to the
Director Postal services (copy annexure CA-1) for/
of the Director General Post & Telegraph
New Delhi, who is the competent authority to take
a decision in the matter as provided in the
fundamental rules and the supplementary
rules issued by the Government of India; that
the Director Postal services made a reference
to the Post Master General U.P., Lucknow vide
his letter dated 29.11.1985 (annexure C.A.11);
that the Post Master General U.P., Lucknow had written
to the Sr. Superintendent of Post Offices, Agra
vide his letter dated 18th August, 1986 calling
for certain information and relevant documents to
enable him to make his recommendation to the
D.G.P&T; that the matter ~~is now~~ shall be taken
up with the Director General (Postal Services)
New Delhi and as and when any positive order is
passed the decision shall be communicated to the
applicant; that the Sr. Post Master Agra is not
competent to fix the pay of any official at
the higher stage than the minimum without the

orders of the competent authority, which is Post & Telegraph Directorate vide Regulation II of Regulation of Pay during re-employment; that the case of the applicant is under process and the application being pre-mature is liable to be rejected.

4. In the rejoinder affidavit filed by the applicant, the allegations made in the original application were reiterated and it was alleged that his case has not been decided for the last three years due to negligence and inaction on the part of the Sr. Post Master, Agra and the Director of Postal Services Agra.

5. We have heard the arguments of the learned counsel for the parties and have carefully perused the records of the case. The contention of the applicant that the letter of Sr. Superintendent of Post Offices, Agra addressed to the Director Postal Accounts Lucknow is a letter fixing the salary of the applicant at the stage of Rs. 360/- p.m. is not correct as this letter can, at best, be described as recommendation to the higher authorities. Para 4 of this letter clearly states that the proposed fixation would require the sanction of Ministry of Defence in accordance with the Ministry of Defence Letter dated 17.2.1961. The reply of the Director of Accounts (Postal) dated 19.4.85 (copy annexure C) is again not the approval

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of the competent authority and this is again in the nature of an advice or opinion of the Director of Accounts (postal) and in this letter also, it is clearly stated that the approval/sanction of the Ministry of Defence may be obtained for regulating the pay of the applicant. From a perusal of copies of letters filed by the applicant as well as the respondents, it appears that there have been several cross references between the office of the Post Master Agra, Sr. Superintendent of Post Offices, Agra, Director Postal Services Agra, and the office of the Post Master General U.P. Circle Lucknow regarding this case and the correspondence is still going on without any reference having been made to the Director General Post and Telegraph. At the stage of argument, it was conceded by learned counsel for the applicant that sanction/approval of the D.G.P&T will be necessary before fixing pay of the applicant at a stage higher than the minimum of the scale of pay of the post, occupied by the applicant. We are of the opinion that the respondents have not paid due attention to the request of the applicant being given a higher starting salary and which request was recommended by his immediate superior authority, Post Master Agra. As more than 3 years have passed since the applicant made his representation in this regard, it is necessary that the case is finalised at an early date. It is in the interest of good administration that the

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request of the applicant is examined in accordance with the rules and a decision communicated to him within reasonable time. Accordingly, we direct the respondents to finalise the case of the applicant within a period of 6 months from the date of receipt of this order.

The petition is disposed of accordingly, without any order as to costs.

A.M.
A.M. 31/8/87

J.M.
31/8/87
J.M.

JS/31.8.87