

3

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

**O.A. No. 260/997 of 2016**  
Cuttack this the 5<sup>th</sup> day of January, 2017

**CORAM  
HON'BLE SHRI R.C. MISRA, MEMBER(A)**

Sri Jibadhan Pasayat,  
aged about 53 years,  
son of late Gopal Pasayat,  
permanent resident of Vill/P.O. Sargipali,  
Dist. Sundargarh & presently working as Postal Asst.  
Non-Delivery Sub-Office, Bisragada, Sundergarh.

.....Applicant.

By the Advocate(s)-M/s. S.K. Ojha and S.K. Nayak.

-VERSUS-

1. Union of India, represented through its Director General, Department of Posts, Government of India, Dak Bhawan, New Delhi-110001.
2. Postmaster General, Sambalpur, At/P.O. Sambalpur, Dist. Sambalpur.
3. Senior Superintendent of Posts, Sundergarh Division, Sundergarh-770001.
4. Postmaster, Rourkela H.O., Rourkela, Dist. Sundergarh-769001.

.....Respondents

By the Advocate(s)- Mr. B.P. Nayak.

**OR D E R (ORAL)**

**R.C.MISRA, MEMBER (ADMN.):**

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. B.P.Nayak, Ld. Addl. Central Govt. Standing Counsel appearing for the Department of Posts, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The main grievance of the applicant, who is working as Postal Assistant in the non-delivery post office of Bisragada in the jurisdiction of Sr.

*[Signature]*

Superintendent of Posts, Sundergarh (Respondent No.3), is that his basic pay has been reduced from Rs.13,320 to Rs.12,930/- which has caused him great prejudice and financial loss. My attention has been drawn to the communication of the authorities at Annexure-A/2 dated 17.09.2016 in which the applicant was informed that since the Pay Band and Grade Pay of PA cadre and TBOP postman is equal i.e. Rs. 5200-20200 + Grade Pay of Rs. 2400/- the Govt. Servant is not entitled for another fitment on promotion to PA cadre. However, the applicant was erroneously granted 3% fixation benefit from 1.7.2008, which has resulted in excess payment of Rs. 61292/-, which is subject to recovery from the pay of the applicant. It also appears that the applicant being aggrieved by this communication has made a representation to Respondent No.3 on 08.10.2016 in which his main submission is that internal audit has objected to the prayer due to 1<sup>st</sup> MACP promotion and, accordingly, his basic pay has been reduced. However, applicant's point is that he has not got the MACP promotion and, therefore, the provision contained in the O.M. of MACP dated 18.09.2009 is not applicable in his case. He was given TBOP promotion w.e.f. 03.04.2007, i.e. prior to introduction of the MACP. He also in his representation has cited that several similarly placed persons, who are junior, are getting more pay than him and, therefore, the decision of the concerned authority needs to be reviewed in the light of his grievance.

3. I find that the representation is dated 08.10.2016 and it is not known what decision the concerned authority has taken. Therefore, in view of the submissions made by the Ld. Counsel for the applicant and also on perusal of the documents, I am of the view that the Respondent No.3 needs to take a decision in the matter after considering the representation and all the detailed

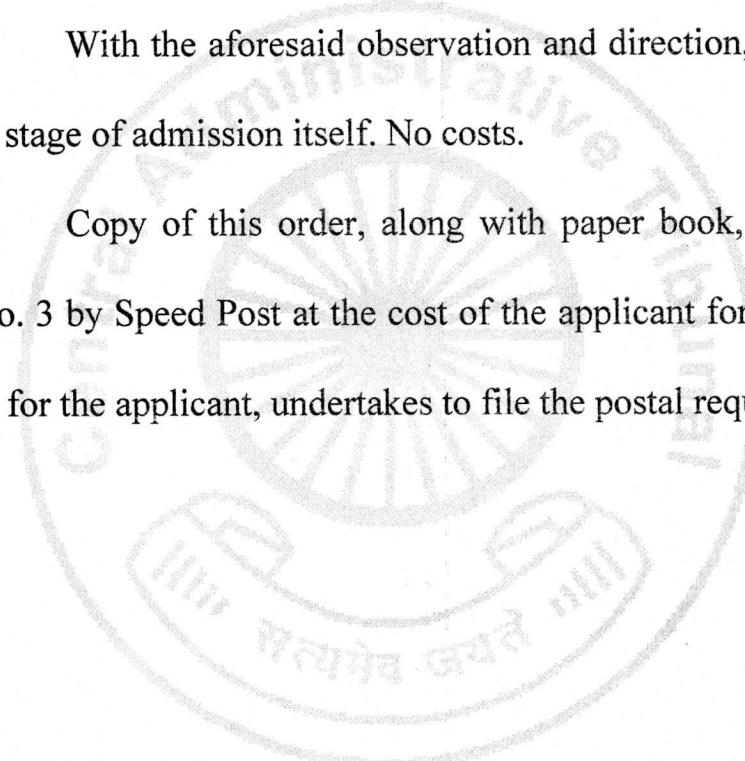
*Ranu*

points that has been raised in the same. Accordingly, without going into the merit of the matter, I direct Respondent No.3 to consider the representation, if still pending at his level, and pass a reasoned and speaking order communicating the decision to the applicant within a period of eight weeks from the date of receipt of this order.

4. As an interim measure, it is directed that until a decision is taken, no recovery will be effected against the applicant pursuant to Annexure-A/2.

5. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

6. Copy of this order, along with paper book, be communicated to Resp. No. 3 by Speed Post at the cost of the applicant for which Mr. Ojha, Ld. Counsel for the applicant, undertakes to file the postal requisites by 06.01.2017.

  
(R.C.MISRA)  
MEMBER (A)

RK