

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00795 of 2015

Cuttack this the 19th day of November, 2015

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

1. Amar Kumar Ray, aged about 53 years, S/o.Dinabandhu Ray, Plot No.12, Block No.B6, 4th Floor, Hightech Plaza, Sundarpada, Orakal, PO-Kuha, Dist-Khurda, Bhubaneswar-751 002
2. Sankar Prasad Pradhan, aged about 57 years, S/o. late Pitabas Pradhan, Pl.no.MI-6/8, Aryavihar, PO-Sailashreevihar, Bhubaneswar-21
3. Hemanta Kumar Sahoo, aged about 55 years, S/o. late Sadanada Sahoo, Plot No.D-986, CDA, Sector-6, Cuttack-14
4. Kailash Chandra Rout, aged about 56 years, S/o. late Banchhanidhi Rout, Plot No.7GH/1353/D4,CDA, Sector-9, Cuttack-14
5. B.B.B.Kar, aged about 56 years, S/o. late Bhagirathi Kar, Qrs.No.7, Type-II, Unit-IV, P&T Colony, Bhubaneswar-751 001
6. Dhaneswar Samal, aged about 54 years, S/o. late Arjun Charan Samal, Plot No.299, Maitry Nagar, PO-Nayabazar, Cuttack-753 004
7. Anirudha Acharya, aged about 54 years, S/o. late Bholanath Acharya, Qrs.No.6, Type-IV, P&T Colony, Unit-IV, Bhubaneswar-751 001
8. Nanda Kishore Pahda, aged about 54 years, S/o. late Rathunath Panda, At-Talasahi, PO-Zobra, Cuttack-3
9. Prasanna Kumar Panda, aged about 57 years, S/o. Lingaraj Panda, At/PO-Abhimanpur, Via-Nuapatna, PS-Badamba, Dist-Cuttack-754 035
10. Sasanka Sekhar Manda, aged about 63 years, S/o. late Mahendra Nath Mandal, Plot no.162/849, Shiva Sakti Nagar, At-Andilo, PO-Baliantha, Dist-Khurda, PIN-752 101
11. Purna Chandra Pradhan, aged about 61 years, S/o. Maguni Pradhan, Plot No.1341/67, Mahanadivihar, Cuttack-753 004
12. Pramod Charan Praharaj, aged about 61 years, S/o. late Bhasker Praharaj, Flat No.202, Plot No.26/A, Madhusudan Nagar, Unit-4, Bhubaneswr-751 001
13. Kshyamanidhi Pradhan, aged about 61 years, S/o. late Sudarshan Pradhan, Vill-Brahmapur, PO-Bedapada, Via-Hindul Road RS, Dist-Dhenkanal, PIN-750 019
14. Manoj Kumar Bose, aged about 61 years, S/o. late Patitaban Bose, Qr.no.77, Type-III, Postal Colony, Unit-IV, Bhubaneswar-751 001

15. B.K.Gouda, aged about 59 years, S/o. late Hadu Gouda, Vill-Mathabarida, PO-Beguniapada, Dist-Ganjam, Odisha
16. Sudhakar Mohapatra, aged about 55 years, S/o. late Nrusingha Charan Mohapatra, Plot No.F/801, CDA, Sector-6, Cuttack-753 014
17. Parikshit Behera, aged about 53 years, S/o. late Nidhi Behera, Plot No.F/801, CDA, Sector-6, Cuttack-14
18. Simadri Ramarao, aged about 56 years, S/o.Appalaratnam, At-Mahanadi Vihar, PO-Nayabazar, Cuttack-753 004
19. P.C.Patnaik, aged about 57 years, S/o. Alkh Charan Patnaik, At/PO-Malipada, Dist-Khurda, Bhubaneswar-751 003
20. S.K.Mishra, aged about 53 years, S/o. late Dibakar Mishra, Qrs.No.4, Type-IV, Block-1, BSNL Colony, Palasapalli, Bhubaneswar-751 020
21. Chittaranjan Panda, aged about 50 years, S/o. late Natabar Panda, Plot No.24/3(Swosti Bitan), Indira Housing Colon, PO-Sisupalgarh, Bhubaneswar-751 002
(All were/are working as AAO/AO, IP&T AFS Group 'B' in DAP/CCA/CPMG, Odisha Circle)

...Applicants

By the Advocate(s)-Mr.D.K.Mohanty

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Union of India through

1. The Secretary (Posts), M/o. Communication and Information Technology, (Department of Posts), Dak Bhawan, Sansad Marg, New Delhi-110 001
2. The Member(Finance), M/o. Communication and Information Technology, (Department of Posts), Dak Bhawan, Sansad Marg, new delhi-110 001
3. The Deputy Director General(PAF), Postal Accounts Wing, (Department of Posts), Dak Bhawan, Sansad Marg, New Delhi-110 001
4. The Director of Accounts (Postal), Postal Accounts Office, Odisha Circle, Mahanadi Vihar, Cuttack-753 004
5. The Controller Communication Accounts, Odisha Telecom Circle, Department of Telecommunications, CMPG Office Building, Bhubaneswar-751001
6. Chief Post Master General, Odisha Circle, Bhubaneswar-751 001
7. Postmaster General, Sambalpur Region, Sambalpur-768001
8. Luna Majhi, Retd.S.A., Postal Accounts Office, Cuttack-4, A/P:Udala, Mayurbhanj-757041

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9. Santosh Kumar Mishra, SA, Postal Accounts Office, Cuttack-4.

