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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

O.A.448 of 1992.

DATE OF DECISION: OCTOBER 6 , 1993.

Pramod Ch.Dash ... Applicant.

Versus

Union of India and another... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? Yes

6/10/93
(K.P. ACHARYA)
VICE-CHAIRMAN.

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 448 of 1992.

Date of decision : October 6, 1993.

Pramod Ch. Dash ...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. B. S. Misra,

S. C. Kar,

G. Misra, Advocates.

For the respondents ...

Mr. Ashok Misra,

Sr. Standing Counsel (Central)

JUDGMENT

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to the respondents to pay to the applicant the scale of pay prescribed for Postal Machine Assistant Grade I namely Rs. 380-560/- for the period from 22.8.1977 to 31.12.1985 and the revised scale of pay of Rs. 1320-2040/- with effect from 1.1.1986 onwards with consequential dearness allowance, additional dearness allowance etc.

2. Shortly stated, the case of the applicant is that he is working as Postal Machine Assistant Grade II having been appointed on 18.8.1977 in the scale of pay of Rs. 260-400/-. According to the applicant, since his appointment as Postal Machine Assistant Grade II he has been asked to discharge the duties of Postal Machine Assistant Grade I namely repair and maintenance of various types of machines of the Postal Department, such as adding,

listing machine, Franking machine and stamp cancelling machine and other sophisticated machines etc. discharged by Postal Machine Asst Grade I. Therefore, this application has been filed with the aforesaid prayer.

3. In their counter, respondents maintained that there is lot of difference between the nature of duty discharged by the Grade I Postal Machine Assistant (hereinafter called ,PMA) and PMA in the cadre of Grade II. The duties assigned to PMA Grade I are to attend to the remaining, maintenance of various types of Postal machines, franking machines, stamp cancelling machines and other sophisticated machines. But the PMA Grade II is not entrusted to attend to any sophisticated machines. It is further maintained by the Respondents that PMA Grade I is recruited for maintenance of A/C Taxograph status Neopost franking machine, ~~and~~ ^{Bundle} typing and stationery vending machines etc. Hence, there is lot of difference between the PMA Grade I and PMA Grade II in regard to the nature of duties discharged by each of them. Hence, it is maintained by the respondents that the case being devoid of merit is liable to be dismissed.

4. I have heard Mr. B. S. Misra, learned counsel for the applicant and Mr. Ashok Misra, learned Senior Standing Counsel(Central). From the records and from the averments finding place in the pleadings of the parties it is found that there are only two posts of P.M.A. under the Postal Department in the entire State of Orissa

namely P.M.A. Grade I and P.M.A. Grade II. In the counter, the duties assigned to the applicant have been stated which is also finding in the letter of appointment issued in favour of the applicant contained in Annexure-6 series to the rejoinder. Therein the pay scale of P.M.A. Grade II has been defined. From Annexure-6 series it is found that there is great deal of difference between the nature of duties assigned to P.M.A. Grade I and P.M.A. Grade II. In the rejoinder it is maintained by the applicant that the respondents have not stated the details of the duties assigned to P.M.A. grade I in regard to maintenance of sophisticated machines and therefore, the case of the respondents on this account should be rejected. In the counter filed by the respondents the nature of duties assigned to P.M.A. Grade I and Grade II have been explicitly stated. No further details ought to have been stated by the Respondents. Since the P.M.A. Grade I and P.M.A. Grade II carry different pay scale and the nature of duties being different, I am unable to accept the submission of Mr. B. S. Misra, learned counsel for the applicant that the nature of duties discharged by both the incumbents ~~is~~ namely Grade I and Grade II P.M.A. are one and the same and I find no merit in this petition which stands dismissed leaving the parties to bear their own costs.

Agarwal
6-10-93
VICE-CHAIRMAN.....

Central Admin. Tribunal,
Cuttack Bench, Cuttack.
October 6, 1993/Sarangi.