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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. NO. 81 of 2002
Cuttack, this the 16th day of April, 2004.

Prafulla Kumar Panda.	Applicant
	Vrs.	
U.O.I. & Others.	Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(S.K. NAIK)
Member (Admn.)


(B. PANIGRAHI)
Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.81 of 2002

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr. S. K. Naik, Administrative Member.

Prafulla Kumar Panda

-Vrs.-

Union of India & Others

For the Applicant: Mr. P. V. Ramdas, Counsel.

For the Respondents: Mr. A. K. Bose, Counsel.

Date of order: 16.04.2004.

O R D E R

Justice B. Panigrahi, V.C.

After extenso hearing the learned Counsel appearing for the Applicant as well as Mr. Anup K. Bose, Learned Senior Standing Counsel appearing for the Respondents and on perusal of the grounds made in this Original Application, it appears that the Applicant was appointed as E.D.B.P.M. of Baruda Branch Post Office in account with Kullada S.O. under Bhanjanagar Head Post Office. Talwar Committee has recommended three pay scales such as Rs. 1280-35-1980 for the EDBPMs who are working less than three hours, Rs. 1600-40-2400/- for above 3 hours and 45 minutes and Rs. 2025-50-3025/- for 4 hours and 45 minutes. The Respondent No. 1 upon consideration of

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the said Talwar' Committee's report accepted only two types of scales of pay i.e. Rs.1280-35-1980 for 3 hours and Rs.1600-40-2400/- for above 3 hours 45 minutes. Accordingly, the work load of different branch post offices was surveyed in the year 1995 and on the basis of the said report/survey, the Applicant was allowed to receive Rs.1600-40-2400/- pay scale depending upon the work load; which the Applicant devoted at that time. Respondent No.1 did not accept the third suggestion of the Talwar Committee's report for giving Rs.2025-50-3025.

2. Mr. Ramdas, learned counsel appearing for the Applicant has submitted that since his client has been devoting more than 3 hours and 45 minutes, therefore, he is entitled to the third pay scale i.e. Rs.2025-50-3025/-. Mr. Bose, learned Counsel appearing for the Respondents, has, however, invited our attention to the averments made in the counter where it has been disclosed that the third scales of pay as recommended by the Talwar Committee, was not accepted by the Govt. and the Central Govt. had agreed only two pay structure i.e. Rs.1280-1980/- and Rs.2025-3025/-. In this background, the question of giving the higher pay scale than that of Rs.1600-2400/- to the Applicant does not arise.

3. Mr. Ramdas, learned counsel appearing for the Applicant has further submitted that at the time of admission of this case, there was an interim direction to the Respondents to take step to assess as to the time devoted by the applicant for attending the office and doing the duties. Since the third pay scale was not accepted, there was no question of giving higher pay scale than that of Rs. 1600-2400/- which the applicant is getting. Notwithstanding the submission of such report, since the applicant cannot be given more pay scale than what he has been presently getting. Mr. Ramdas, learned counsel for the applicant has submitted that he is not sure as to whether the applicant has been allowed to receive such scale. But of course, the Respondents, in their counter have stated that the applicant has been receiving such scale of pay of Rs. 1600-2400/-. If such scale of pay is not given to the Applicant, the Respondents shall release such pay scale i.e. Rs. 1600-2400/- from the date when such recommendation was implemented (i.e. w.e.f. 1.1.1996) and the applicant reached such yardstick.

4. With the above observations and directions, this O.A. is disposed of. No costs.

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Member (Admn.)

B. S. G. M.
Vice-Chairman