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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 540 OF 1992  
Cuttack this the 23<sup>rd</sup> day of September, 1999

Krishna Kamal Ghose

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
23.9.99

*G. Narasimham*  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)  
23.9.99

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 540 OF 1992  
Cuttack this the 23rd day of September, 1999

**CORAM:**

**THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)**

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**Krishna Kamal Ghose**, aged about 58 years,  
Son of Late Hari Ballav Ghose,  
Dolmandapsahi, PO: & Dist: Puri  
-at present a retired employee of the  
Deptt of Post as the Asst.Manager  
Postal Printing Press

Applicant

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By the Advocates : M/s.Ashok Mohanty  
P.Dash, T.Ratho  
Miss. S.Mohanty

-Versus-

1. Union of India represented by its  
Secretary, Deptt. of Posts,  
Dak Bhawan, New Delhi-110001
2. Chief Post Master General,  
Orissa Circle, Bhubaneswar-751001
3. Sri S.B.Pani, Supdtd. of Post Offices  
Keonjhar Division, Keonjhar
4. Dy.Director, Postal Accounts,  
Cuttack - 5

Respondents

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By the Advocates : Mr.S.B.Jena  
Addl.Standing Counsel  
(Central)

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ORDER

MR.G.NARASIMHAM, MEMBER(JUDICIAL): In this application for stepping up pay in par with pay of Shri S.B.Pani (Res.3), the case of the applicant Krishna Kamal Ghose(since retired) is that <sup>he</sup> was promoted as Assistant Superintendent of Post Offices on 12.3.1986 in the scale of Rs.1600-2900/- <sup>and was</sup> admittedly senior to Respondent No.3. Next promotion from the post of Assistant Superintendent of Post Offices is H.S.G. I cadre in the scale of Rs.2000-3200/-. This promotion is made on the basis of seniority-cum-fitness. At the relevant time, that is during the year 1990, three such posts were available in Orissa Circle. They are : Postmaster, Puri Head Post Office, Postmaster, Sambalpur Head Post Office and Deputy Post Master, G.P.O., Bhubaneswar. The Departmental Promotion Committee met on 19.7.1990 and recommended promotions of S/Shri B.K.Mohanty, Krishna Kamal Ghose(the present applicant) and S.B.Pani (Res.3). Respondent No.2 promoted these three offices on 17.8.1990 (Annexure-A/4). In that order the applicant was posted as Postmaster, Puri Head Post Office and Respondent No.3 against the Sambalpur Head Post Office and Shri B.K.Mohanty against the post of Deputy Post Master, Bhubaneswar G.P.O. By then Shri J.Nahak, who was officiating at Puri Head Post Office on adhoc basis as Postmaster was ordered to be reverted. This reversion order was challenged by Shri J.Nahak before this Tribunal in Original Application No.300/90, which was ultimately dismissed in order dated 13.3.1991 passed by this Tribunal. However, in Memo dated 19.10.1990 promotions of the applicant and Res.3 were kept in abeyance. This order was later on recalled

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in order dated 22.1.1991 with same ~~place~~ places of posting. The fact, however, remains that Shri J.Nahak had not been relieved from Puri Head Post Office. Consequently the applicant was not relieved from the post of Assistant Superintendent of Post Office. Though in Memo dated 12.2.1991 (Annexure-A/12) he was posted as Deputy Post Master, Bhubaneswar G.P.O., yet he was not relieved in spite of his representation dated 21.2.1991(Annexure-A/13). In the meanwhile, his promotion to P.S.Group 'B' cadre in the scale of Rs.2000-3500/- was approved by Respondent No.1 and by order dated 27.2.1991 he was directed to join as Assistant Manager(Administration), Postal Printing Press, Bhubaneswar in the scale of Rs.2000-3500/- in which post he joined on 28.2.1991. By then, he was drawing Rs.2360/- in the scale of pay of Assistant Superintendent of Post Offices. On his joining in the scale of Rs.2000-3500/- his pay was fixed at Rs.2450/-. However, Respondent 3, who is junior to the applicant and was promoted to the P.S.Group 'B' cadre along with him was relieved in time in order to join H.S.G. I cadre post. He joined at Sambalpur in H.S.G.I cadre on 13.3.1991. His pay was accordingly fixed at Rs.2450/- in the scale of Rs.2000-3200/-. When he joined on 29.4.1991 in P.S.Group 'B' cadre, his pay was further enhanced and fixed at Rs.2600/- in the scale of Rs.2000-3500/-. The applicant's request for stepping up his pay under F.R.22(c) at Rs.2600/- on 28.2.1991, when he joined the P.S.Group 'B' cadre in the scale of Rs.2000-3500/- was turned down. Hence this application.

