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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 375 of 1988

Date of decision : 24th October, 1989.

1. Bharatiya Extra-Departmental Employees' Union, Cuttack North Divisional Branch through Narayana Mohapatra, son of Late Balananda Mohapatra, aged about 50 years At/P.O./District.Cuttack.

..... Applicant

-Versus-

1. Union of India, represented by its Secretary, in the Department of Posts, Dak Bhavan, New Delhi.

2. Postmaster General, Orissa Circle, At/P.O.Bhubaneswar, District.Puri.

3. Superintendent of Post Offices, Cuttack North Division, At/P.O./District.Cuttack.

.... Respondents

For the applicant M/s. Devanand Misra
Deepak Misra, R.N. Naik
& A. Deo, Advocates.

For the respondent. Mr. T. Dalei, Addl. Std.
Counsel (Central)

C O R A M :

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.

2. To be referred to the Reporters or not ? **No**

3. Whether Their Lordships wish to see the fair copy of the Judgement ? Yes.

:- JUDGEMENT :-

N. SENGUPTA, MEMBER (J)

This application under section 19 of the Administrative Tribunal's Act, 1985 has been filed in a representative capacity by the Bharatiya Extra Departmental Employees Union, Cuttack Northern Divisional Branch, through one of its member.

2. The facts material in this case lie in a narrow compass. The grievance of the members of the applicant Union are that there was a revision of the allowances and other emoluments payable to Extra Departmental Agents with effect from 1.1.86 and that was according to the principles laid down in Annexure-1 to this petition. The further case of the applicant Union is that even though the staff of 2 other Divisions namely, Cuttack South Division, and Cuttack City Division, have been given the benefits of the said circulars, the persons serving in the North Division had not been given the same benefit and thereby a discrimination has been made. Having averred thus, the reliefs claimed are for a direction to the respondents to give the benefits as per Annexure-1 on the basis of assessment already in existence on 15.7.87, a further direction to Respondent No.3 to calculate the arrear amounts and pay the same to the Extra Departmental Employees within the time to be fixed and 3rd is an omnibus prayer for any other relief.

3. The Counter filed by the Respondent is confirmed to making denials of some of the allegations but the contention raised therein are not really very serious. The Respondents have filed a letter of the Post-Master General, Bhubaneswar, Orissa, conveying

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14.10.87

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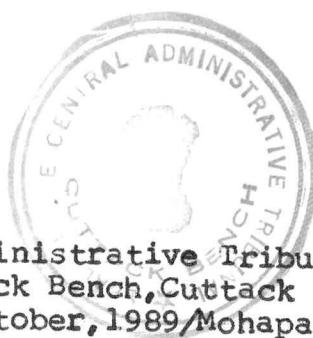
the decision of the D.G.Posts and that is R/1.

4. Sri Tahali Dalei, learned Addl. Standing Counsel (Central) for the Respondent has been heard at length, so also the Counsel for the applicant Union. On going through the averments in the application and the Counter it would appear that really there is not much of dispute as to the rates at which payments are to be made, because, the rates mentioned in Annexure R/1 are the same as those mentioned in Annexure-1. There is also no dispute that the rates came into force from 1.1.86, of course subject to changes effected in the structure of D.A. from 1.7.86. Sri T. Dalei, learned Additional Standing Counsel (Central) for the Respondent has drawn my attention to para-8 of the Counter and has stated that the employees of the North Division, Cuttack have already got the benefit as per the instruction contained in the letter of the D.G. Posts No.14-6/87-PAP dated 15.7.87 with effect from 1.1.86. This is really a disputed matter but that need not detain us. The relief that the applicant Union has asked for is to allow them the emoluments and allowances according to the circulars issued and if really they have in the mean time received the amount, the application really becomes infructuous. However, as there is no material to come to a conclusion either about non-payment of the emoluments and allowance or about the payment having been made according to circulars, it is appropriate to give a direction to the Respondent to give the benefits to the applicant employees in accordance with the Annexure 1 and R/1, which are practically the same, with effect from 1.1.86, as modified by the subsequent

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circulars. If payment has not yet been made, the calculation and the payment be made within 6 months hence. If already paid, no further action need be taken.

The case is accordingly disposed of, in the circumstances there shall be no orders for costs.



..... Meantime 24.10.89.

MEMBER (JUDICIAL)

Central Administrative Tribunal,
Cuttack Bench, Cuttack
The 24th October, 1989/Mohapatra