

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 617 of 1998

Wednesday, this the 17th day of January, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. Babu Thomas,
Postal Assistant,
Thiruvalla Head Post Office,
Thiruvalla.Applicant

[By Advocate Mr. N.N. Sugunapalan (rep.)]

Versus

1. The Director General of Posts,
Department of Posts, New Delhi.
2. The Chief Post Master General,
Kerala Circle, Trivandrum-33
3. Superintendent of Post Offices,
Thiruvalla Division, Thiruvalla.
4. The Union of India represented by its
Secretary, Ministry of Communication,
New Delhi.Respondents

[By Advocate Mr. Govindh K. Bharathan, SCGSC (rep.)]

The application having been heard on 17th of January, 2001,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks the following reliefs:-

"(a) Declare that the applicant is entitled to re-fixation of pay in the post of Postal Assistant in the scale of Rs.260-400/- ignoring his gross pension and pension equivalent to gratuity, granting advance increments for each year of his completed military service on re-employment and entitled to grant all monetary benefits arising therefrom;

(b) Set aside Annexure A7;

(c) Issue necessary directions to the respondents to re-fix the pay of the applicant from the date of his re-employment in the scale of pay of Rs.260-400/- ignoring his gross pension of Rs.197/- and pension equivalent to gratuity of Rs.24/02 paise granting to his credit advance increments for each year of his completed military service and grant all benefits arising therefrom to him;

- (d) Declare that the pay fixed to the applicant at the minimum (Rs.260/-) plus gross pension and pension equivalent to gratuity is bad in law;
- (e) To award the cost of this proceedings; and
- (f) To grant such other and further reliefs as are just proper and necessary in the facts and circumstances of the case."

2. After arguing the OA at length, it was submitted by learned counsel on both sides that the pay of the applicant is to be fixed in the light of RI and A8 only and there can be a direction to the respondents to fix the pay of the applicant in the light of RI and A8 only after quashing the impugned order A7.

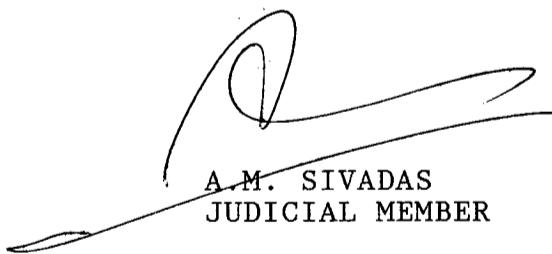
3. Accordingly, A7 is quashed. Respondents are directed to fix the pay of the applicant based on RI and A8 and pass appropriate orders within three months from the date of receipt of a copy of this order.

4. The Original Application is disposed of as above. No costs.

Wednesday, this the 17th day of January, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexure referred to in this order:

- 1. A7 True copy of the reply received from the 2nd respondent to the applicant No.B/B-17 dt. 2-7-1997.
- 2. A8 True copy of the order passed by CAT, Ernakulam Bench dt. 30-3-1990 in OA 3/89 and OA 15/89.
- 3. RI True copy of OM No.2(1)/83/D(Civ-I) dt. 8-2-83 of the Ministry of Defence, Government of India