

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 89/2013

Monday, the 10th day of February 2014

CORAM:

**HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER
HON'BLE Dr. K. B. SURESH, JUDICIAL MEMBER**

**V.A. Kumaran, Aged 67 years,
S/o Late Ayyappan,
Senior Superintendent of Post Offices (Retired),
Residing at 'Vazhayil House',
Mudickal P.O., Perumbavoor-683547. ...Applicant**

(By Advocate Shri Shafik M.A.)

Vs.

- 1. Union of India, represented by the Chief Postmaster General,
Kerala Circle, Trivandrum -695 331.**
- 2. The Accounts Officer,
Officer of the Director of Accounts (Postal),
Kerala Circle, IV th Floor, GPO Buildings,
Trivandrum-695 001.Respondents**

(By Advocate Ms. Jishamol Cleetus, ACGSC)

**(The application having been heard on 10th February, 2014, the
Tribunal on the same day delivered the following):**

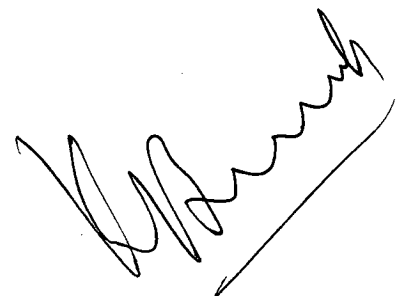
ORDER

HON'BLE Dr. K. B. SURESH, JUDICIAL MEMBER

The applicant was promoted to STS of Indian Postal Service with effect from 1.4.2005 and he retired on superannuation on 31.3.2006. To accommodate the onerous responsibility of pay to be fixed, on receipt of the Pay Commission Report it was adjudged to draw increment once for every year on July 1st of each year. Therefore vide Annexure A-4 it is decided that all those employees who were due to get their annual

increment between February to June of 2006 were to be granted one increment on 1.1.2006 itself as a one time measure. But they will get their next increment in the revised pay structure on 1.7.2006 (vide Annexure A-4). The applicant now claim this benefit which was at that time granted to him and vide Annexure A-1 and A-2 taken away from him. The only question thereof will be what is the impact of Annexure A-4 as far as the applicant is concerned.

2. The dispute is that the applicant had retired on 31.3.2006 and not having completed one year, his eligibility for increment was questioned. But as was found earlier when the Pay Commission Report were accepted by the Government and brought into practice, all the situations which can conceivably arise cannot be looked into and settled. Therefore, the Government in their wisdom decided that as a one time measure all the employees who became eligible for increment between February and June 2006 will be eligible for one increment. Their next increment in the revised scale would become possible on 1.7.2006 only. This is a one time beneficial measure granted by the Government to each employee in order to take out the brunt of inequality which may arise in several individual cases and they found that it is better to grant one benefit to all, rather than tackling each issue one at a time. This according to us is also a wise decision. Therefore, whether the applicant had completed one year of service after the effective date or not he becomes eligible for the beneficial gaze of Annexure A-4.



3. It is also pertinent to note that he became eligible for pre-revised scale of pay from 1.4.2005 and he retired on 31.3.2006. But the new computation of fixing a particular day on which the increment to be made available should not deprive the individual employees the benefit as otherwise some of them will go without an increment for a period of time. That is why the government had issued Annexure A-4 as a beneficial measure. Therefore, the applicant is also entitled to the same benefit. Annexure A-1 and A-2 so far as they relates to the applicant are quashed.

4. The respondents are directed to refix the pay of the applicant in the last pay drawn by the applicant in relation to the benefits considered by Annexure A-4 in accordance with Annexure A-5 and A-6 orders and allow to draw all arrears which will be made available to the applicant within one month next without any interest, and after this period with interest at the rate which is available for Provident Fund.

5. Original Application is allowed to this limited extent. No costs.



(Dr. K.B. SURESH)
JUDICIAL MEMBER



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Contempt Petition No.180/55/2014

in

Original Application No.89 of 2013

Tuesday, this the 04th day of August, 2015

CORAM:

Hon'ble Mr. Justice N.K.Balakrishnan, Judicial Member
Hon'ble Mrs.P.Gopinath , Administrative Member

V.A.Kumaran

S/o.Late Ayyappan

Senior Superintendent of Post Offices (Retired)

Residing at 'Vazhayil House'

Mudickal P.O

Perumbavoor 683 547

Petitioner

(By Advocate – Mr.Shafik M.A)

V e r s u s

1. **Mr.M.S.Ramanujan**
Chief Postmaster General
Kerala Circle
Trivandrum 695 033

2. **Mr.V.Chandran**
Accounts Officer
Office of the Director of Accounts (Postal)
Kerala Circle
4th Floor, GPO Buildings
Trivandrum – 695 001

Respondents

(By Advocate – Mr.N.Anilkumar, Sr.PCGC(R))

This Contempt Petition having been heard on 4.8.2015, the Tribunal on the same day delivered the following:

ORDER**By Hon'ble Justice N.K. Balakrishnan, Judicial Member**

It is submitted by learned counsel for respondents that the Order of this Tribunal has already been complied with and the payment has been sanctioned by memorandum dated 29.07.2015. Though there was delay in implementing the order, in the light of the submission made by learned counsel for respondents, the Contempt Petition is closed. If there is any difference in the amount paid, applicant can approach the authority concerned. Notices discharged.



(P.GOPINATH)
ADMINISTRATIVE MEMBER



(N.K. BALAKRISHNAN)
JUDICIAL MEMBER