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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH : CUTTACK.

Original Application No. 48 of 1989

Date of decision: 2nd January, 1990

Parsuram Parida,
S/o Late Benudhar Parida
Lower Division Clerk,
Savings Bank Controlling Organisation
General Post Office,
Buxibazar, Cuttack-1,
Town & Dist. Cuttack. APPLICANT

-Versus-

1. Union of India, represented through
the Post Master General,
Orissa Circle, Bhubaneswar.
2. Senior Superintendent of Post Offices,
Cuttack City Division, Cuttack.
3. Senior Postmaster,
G.P.O. Cuttack,
Town & Dist. Cuttack.
4. Zonal Administrator,
Dandakaranya Development Authority
Zonal Headquarters,
At/P.O. Malkangiri,
Dist. Koraput. RESPONDENTS

For the Applicant M/s. J. Patnaik
H.M. Dhal &
S.K. Patnaik

For Respondents. Mr. Tahali 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 judgement ? 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)

In this application the reliefs prayed for are for quashing Annexure-7 to the Application and for direction for pay protection of the applicant.

2. The applicant was appointed as an Assistant Teacher in a School under the management of Dandakaraya Development Authority (Respondent No.4). He was appointed as a teacher in that Organization on 1.3.1973 and his services ~~were~~ regularised by an order dated 26.7.77 (Vide Annexure-1). There was a revision of the pay scale of teachers of Dandakaraya Development Authority (for short DDA) his pay was fixed at Rs.1175/- (Vide Annexure-2) with effect from 1.1.86. He was appointed in a substantive capacity ~~as~~ a teacher with effect from 20.5.85 by an order dated 17.1.87 (Vide Annexure-3). With the wind up of Dandakaraya Project he was declared surplus and surrendered to the Central (Surplus staff) Cell and to this effect an office Memorandum was issued on 14.4.87, copy at Annexure-4. After being ~~surrendered~~ to the surplus staff Cell he was re-deployed and posted as Lower Division Clerk in the Savings Bank Controlling Organisation, Cuttack G.P.O. against the existing vacancy, and was directed to draw pay in the scale of pay of Rs.950-20-1150-EB-25-1500/- with other usual allowances. Copy of the order of this direction is at Annexure-6. After re-deployment, the Postmaster General, Orissa Circle, Bhubaneswar issued a letter on 31.8.87 asking him (the applicant) to undergo service training for a period of one week and this period was to be excluded from the period of probation and no training allowances

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or travelling allowances would be admissible for such job training. The grievance of the applicant is that after re-deployment his substantive pay in the old post under the Dandakaraya Project was to be protected and that he was entitled to travelling allowances and other allowances such as training allowances etc during the period he had to undergo job training. It is averred in the application that he (the applicant) made a representation on 4.1.88 and also another on 6.1.88 but no action was taken on those representations by the Respondents till the filing of the present application on 2.2.89.

3. The Respondents in their Counter have not disputed most of the relevant facts alleged in the Original Application, their case is that the applicant rushed to the Tribunal without waiting for final decision on his representations which were under the active consideration of the Postal Department. They ~~are~~ ^{have} further averred in their Counter that after receipt of the ~~surplus~~ ^{circular laying} laid down the guide lines for fixation of pay of persons re-deployed, the Postal Department was going ahead ~~will be~~ ^{to} re-fixation of pay according those guide lines. In short, the plea of the Respondents is that they ~~are~~ never denied the applicant to give what was his due and as such the applicant should not have filed the application for reliefs he has prayed for.

4. Shri H.M.Dhal, has been heard for the applicant and Sri T.Dalei, learned Addl. Std. Counsel (Central) has been heard on behalf of the Respondents. As indicated above, the Respondents have not disputed, the factual aspects

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of the application, their only plea is that the applicant has been rather to hasty in coming to this Tribunal. They have annexed copies of 2 letters and the Annexures to those 2 letters. One of the Annexures which has been numbered is R-1 is copy of the letter dated 17/29.3.89 from the Dandakaranya Development Authority to the Postmaster General, Orissa Circle, Bhubaneswar and 2 other officials of Postal Department. From this Annexures R/1 it would be manifest that the Postmaster General, Orissa Circle, was informed of the fact of the applicant being entitled to travelling allowances and training allowances for the period he was to undergo job training. Annexure-R/2 is copy of the letter from the Chief Postmaster General, Orissa Circle, Bhubaneswar to all senior Postmasters and other D.D.Os. of the Postal Department in Orissa informing them that the claims of re-deployed persons were to be settled in accordance with instructions of the Director General of Posts below F.R-20 read with Appendix-34 of CSR Vol.II. Hand Book of certain rules to be followed in re-deployment of surplus and retrenched employees of Central Govt. was compiled. From para-8.2 of that Hand Book it would be found that those employees who were re-employed through the Central Cell, would be entitled to Transfer T.A. as admissible under the Rules. In para 8.3 it has been stated that the Ministry of Finance in consultation with the comptroller and Auditor General of India directed that a person would be allowed to draw pay in the scale of pay in which he was

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before re-deployment if the scale of pay of the post in which he is appointed after re-deployment is lower. Therefore, the applicant is entitled to pay protection i.e. he should be allowed to draw pay in the scale of pay he was when serving in the Dandakaraya Development Project. In para-8.11 a direction ~~was~~ is given that the surplus staff re-deployed in the Posts and Telegraph Department through the surplus Cell of the Ministry of Home Affairs are entitled to pay and allowances as admissible to the Departmental Officials for the same kind of training. Such being the circulars, and the Respondents having relied on these circulars, there is no difficulty in granting the reliefs prayed for by the applicant.

5. Accordingly, the application succeeds and the Respondents 2 and 3 are directed to calculate the amounts payable to the applicant in terms of that circular letter and pay to the applicant the amounts arrived at after calculation, within 3 months hence. Since the applicant made representation and the Department took time to settle the claim of the applicant, he is entitled to costs of this application which is assessed at Rs.200/-.

Mr. Engd. 2.1.90
Member (Judicial)

Central Administrative Tribunal
Cuttack Bench, Cuttack
2nd January, 1990/Mohapatra

