

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 545/2002

Wednesday, this the 7th day of August, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

G. Radhakrishnan Nair,
Leave Reserve Postal Assistant,
Vallakadavu P.O. - 695008,
S/o Gangadharan Nair,
residing at Valiyavila Puthen Veedu,
Peringamala, Kalliyoor,
Thiruvananthapuram.

... Applicant

“(By Advocate Mr. Vishnu S Chempazhanthiyil)

Vs

1. Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram - 695001.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Director General,
Postal Department,
New Delhi.
4. Union of India,
rep. by its Secretary,
Ministry of Personnel, Public
Grievances and Pension,
New Delhi.

... Respondents

(By Mr. M. Rajeev, ACGSC)

The application having been heard on 7.8.2002, the Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant, an Ex- Combatant Clerk in the Army was re-employed as Postman on 3.4.1996. As per rules, his pay was fixed at the minimum of the scale of pay in the post of Postman. He was promoted to the post of Postal Assistant w.e.f. 21.1.2002. Thereafter the applicant made representation claiming

fixation of pay giving increment for the service rendered by him in the military service. The representation was rejected by A5 order dated 25.7.2002 informing him that his initial pay on re-employment was fixed at the minimum of the re-employed post of Postman as laid down in the orders 4(b) of CCS(fixation of re-employed persons) Order 1986 and that therefore he was not entitled to pay fixation on his promotion as Postal Assistant. He was also told that his contention that promotion to the post of Postal Assistant is reemployment in the Department for the purpose of fixation of pay is not correct. Aggrieved by this the applicant has filed this application challenging the impugned order A5 and for a declaration that the applicant is entitled to have his pay fixed under FR 22 I a(1) read with FR 27 as per para 16 of Annexure A3 and direct the respondents to fix his pay on appointment as Postal Assistant accordingly with all consequential benefits.

2. When the matter came up for hearing on admission today, Shri M. Rajeev , ACGSC appeared for the respondents.

3. We do not find even prima facie any force in the claim of the applicant for refixation of his pay giving him increments for service rendered in the Army on his promotion as Postal Assistant because his initial pay was already fixed on his reemployment as

M

Postman, according to the rules. Posting as Postal Assistant on promotion cannot obviously be treated as re-employment. The applicant has no valid cause of action. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No order as to costs.

Dated the 7th August, 2002.



(T.N.T. NAYAR)
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)
VICE CHAIRMAN

oph

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the service details as a Combatant Clerk from 12.5.75 to 24.1.1989 of the applicant.
2. A-2: True copy of the order No.B/Aptt. dated 21.2.2002 of the 1st respondent.
3. A-3: True copy of the order No.2/1/86.Estt.(P.II) dated 31.7.86 of the respondent.
4. A-4: True copy of the representation dated 1.7.2002 to the 2nd respondent.
5. A-5: True copy of order No.B/PAY FIX. dated 25.7.2002 of the 1st respondent.

npp
29.8.02