

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

02/22/99

व.प.अ. (प्रक्रिया) नियमाबदी के लिए 22/99 अन्तर्गत निःशुल्क प्रक्रि

O.A. No. 20/1999 (with other 199
Case No. similar two cases)

DATE OF DECISION : 21.8.2000.

Guru Prasad Dahiya

Petitioner

Mr. S.K. Malik,

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr. Vineet Mathur,

Advocate for the Respondent (s)



CORAM :

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

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Sd/-
(GOPAL SINGH)
ADM. ME MEE R

Sd/-
(B.S.RAIKOTE)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 21.8.2000.

1. OA No.20/1999
2. OA No.21/1999 &
3. OA No.22/1999

Guru Prasad Dahiya S/O Shri Bhomraj aged about 35 years
R/O C/O Dayal Tailor Hathi Chowk, Nagour (Rajasthan)
presently working on the post of Hindi Typist in the Office
of Superintendent of Post Office, Nagour (Rajasthan).

... Applicant
(in OA No.20/99)

vs

1. Union of India through the Secretary, Ministry of
Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Director General of Posts and Telegraph Department of
Posts, Dak Bhawan, New Delhi.
3. Post Master General, Rajasthan Western Region, Jodhpur.
4. Superintendent of Post office Nagour Division, Nagour
(Rajasthan)

... Respondents
(in OA No.20/99)



Jepa Ram Sangar S/O Shri Dunga Ramji, aged about 36 years,
R/O 91, Shiv Nagar, Mandia Road, Pali (Rajasthan) presently
working on the post of Hindi Typist in the office of Supdt.,
of Post Office, Pali (Rajasthan)

... Applicant
(in O.A. No.21/99)

vs

1. Union of India through the Secretary, Ministry of
Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Director General of Posts and Telegraph, Department of
Posts, Dak Bhawan, New Delhi.
3. Post Master General, Rajasthan Western Region, Jodhpur
4. Superintendent of Post Office, Pali Division, Pali Marwar
(Rajasthan) &

... Respondents
(in OA No.21/99)

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(12)

Ram Kishan Verma, S/O Shri Kasi Ram Verma, aged about 38 years, R/O Purani Abadi, Ward No. 15, Near Madal Cloth Store, Sriganganagar (Rajasthan) presently working on the post of Hindi Typist in the office of Superintendent of Post Office, Sriganganagar (Rajasthan)

... Applicant
(in OA No.22/99)

VS.

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Director General of Posts and Telegraph, Department of Posts, Dak Bhawan, New Delhi.
3. Post Master General, Rajasthan Western Region, Jodhpur.
4. Superintendent of Post office Sriganganagar Division, Sriganganagar (Rajasthan)

... Respondents
(in OA No.22/99)

Mr. S.K. Malik, Counsel for the Applicants.

Mr. Vineet 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. GOPAL SINGH)

The controversy involved and the relief sought in these applications is the same and, therefore, these applications are being disposed of by this single order.

2. In these applications under Section 19 of the Administrative Tribunals Act, 1985, applicants have prayed for quashing the impugned order dated 05.1.1999 and for a direction to the respondents to continue the pay scale of



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Rs.4000-6000 to the applicants as recommended by Pay Commission and that if any recovery has been made from the salary of the applicants on account of reduction of pay scale, the same be refunded to the applicants with interest @ 18% per annum. (3)

3. Undisputed facts of the case are that the applicants were appointed on 23.3.1983, 05.12.1991 and 17.10.1983 respectively as Hindi Typist in the scale of Rs.260-480. Their appointment was on ad hoc basis till finalization of Recruitment Rules of Hindi Typist. The Recruitment Rules to Hindi Typist came to be notified in the gazette on 20.11.1984. The applicants were given the replacement scale of Rs.975-1660 after IV Pay Commission and the of Rs.4000-6000 after the Vth Pay Commission. In terms of order dated 05.1.1999 (Annex. A/1), the scale of Hindi Typist has been reduced to Rs.3200-4900. Feeling aggrieved, the applicants have filed these application.

4. Notices were issued to the respondents and they have contested the applications on the ground that the pay scale of the applicants has been reduced in terms of Director General Posts, New Delhi letter dated 05.1.1999, Wherein it has been mentioned that there is a qualitative difference in the qualification for the post of Hindi Typist vis-a-vis that of Postal Assistants and Sorting Assistants.

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

6. It is not in dispute that the applicants were given the same scale as that of Postal Assistants right from the date of their appointment. The post of Hindi Typist was merged in the clerical cadre in terms of respondents' letter dated 26.10.1987, wherein it was provided that inter se seniority of incumbent of Hindi Typist in the cadre of Lower Division Clerks should be fixed at the bottom of the LDCs with

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reference to the years of recruitment. Thus, the cadre of Hindi Typist stood merged with the cadre of LDC. This letter dated 26.10.1987, has been discussed in detail in order dated 22.8.1994 of Jaipur Bench of the Tribunal in O.A. No.827/89, and the applicants therein were made eligible for seniority as Clerk with effect from their initial date of appointment. However, in terms of the Director General Posts, letter dated 21.10.1997 LDC/UDC of Circle Office, Regional Office and SBCO are re-designated as Postal Assistants and they have been made eligible to draw the up-graded scale of Rs.4000-6000. As has been mentioned above, the cadre of Hindi Typist was merged with that of LDC in 1987, and the LDCs working in Circle Office Regional Office and SBCO were re-designated as Postal Assistants and allowed the pay scale of Rs.4000-6000, we see no reason to reduce the pay scale of Hindi Typist from 4000-6000 to 3200-4900. In this connection, we consider it appropriate to re-produce below the Director General, Posts, letter dated 5.1.99:

"Copy of letter No.23-57/97-PB-I(PCC) dated 05.1.99 received from department of posts, Dak Bhawan, New Delhi and addressed to all concerned.

Sub : UPGRADATION OF PAY SCALE: CASE OF HINDI TYPISTS IN THE DEPARTMENT OF POSTS.

In continuation of this Directorate letter of even number dated 15.12.1998, it is intimated that the matter has been examined in consultation with Ministry of Finances and it has not been possible to agree to the proposal on the subject mentioned above as there is a qualitative difference in the qualifications for the post of Hindi Typist vis-a-vis that of PA/SA. The Hindi Typists may be placed in the replacement scale of Rs.3200-4900 only."

7. In this letter, it has been pointed out that there is qualitative difference in the qualification for the post of Hindi Typists vis-a-vis that of Postal Assistants/Sorting Assistants and for that reason, the pay scale has been reduced

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to Rs.3200-4900. As a matter of fact, the pay scales are prescribed by Central Pay Commission after examining all aspects of the posts. As has been mentioned above, the applicants had been drawing the pay scale of Postal Assistants. Further, in terms of DG (Posts) letter dated 21.10.97 (Annexure A/11), Vth Pay Commission has granted the scale of Rs.4000-6000 to Postal Assistants and LDCs/JDCs of Circle Office, Regional Office and SBCO have also been made entitled to draw the scale of Rs.4000-6000 and they have been redesignated as Postal Assistants. In the circumstances, we do not find any reason for the department to meddle with the pay scales recommended by Vth Pay Commission and accepted by the Government. Moreover, such an action which involves civil consequence cannot be taken by the respondents without giving proper opportunity to the affected persons. Thus, the respondents action in reducing the pay scale of the applicants also violates the principles of natural justice and therefore, cannot be sustained in law.

8. In the light of above discussion, the impugned order dated 05.1.1999, deserves to be quashed.

9. Accordingly, we pass the following order :

The applications are allowed. The impugned order dated 05.1.1999 at Annexure A/1 is quashed and set aside. The applicants would continue to draw their pay in the scale of Rs.4000-6000 and if any recovery has been made in pursuance of order dated 05.1.1999 (Annexure A/1), the same shall be refunded to the applicants with interest @ 12 per cent per annum compounding annually.

We allow three months time from the date of receipt of this order for compliance of the same. No costs.

प्रमाणित सही प्रतिलिपि

23/10/2000
अनुभाग अधिकारी (न्यायिक)

केन्द्रीय प्रशासनिक अधिकरण *J*
जोधपुर

Sd/-
(GOPAL SINGH)
ADM. MEER

Sd/-
(B.S.RAIKOTE)
VICE CHAIRMAN

Cop. Rec
K.S. Gill
25/8/2000
for N.K. Mathur

Received
Bazaar
for
Brahma
Dar
25/8/2000

Part II and III destroyed
in my presence on 25/8/2000
under the supervision of
Section Officer () as per
order dated 20/11/2000

M.A.S
Section Officer (Record)