2. Respondent No.3 (S.B.Pani) though duly noticed had not filed any counter.

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The Departmental respondents in their counter do not controvert the facts stated above. But their stand is that as the applicant did not work in the pay scale of Rs.2000-3200/- and as he joined in the pay scale of Rs.2000-3500/- on being promoted from the pay scale of Rs.1600-2900/- his pay has rightly been fixed at Rs.2450/-

3. We have heard Shri Ashok Mohanty, learned counsel for the applicant and Shri S.B.Jena, learned Addl.Standing Counsel appearing for the departmental respondents. Also perused the records.

As earlier stated the facts are not in controversy. The main contention of the applicant<sup>s</sup> that ~~he~~ had he been relieved from the post of Assistant Superintendent of Post Offices to join in H.S.G. I Cadre, his pay would have been fixed at Rs.2459/- in the scale of Rs.2000-3200/- and thereafter on his joining in the post of P.S.Group 'B' cadre on 28.2.1991 his pay would have been fixed at Rs.2600/- as in the case of Res.3, who is junior to him. For no fault of his, he was not relieved.

Shri Ashok Mohanty, learned counsel for the applicant filed a xerox copy of judgment dated 7.5.1992 of this Tribunal passed in O.A.373/90, where an identical issue was under dispute. In that case applicant Rajkishore Das, who was in the grade of A.S.P.O. was promoted to the rank of Deputy Office Superintendent in the scale of Rs.2000-3500/- and he joined in that promotional post on 7.11.1986. His pay was accordingly fixed at Rs.2450/-. His junior Bhagyadhar Kar, who was also in the cadre of A.S.P.O., was promoted and joined as Deputy Post Master, Bhubaneswar G.P.O. in the scale of

Rs.2000-3200/- on 29.10.1986 and his pay was accordingly fixed at Rs.2450/-. On the very next day, he was promoted on adhoc basis to the post of P.M.S.Group B cadre in the scale of Rs.2000-3500/- and his pay was fixed at Rs.2600/-. Thus the effect of the orders of pay fixation of the applicant and Bhagyadhar Kar was that whereas the applicant, who was admittedly senior, had his pay fixed on 7.11.1986 at Rs.2450/-, <sup>and</sup> the pay of Bhagyadhar Kar right from 30.10.1986 was fixed at Rs.2600/-. By relying on the instructions of the Government of India, issued by the Ministry of Home Affairs in the Office Memorandum dated 15.2.1983 as published at page.93 of Swamy's Compilation of F.R.S.R., Pt.I (10th Edition), the Tribunal directed the pay of the applicant to be stepped up at Rs.2600/- on 7.11.1986 and also directed payment of arrears salary.

The issue involved in the instant case is also same. In view of this, we do not see any reason to differ from this view taken by this Tribunal in O.A.373/90. Therefore, we are of the view that pay of the applicant has to be fixed at Rs.2600/- on 28.2.1991, i.e. the date of his joining in the scale of Rs.2000-3500/-.

In view of our above discussions, departmental respondents are directed to fix the pay of the applicant as indicated above at Rs.2600/- on 28.2.1991 and pay him differential arrears salary and consequently refix his retirement dues within a period of 90(Ninety) days from the date of receipt of copy of this order.

In the result the application is allowed, but without any order as to costs.

(SOMNATH SOM)  
VICE-CHAIRMAN

B.K.SAHOO

(G.NARASIMHAM)  
MEMBER(JUDICIAL)