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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

ORIGINAL APPLICATION NO. 318/2005

DATE OF DECISION : THIS IS THE 5TH JULY, 2007.

CORAM :

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

Narendra Shrimali S/o Shri Madanlal Shrimali aged 32 years, resident of 3 KH 18, Pawanpuri, Bikaner Official Address : Postal Assistant, System Manager, Head Post Office, Bikaner.

Mr. R.S. Saluja, Adv., for applicant, present.Applicant.
Versus

1. Union of India through the Secretary,
Ministry of Communication, Sanchar Bhawan,
New Delhi.

2. The Director Postal Services,
Western Region, Rajasthan, Jodhpur.

3. The Post Master General,
Western Region, Rajasthan, Jodhpur.

4. The Chief Dak Pal,
Main Post Office, Bikaner.

5. The Superintendent Post Offices,
Bikaner.

6. Shri Shesha Ram,
Accountant, Office of Superintendent,
Railway Mail Service, Jodhpur.

Mr. M. Godara, Adv., b.h. for Vineet Mathur, present.Respondents.

ORDER (ORAL)
[BY R.R. Bhandari, Administrative Member]

Shri Narendra Shrimali, has filed this Application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs :-

"(i) that by an appropriate order or direction the impugned orders Annexure A/1 dated 21.7.2004, Annexure A/2 dated 25.8.2004, Annexure A/3 dated 7.6.2005 and Annexure A/4 dated 4/10.8.2005 may kindly be quashed and set aside.

(ii) that further to aforesaid it may kindly be directed that applicant is entitled to have stepping up of pay w.e.f. 1.1.1996 at par with his junior Shri S.N. Vyas and consequently no recovery is liable to be effected from his salary.

(iii) Any other direction/relief/order may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of the case.

(iv) that the cost of the application may be awarded with all consequential



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benefits?"

2. The factual matrix of the case as brought out in the OA and its counter is that the applicant was initially engaged in the postal services at Bikaner on 4.10.1993 and after successfully completing the training, he started working as Postal Assistant on 18.1.1994. Likewise, Shri S.N. Vyas, was appointed on 22.11.1993, joined on 3.1.1994 and started his duties as Postal Assistant on 5.4.1994 at Beawar. The two Units i.e. Bikaner and Beawar are having different seniority Units. Later, on his own request, Shri Vyas, was transferred to Bikaner Division and joined there on 21.7.1996, Shri Vyas was drawing basic salary of Rs. 4,100/-, as he was fixed at that salary w.e.f. 1.1.1996 in Beawar Division. At that point of time, Shri Narendra Shrimali was drawing only Rs. 4000/- as being fixed from 1.1.1996 in Bikaner Division. The anomaly in fixation of the salary for Shri Shrimali and of Shri Vyas, was also due to implementation of the V Pay Commission Recommendations; one joining in late 1993 and another joining in early 1994, making a fortuitous condition for Shri S.N. Vyas.

3. Shri Narendra Shrimali and some of his other colleagues who were similarly placed, represented for bringing their pay at par with their junior Shri S.N. Vyas, and their salary was also stepped up to Rs. 4100/- w.e.f. 1.1.1996. However, during an internal checking inspection of Bikaner H.P.O. In July 2004, an objection was raised as under :-

"The pay of above official was stepped up to Rs. 4100/- with that of S.N. Vyas P.A. whose pay was fixed at a stage of Rs. 4000/- on 1.1.96 with D.N.I. 1.1.96 and joined Bikaner Division on 21.7.96 on transfer under Rule 38 from Beawar Division. Stepping up of pay with an official who was no more in Bikaner Division till 21.7.96 is irregular. This has resulted in overpayment of pay and allowances amounting to Rs. 28,630/- as per details shown in Annexure 'C'.

4. As a result of this internal check, respondents issued an order dated 21.7.2004 ordering recovery of Rs. 10,449/- from the applicant's salary w.e.f. the month of July 2004 at the rate of Rs. 1000/- per month. During the course of arguments, it was brought out that Shri Shrimali's salary could have been increased to that of Shri Vyas. However, such enhancement should be effective only on the date of Shri S.N. Vyas's

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joining in Bikaner Division. This crucial date is 21.7.1996 and thus, the applicant has been wrongly stepped up to higher salary from 1.1.1996 instead of 21.7.1996. However, the total amount of extra payment will be much less than the recovery of Rs. 10,419/- as claimed by the respondents.

This position was accepted by the learned counsel for both the parties.



We, therefore, direct the respondents to correctly work out the stepping up of the salary of the applicant and make recovery of the correct amount thus work^{ed} out. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

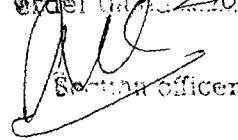
6. The G.A. is thus partly allowed. No order as to costs.

Subhender
(R.R. Bhandari)

Admvt. Member

Kuldip Singh
(Kuldip Singh)
Vice Chairman

Part II and III destroyed
in my presence on 26/7/07
under the supervision of
Section Officer as per
order dated 26/7/07


Section Officer (Record)

(SO)
16/7/07
(SHARWAN SINGH)

Chand
26/7/07

