

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.423 OF 2002

Monday this the 23rd day of August, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

A.Sasidharan,
Sorting Assistant,
Head Record Office,
Railway Mail Service,
Trivandrum Division,
Trivandrum-695 001.

...Applicants

(By Advocate Mr.Thomas Mathew)

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1. Senior Superintendent,
Railway Mail Service,
Trivandrum Division,
Trivandrum.
 2. Chief Postmaster General,
Kerala Circle,
Trivandrum.
 3. Union of India, represented by
its Secretary,
Department of Posts,
New Delhi.
- ...Respondents

(By Advocate Mr.C.C.Abraham ACGSC)

The application having been heard on 22.7.2004, the Tribunal on 23.8.2004 delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant while working as Mail Man in the Railway Mail Service (RMS for short) passed the Departmental Examination for promotion as Sorting Assistant held on 27.12.1987, was selected for appointment as Sorting Assistant in RMS Calicut Division and was deputed for training at Postal Training Centre, Mysore for the

theoretical training by Annexure.A.1 order with a gap on account between 23.2.1989 and 27.3.89 owing to outbreak of chickenpox in the campus he completed the training successfully on 27.4.1989. He also underwent practical training for 15 days from 29.4.89. During the training period he was paid salary in the scale of the post which he held. The applicant claimed that the period of training should be reckoned for the purpose of drawal of increment in the post of Sorting Assistant. The request was rejected by Annexure.A.3 order on the ground that departmental candidates were not entitled the benefit. Coming to know that the Ernakulam Bench of the Tribunal held in its orders in OA 101 of 1992 that the period of prepromotional training should be treated as duty for increment in the promoted post, which has been followed by Madras Bench in its Orders in OA 185/95, 285/95 and 219/96 the applicant submitted Annexure.A.4 representation claiming that the period of training should be treated as duty in the post of Sorting Assistant further highlighting that if that be not done an anomalous situation would arise that a junior direct recruit would draw more pay than him owing to drawal of first increment earlier. The representation has been rejected by Annexure.A.5 order dated 8.1.2002 on the ground that the departmental candidates would count the period of training for increment only in the lower posts as they had been paid salary only in that scale, that anomaly of junior direct recruit drawing more pay did not arise and even if would arise could be removed by stepping up of pay. Aggrieved the

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applicant seeks to set aside the impugned orders and for a direction to the respondents to count the period of training as duty in the post of Sorting Assistant.

2. The respondents seek to justify the impugned orders on the ground that the promotee officials also drew pay in the lower post would count the training period for increment only in the post held by them as per rules.

3. Shri Thomas Mathew, the learned counsel of the applicant argued that the issue is covered by the ruling of the Ernakulam Bench of the Tribunal in OA 101/92 as also the rulings of the Madras Bench in OA 185/95, OA 285/95 and OA 219/96. The Judgment of the Ernakulam Bench has been produced as Annxure.A.7. We have also seen the judgment of the Madras Bench. These cases related the issue of counting the period of prepromotional training undergone by Telegraph Assistants/Telegraphists, before appointment as ASTT as service as ASTT for drawal of increment. Same contention as in this case was raised. The Ernakulam Bench of the Tribunal vide its order dated 15.10.1992 in OA 101/92 held that treating the period of training as duty in the same post in the case of direct recruit and treating the same period as duty for increment in the case of promotees only in the lower posts is arbitrary and unsustainable. The OA was allowed directing the respondents to count the period of training as duty in the post of ASTT. The same principle was followed by the Madras Bench. The learned counsel of

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the respondents is not in a position to distinguish this case from the above rulings. We find that the principle applied in OA 101/92 is well applicable in this case also.

3. In the light of the above discussion, we allow this application, set aside the impugned orders, declare that the period of training undergone by the applicant prior to his promotion as Sorting Assistant has to be treated as duty for the purpose of increment in the grade of Sorting Assistant and direct the respondents to treat that period in the case of the applicant as duty in the post of Sorting Assistant and regulate his increments accordingly. The above direction shall be complied with by the respondents by issuing appropriate orders making payment of resultant arrears of pay, if any, within two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated this the 23rd day of August, 2004

H. P. DAS

H.P.DAS
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN