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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH : JODHPUR

Date of order : 25.04.2000

O.A. No. 165/96

1. Raja Ram son of Shri Bhnwar Lal Ji Swarankar aged about 39 years by caste Swarankar resident of Naya Kua, Bikaner, at present working as Wireman at Head Post Office, Bikaner.
2. Ram Gopal Rankawat son of Shri Kunadan Mal Ji Rankawat aged about 40 years by caste Rankawat resident of Dadawari Ki Gali, Mandore, at present working as Wireman in the office of Post Master General (Western Region), Jodhpur.
3. Balidas Vaishnav son of Shri Moti Ram Ji Vaishnav aged about 39 years by caste Vaishnav resident of Dhariwal Ka Bas, Mahamandir, Jodhpur, at present working as Wireman in the office of Senior Superintendent of Post Office, Jodhpur.



Jyoti Prakash son of Shri Banshidhar Ji aged aged about 39 years resident of Gabolai Talai, Gajaner Road, Bikaner, at present working as Wireman in the office of Head Post Office, Churu.

... Applicants.

v e r s u s

1. Union of India through Secretary, Ministry of Communication (Post), New Delhi.
2. The Chief Post Master General, Department of Posts, Rajasthan Circle, Jaipur.

... Respondents.

Mr. Vijay Mehta, Counsel for the applicants.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

This application is filed for quashing the impugned order at Annexure A/1 dated 19.10.95 with a further direction to accord the applicants the pay scale of Rs. 260-350 as amended from time to time from the date of their respective appointments. They have further prayed that the arrears of salary so accruing after fixing their pay at Rs. 260-350 may be awarded with 18% interest per annum.

2. The applicants are 4 in number, by name, Raja Ram son of Shri Bhanwar Lal, Ram Gopal Rankawat son of Shri Kundan Mal Ji Rankawat, Balidas Vaishnav son of Shri Moti Ram Ji Vaishnav and Jyoti Prakash son of Shri Banshidhar Ji. Their common grievance is that they are entitled to the pay scale of Rs. 260-350, since undisputedly, they were appointed as Wireman. It is the case of the applicants that they were appointed in the year 1980 as Wireman, and they have placed on record their appointment orders. Applicant No.1, Raja Ram, was appointed vide Annexure A/4 dated 18.2.80 and the applicants Nos. 2 and 3, Ram Gopal Rankawat and Balidas Vaishnav, were appointed vide Annexure A/5 dated 10.3.80 and the applicant No.4, Jyoti Prakash, was appointed vide Annexure A/6 dated 25.2.80. It is not in dispute that in all these appointment orders, they were appointed as Wireman with the pay scale of Rs. 210-270. The short grievance of the applicants is that the pay scale that they were entitled to as on the date of their appointments, according to the rules applicable, was Rs. 260-350 and their appointment orders stating the pay scale at Rs. 210-270 was erroneous. They have prayed for an appropriate direction to fix the pay scale at Rs. 260-350, as revised from time to time, from the date of their respective appointments with all consequential benefits, i.e. regarding arrears of pay etc.

3. This issue has already been decided by the Jaipur Bench of the Central Administrative Tribunal in OA No. 168/90 vide its order dated 12.8.93, ultimately holding that the Wireman in the Post and Telegraph Department were entitled to the pay scale at Rs. 260-350 right from the date of their appointments. In O.A. No. 286/95, the matter was again decided independently of the orders passed in T.A. No. 351/92 dated 15.2.93 and in O.A. No. 168/90 dated 12.8.93, and ultimately held that the pay scale that is applicable to the post of Wireman is at Rs. 260-350, vide order dated 13.4.2000 of the Central Administrative Tribunal, Jaipur Bench, Jaipur, to which one of us (Justice B.S. Raikote) was a party. From the reading of the order in OA No. 286/95, we found that according to revised pay scales of

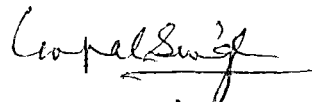



*[Handwritten signature]*

"India Posts and Telegraph Department Rules, 1974", published in the Gazette of India Extra Ordinary dated 8.2.74, the earlier pay scale at Rs.110-155 was revised to Rs. 260-350. From this, it follows that after 1974 the pay scale that was applicable to the post of Wireman was Rs. 260-350. This position is further reflected in the CPWD Manual (Vol.III) Page 85 (1984 edition). According to the recommendation of IVth Pay Commission, the pay scale of Wireman at Rs. 260-350 was revised to Rs. 950-1500 regarding Group 'C' and 'D' categories. If that is so, the applicants would be entitled to this revised pay scale as per recommendations of the IVth Pay Commission.

4. By following the order dated 13.4.2000 of the Central Administrative Tribunal, Jaipur Bench, Jaipur, passed in O.A. No. 286/95 (Mahesh Chand, Wireman vs. Union of India & Ors.), we accordingly hold that the present applicants are also entitled to the pay scale at Rs. 260-350 with effect from their respective appointments and their appointment orders treating the pay scale at Rs. 210-270 was erroneous. However, regarding their arrears of salary, as held by the Jaipur Bench of the Tribunal in its order dated 13.4.2000 passed in O.A. No. 286/95, the applicants would be entitled to the arrears of salary only to three years preceding the date of their respective applications in the Tribunal. Accordingly, we pass the order as under:-

5. The applicants are entitled to the pay scale at Rs. 260-350 and to equivalent pay scales, effective from time to time, right from the date of their respective appointments. Further, they are also entitled to difference in pay scale as arrears only for a period of three years preceding the date of their respective applications in the Tribunal. Accordingly, the O.A. stands disposed of. No costs.

  
(GOPAL SINGH)  
Adm. Member

  
(B.S. RAIKOTE)  
Vice Chairman

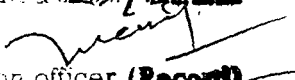
CVR.



Recd copy  
V. K. K. K.  
26/4 (Nijay Mehla)  
Rohwente

M...  
20/4  
(Nin toathin)  
Adva

Part II and III destroyed  
in my presence on 17.11.96  
under the supervision of  
section officer (J) as per  
order dated 23/8/2006

  
Section officer (Recd)