... Respondents

By the Advocate(s)- Mr. S.K.Patra

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O R D E R (Oral)

A.K.PATNAIK, MEMBER (J):

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicants, and Mr. S.K.Patra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. By filing a memo dated 19.11.2015, Mr. Mohanty brought to my notice that similar matter bearing O.A. No. 260/00207/2015 has been disposed of by this Bench on 24.07.2015 and he has no objection if the similar order is passed in this O.A. also. He further submitted that the applicants in this O.A. are similarly situated to that of the applicant in the O.A. No. 260/00207 of 2015.

3. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- 1. To quash the impugned order dtd. 20.04.2015 under Annx. A/1.
- 2. To issue appropriate direction directing Respondent No. 4 and 5 to pay the Grade Pay of Rs. 5400/- with fixation benefits instead of Rs. 4800/- at par with their subordinates, on the basis of the order passed by the Hon'ble Central Administrative Tribunal, Madras Bench in O.A. NO. 966-967/2009 and O.A.No. 207 of 2015 of this Hon'ble Tribunal.
- 3. and direction may be given to Respondent No. 4 and 5 to pay all consequential benefits as per their entitlement.
- 4. and pass any other order....."

4. The case of the applicants is that they all belonged to the combined cadre of Indian Posts and Telecommunications Accounts and

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Finance Service, Gr-'B' Gazetted cadre and their posting is interchangeable between the Department of Posts & Telecommunications with all India transfer liabilities. It has been submitted that the applicants from Sl. Nos. 1 to 15 were working as AAOs previously in the Accounts jurisdiction of Respondent No. 4 whereas applicants at Sl. Nos. 16, 17 and 18 are working as AAOs in the office of Respondent No.4 and applicants at Sl. Nos. 19, 20 and 21 are working as AAOs in the office of Respondent No.5. Their grievance is that while working as AAOs, they were/are drawing Grade Pay of Rs. 4800/-. It has been submitted that some of the AAOs moved the Madras Bench of the Tribunal in O.A. No. 966 and 967 of 2009, in which the Madras Bench of the Tribunal directed payment of GP of Rs. 5400/- in PB-2 to the AAOs, which has also been upheld by the Hon'ble High Court of Madras and the Hon'ble Supreme Court of India. Mr. Mohanty, Ld. Counsel for the applicant, submitted that similar matter was filed before the Guwahati Bench of the Tribunal and due to difference of opinion the matter was referred to third Member, who vide order dated 25.02.2015 concurred the view that AAOs are entitled to GP Rs. 5400/-. In a similar matter, relying on the aforesaid orders, the Ranchi Circuit Bench of this Tribunal has also passed order dated 23.03.2015 in O.A. No. 051/00073/2015. Mr. Mohanty further submitted that the applicants, in the present O.A., made representation for grant of aforesaid benefits to him but the same has been rejected vide letter dated 20.04.2015. Accordingly, he has approached this Tribunal in the present O.A. with the aforesaid prayers.

5. Having heard Ld. Counsel for both the sides, it, *prima facie*, appears that the case of the applicants is similar to the earlier orders of the CAT (cited *supra*). The trite proposition of law is that the similar benefits

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should be extended to the alike employees of the Department. In this regard, I would like to refer the orders passed by the Hon'ble Supreme Court of India in the case of K.C. Sharma & Ors Vs. Union of India & Ors [1997] INSC 619 (25 July 1997), operative part of which reads as under:

"Having regard to the facts and circumstances of the case, we are of the view that this was a fit case in which the Tribunal should have condoned the delay in the filing of the application and the appellants should have been given relief in the same terms as was granted by the Full Bench of the Tribunal. The appeal is, therefore, allowed, the impugned judgment of the Tribunal is set aside, the delay in filing of O.A. No. 774 of 1994 is condoned and the said application is allowed. The appellants would be entitled to the same relief in matter of pension as has been granted by the Full Bench of the Tribunal in its judgment dated December 16, 1993 in O.A. Nos. 395-403 of 1993 and connected matters. No order as to costs."

At this stage I am also reminded with the legal maxim of *consimili casu consimile debet esse remedium*, which means that in a similar case remedy should be similar.

6. The order impugned in this O.A. dated 20.04.2015, in the aforesaid circumstances, being contrary to the law laid down by the Hon'ble Apex Court, I do not see any justifiable reason to keep this matter pending by way of inviting reply/rejoinder etc. as this will cause more delay, if at all the applicants are entitled to the benefits under law. Accordingly, without deciding substantive merit of the matter, at this stage, impugned order dated 20.04.2015 is hereby quashed and the matter is remitted back to the Respondent-authorities concerned to reconsider the grievance of the applicant within a period of two months in the light of the

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earlier order of the Central Administrative Tribunal (cited supra) and if the applicants are held to be entitled to the benefits claimed by them upon reconsideration of their grievances then the same shall be paid to them within a further period of two months thereafter. In any event the applicants shall be communicated with the decision in a speaking order within the period specified above.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
8. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 1 and 2 by Speed Post for which he undertakes to file the postal requisites by 30.11.2015.



(A.K.PATNAIK)
MEMBER(Judl.)

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