

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 20.7.2000.

O.A. No.392/1996

Narsi Ram Regar S/O Sh. Babu Ram, aged about 44 years, R/O quarter No.3/1, Postal Colony Churu, at present employed on the post of Inspector of Post Office (Public Grievances) in the office of S.P.O. Churu. (Raj)

... Applicant

vs

1. Union of India through Secretary to Government of India, Ministry of Communication (Department of Post) Dak Bhawan, New Delhi.
2. The Post Master General, Rajasthan Eastern Region, Jodhpur.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicant.

Mr. Vineet Mathur, Counsel for the Respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Narsi Ram Reg has prayed for setting aside the impugned order dated 22.5. (Annexure A/1) and for a direction to the respondents to extend benefit of FR 22(c) in fixation of his pay on his promotion to the post of Inspector of Post Offices.

2. Applicant's case is that he was appointed to the post of Inspector of Post Offices scale Rs.1400-2300 from

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the post of Lower Selection Grade scale 1400-2300 vide respondents' order dated 12.2.1990. The contention of the applicant is that since the post of Inspector of Post Offices carries with it higher duties and responsibilities, the applicant should be given the pay fixation under FR 22(c). Applicant's representation in this regard has been rejected by the respondents vide their order dated 22.5.1992 (Annexure A/1). Hence, this application.

3. Notices were issued to the respondents and they have filed their reply.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. This controversy has been settled by Hon'ble the Supreme Court in Union of India & Ors. Vs Ashoke Kumar Banerjee reported in (1998) 5 SCC 242 wherein it has been held that for pay fixation under FR 22(1) (a) (i) (Old FR 22(c)) it is not merely sufficient that a person gets promotion from one post to another involving higher duties and responsibilities, but he must move from a lower scale attached to a lower post to a higher scale attached to a higher post.

6. In the instant case the applicant has been appointed to the scale of Rs.1400-2300 from the scale of Rs.1400-2300 and, therefore, he does not fulfil the conditions laid down by the Supreme Court (Supra).

7. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

8. The Original Application is accordingly dismissed with no order as to costs.

Gopal S
(GOPAL SINGH)
Adm. Member

20/7/2000
(A.K. MISRA)
Judl. Member

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Section Officer (Record)