

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.603/2004.

Friday this the 13th day of August 2004.

CORAM:

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

1. K.Sugunan, S/o Kumaran
Sub Postmaster Thathampally 688 013.
2. R.Vanajakumari, W/o Retnappan,
Sub Postmaster Thumpoly, Pin -688 008.
3. Jeeja Rose A.J., W/o T.J.Jose,
Accountant, Office of the Supdt. of
Post Offices, Alappuzha. Applicants

(By Advocate Shri P.C. Sebastian)

vs.

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram - 695 033.
2. The Post Master General, Central Region,
Kochi -682 016.
3. Superintendent of Post Offices
Alapuzha Division, Alapuzha - 628 001.
4. The Union of India represented by Secretary to
Government of India,
Ministry of Communications,
Department of Posts,
New Delhi-110 001.

(By Advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 13.8.2004, the Tribunal on the same day delivered the following:

ORDER

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

The common grievance of these applicants in this case is, while they were recruited in various Divisions in the cadre of Postal Assistants earlier to their common compared junior Shri P.R.Ajith of Alappuzha Division, having come on inter-divisional transfer under Rule 38 and having been placed below Shri Ajith in the Gradation List, their requests for stepping up of pay on par

with the said Ajith have been turned down by the impugned orders A-2 and A-3 on the ground that, on account of inter-divisional transfer they have become juniors to Ajith. These orders have been passed based on the instructions contained in D.G. P&T's letter dated 21.11.1974 and 5.2.1976. The applicants have therefore, prayed that these two letters may be declared ultravires and irrelevant and the respondents be directed to step up the pay of the applicants on par with the pay of Ajith setting aside the impugned orders.

2. When the matter came up before the Bench for admission, Shri P.C.Sebastian, advocate appeared for the applicants and Shri C.Rajendran, SCGSC took notice on behalf of the respondents.

3. We have heard the learned counsel on both sides and perused the application and material placed on record. It is undisputed that the applicants commenced service as Postal Assistants earlier than Ajith but on account of transfer under Rule 38 they became juniors to the applicant in Alappuzha Division. The learned counsel of the applicants argued that since the Divisional Seniority has nothing to do with fixation of pay under the Pay Rules the applicants' request to have equal pay with Ajith who is junior to them on the basis of commencement of service as Postal Assistant remain unaffected by Rule 38 transfer. We find no reason or substance in this argument even *prima facie*. The applicants were placed below Shri Ajith in seniority because by coming over to Alappuzha Division on request transfer, forgoing seniority they became juniors to Ajith in the Division. Postal Assistants being in a divisional cadre, it is

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absolutely futile to contend that the applicants are entitled to get pay on par with Ajith. The applicants have not been able to show that they are not juniors to Ajith nor have they brought on record any material to support their claim that a junior is entitled to get pay on par with seniors even if they were appointed to the grade earlier than the senior.

4. In the light of what is stated above, we do not find any legitimate grievance of the applicants which is required to be gone into. The application, therefore, is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 13th August, 2004.

H.P.Das
H.P.DAS
ADMINISTRATIVE MEMBER

A.V.Haridasan
A.V.HARIDASAN
VICE CHAIRMAN

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