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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 14/2010**

DATE OF ORDER - 26/08/2010

**CORAM**

**HON'BLE DR. K.B.SURESH, JUDICIAL MEMBER  
HON'BLE MR. V.K.KAPOOR, ADMV. MEMBER**

.....  
Hukam Singh S/o Shri Padam Singh, aged about 31 years, resident of V & P Babhan, Via Sojat Road, District Pali, presently working on the post of Gramin Dak Seva, Branch Post Master in Post Office Babhan, Via Sojat Road, District Pali (Rajasthan).

.....Applicant.

[By Mr. S.K.Mali for applicant]

- 1- The Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
- 2- The Superintendent of Post Offices, Pali Division, Pali Marwar.
- 3- The Post Master, Marwar Junction, District Pali.

.....Respondents.

[By Mr. M. Godara for Mr. Vineet Mathur, for respondents]

**ORDER (ORAL)  
[PER DR. K.B.SURESH,JM]**

The applicant, Hukam Singh, was appointed to the post of EDBPM/GDSBPM on 11.9.2000 vide Annex. A/1 dated 22.9.2000. In his appointment order it is made clear that the same is made on provisional basis subject to various other conditions relating to provisional appointment as are enunciated in the said order. The applicant produces before us a copy of order in OA 133/2006 **[Om Prakash Maurya Vs. UOI and Ors.]**, dated 10.5.2007 passed by a Co-ordinate Bench of this Tribunal. Apparently, a similarly situated

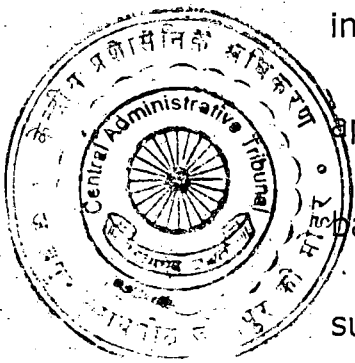


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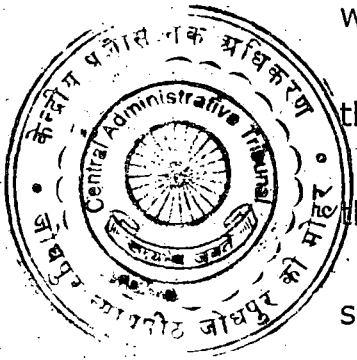


person doing the same and similar type of work, was applicant in that case and this Tribunal had reason to allow his claim after holding that he is entitled to the increment of Rs. 35/- every year on completion of one year's service w.e.f. 1999 onwards. But, since he has approached the Tribunal late, the arrears have to be restricted to 18 months prior to the date of filing of the O.A. but it was stipulated that he will be entitled to fixation of pay w.e.f. 1999.

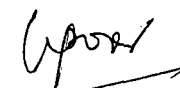
2- While questioning the equality of status, the respondents by pointing-out that the applicant in the above cited case, was appointed in 1997 and is regularized whereas, the applicant herein had been appointed in the year 2000 and is working continuously on provisional basis in pursuance of DG, Posts New Delhi letter dated 5.3.1999 and such persons are eligible to get minimum of TRCA. In Para No. 8 of the order in the cited O.A., it is pointed out by the learned Counsel for respondents that Sub Clause (a) of Clause 10 of the clarificatory letter dated 5.3.1999 relates to substitute and provisional appointments during the period 1.1.96 to 28.2.98 and their payment will be made by increasing the basic monthly allowance by a factor of 3.25 & in terms of the Directorate OM No. 26-1/97-PC&ED Cell dated 17.12.98. In the said Clause increments are allowed irrespective of the date of

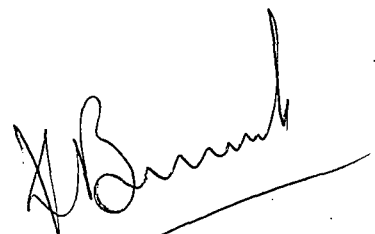


appointment but, in Clause 'b', it is pointed-out that the substitute and provisional appointee will be paid at the minimum of TRCA only w.e.f. 1.3.98 and, hence, the applicant be held to be not entitled for the payment of increment as increments are available to regular GDS employees. Thus, there seems to be a discrimination which is irrational since as regards the individuals working in pre 1996-98 no special privilege can be attributed. The principle enshrined in the Article 14 of the Constitution ensures equality of all similarly placed. It will have an over-riding effect over Sub Rules and regulations since the parties for whom the said rules are enacted are doing the same kind of work in the same situation. We are not taking the extreme step of quashing the said order but we hold that the applicant is eligible for equality since he is doing the same kind of work, the order Annex. A/2 is hereby quashed. The respondents are directed to allow to the applicant also the same quantum of reliefs as has been given in OA No. 133 of 2008.



3- The O.A. is allowed to the limited extent as stated above. No order as to costs.

  
(V.K.Kapoor)  
AM

  
(Dr.K.B.Suresh)  
JM