OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

ORIGINAL APPLICATION NO.53 OF 2002

With

ORIGINAL APPLICATION NO.185 OF 2001
ALLAHABAD THIS THE 3RD DAY OF DECEMBER,2002

HON'BLE MR. S. DAYAL,MEMBER-A
HON'BLE MR. A.K. BHATNAGAR,MEMBER-J

Prakash Chandra Srivastava
aged about 40 years,
son of Shri Akchhaya Kumar Srivastava,
resident of Bairihwa,
Ghandhinagar, Basti,
employed as Hindi Typist O/o S.P. Os. Basti,
Division Basti in the District Basti.
Applicant in O.A. No.53/2002

Virendra Kumar Tripathi
aged about 42 1/2 years,
son of Shri Sahdeo Tripathi,
resident of House of Kandarp Narain Pandey,
Jail Road, Gulali Vatika,
P.O. Geeta Vatika,
Gorakhpur.
employed as Hindi Typist O/o S.S.P. Os. Gorakhpur in
the District Gorakhpur.
Applicant in O.A. No.185/01

..... Applicants

(By Advocate Shri A. Tripathi)

Versus

1. Union of India,
through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhawan,
New Delhi-110001.

2. Post Master General,
Gorakhpur Region,
Gorakhpur-273008.

3. Director Accounts (Postal)
Sector D, Aliganj,
Lucknow-226024.

4. S.P. Os. Basti Postal Division, Basti-272001. — Respondents in O.A. No.53/02

5. Post Master,
Basti-272001 — Respondents in O.A. No.53/02

6. S.S.P. Os. Gorakhpur,
Postal Division,
Gorakhpur-273001. — Respondents in O.A No.185/01

7. Senior Post Master,
Gorakhpur-273001 — Respondents in O.A No.185/01

..... Respondents

(By Advocates Shri R.C. Joshi & Sri J.N. Sharma)

O R D E R

HON'BLE MR. S. DAYAL,MEMBER-A

These are two applications filed on similar facts and law and have been heard together and the common order has been dictated.

2. These O.A.'s have been filed for cancellation of orders of recovery as well as refund of amount recovered in pursuance of the order of recovery.

3. The case of the applicants is that they were working as Hindi Typists in the office of respondent no.4. It is claimed that the applicants were appointed to the post of Hindi Typists and continued to work in the cadre of Office Assistant/Postal Assistant. The pay scale of the post was revised from Rs.260-480 to Rs.975-1660 by the fourth pay commission and thereafter to Rs.4000-6000/- by the fifth pay commission. Their pay was fixed in the scale of 4500-7000/- when they were promoted to L.S.G. Cadre. The respondents no.1, Secretary, Department of Post, issued an order dated 05.01.1999 directing that the Hindi Typist may be placed in the replacement pay scale of Rs.3200-4900/- only and the pay of the applicant was revised in pursuance of this letter of Government. This order was challenged before Jodhpur Bench of Central Administrative Tribunal in O.A. No.20/99 by Shri Guru Prasad Dahiya and in O.A. No21/99 by Shri Jepa Ram Sangar and in O.A. No.22/99 by Shri R.K. Verma. It was held that the applicant would continued to draw their pay in the scale of Rs.4000-6000/- and if any recovery was made it would be refunded with interest. This order was challenged by the respondents before the High Court in writ petition no.4830/00 and the writ petition was dismissed. The respondents filed an SLP with regard to the judgement of the High Court and the fate of the SLP is not on record.

4. We have heard the arguments of Shri A.Tripathi, learned counsel for the applicant and Shri C. Prasad, brief holder of Shri R.C. Joshi, cousel for the respondents as well as Shri J.N. Sharma, learned counsel for the respondents in O.A. No.185/01.

5. It is clear from the arguments placed before us by learned counsel for the applicant that the employees similarly placed as the applicants had succeded in their contention before the High Court. The order passed by the Apex Court is however, not on record. The learned counsel for the applicant has drawn our attention to Annexure-A-9 of this O.A. in which grant of pay scale of Rs.4000-6000/- to Hindi Typist has been implemented and claims that the applicants are entitled to similar treatment.

6. We find that the applicants had filed representations (Annexure A-8 in O.A No.58/02 and Annexure A-7 in O.A No. 185/01) which have not been decided by the respondents so far.

7. The respondents are directed to decide the same by a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order taking into consideration the law laid down by the Tribunal, the High Court and the Apex Court and also in the light of grant of pay scale of Rs.4000-6000 to the applicants in O.A. 20-22/99. If any, recovery is proposed to be effected, the same shall not be effected till the order on the representation is passed.

8. There shall be no order as to costs.

Member-J Member-A

/Neelam/