

FINAL ORDER  
13-1-1988

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

NO. R.A. K-1/87 and C.M.P. K 44/87 in O.A. 126/86

Postmaster General, Kerala : Petitioner  
Circle, Trivandrum

Versus

K.P. Nanu, Postal Assistant, : Respondent  
Edayannur

Shri P.V. Madhavan Nambiar, : Counsel for petitioner  
SCGSC

K.P. Nanu - Party in person : For respondent

CORAM:

Hon'ble Shri C. Venkataraman, Administrative  
Member.

Hon'ble Shri G. Sreedharan Nair, Judicial  
Member.

ORDER

(Pronounced by Hon'ble Shri G. Sreedharan Nair)

The respondent in the main application has filed the review petition for review of the final order dated 5-2-1987. The C.M.P. is for condoning the delay for filing the review petition.

2. The applicant in the main application has filed his reply to the review petition as well as to the petition for condoning the delay.

3. We have heard the counsel of the review petitioner as well as the applicant in the main

application who appeared in person.

4. In view of the averment in the affidavit in support of the petition for condoning the delay that the delay of 33 days was occasioned as a result of consideration of the matter by the financial side and in view of the absence of the Central Government Standing Counsel we allow the petition for condoning the delay.

5. The question that arose in the main application related to the fixation of pay of the applicant, an Ex-service man, on his joining the P. & T. Department. It was on the strength of the O.M. dated 25-11-1958 issued by the Ministry of Finance that a direction was given in the final order to fix the basic pay of the applicant as on 8-4-1975 taking into account nine increments in the scale of Rs 260-480, in view of the 9 years of regular service rendered by the applicant in the Indian Air Force. The O.M. permits the allowance of one increment for each year of service which the officer has rendered before retirement in a post not lower than that in which he is reemployed. It is pointed out in the review petition that the applicant actually held such a post only from 1-12-1963 till 5-5-1970 and that earlier

in a lower rank as compared to the post in which he was reemployed, he was on a lower salary, though in regular service.

Reference is made to the O.M. dated 27-12-1960 wherein it is stated that the comparison of post should normally be made on the basis of the scales of pay. The contention of the applicant is that though prior to 1963 he was holding a post lower than that in which he was reemployed, judged with respect to the scale of pay, since all his expenses were being borne by the Indian Air Force actually he was on a better footing than a person who was drawing a higher pay. We are afraid that is no relevant consideration. Since the order was passed after the filing of the original application fixing the pay of the applicant at the stage of Rs 308/- with effect from 8-4-1975 in the scale of Rs 260-480 in terms of the O.M. of the Finance Ministry, taking into account the six years service rendered by the applicant in a post not lower than that in which he was reemployed, a revised fixation as directed in the final order is not called for, and accordingly ~~the direction to be effected~~ it is hereby vacated.

6. The review petition is allowed as above.

C. Venkataraman

(C. Venkataraman)  
Administrative Member  
13-1-1988

G. Sreedharan Nair

(G. Sreedharan Nair)  
Judicial Member  
13-1-1988

Index : YES / NO

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

Thursday, the Fifth day of February, 1987

IRESENI

Shri Birbal Nath ..... Administrative Member

and

Shri G. Sreedharan Nair ..... Judicial Member

O.A. No. 126 of 1986

K.P. Nanu ..... Applicant

Vs.

Post Master General,  
Kerala Circle,  
P.M.G'S Office,  
Trivandrum 695033 ..... Respondent

O R D E R

Shri G. Sreedharan Nair

The applicant an ex-serviceman who joined the P & T Department after discharge from the Air-Force, on 8.4.75 in the scale of pay of Rs.260/-480, whose basic pay was fixed only Rs.250/- the minimum of the scale, by the respondent, has filed this application for fixing his basic pay at Rs. 332/- by taking into account 9 increments in the scale. This is claimed by him on the basis of Office Memorandum No.8(34)-Est-III/57 dated 25.11.58 issued by the ministry of Finance. Para (b) of the same has been extracted by the applicant in the application. It is to this effect " In case where it is felt that the fixation at the initial pay of a re-employed officer at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at higher stage by allowing one increment

for each year of service which the officer has rendered before retirement in a post not lower than that in which he is re-employed".

2. The applicant has approached this Tribunal since representations filed by him for redressal of his grievances were not successful.

3. A reply has been filed by the Assistant Director (Accounts) in the office of the respondent wherein it is stated that with the available information furnished by the Air Force authority, it is being examined whether the pay of the applicant can be fixed at the stage of Rs.308/- on 8.4.75.

4. To-day when the application was taken up for hearing, the applicant has produced before us a copy of the letter of the Director General of Posts dated 9.10.86 by which sanction of the President has been conveyed for fixation of pay of the applicant at the stage of Rs.308/- with effect from 8.4.75 in the scale of Rs. 260-480/-. It is seen from the order that it has been issued in terms of the Finance Ministry's Office Memorandum relied upon by the applicant.

5. The applicant who appeared in person submits that this order does not redress his grievance in full, for his request has been for fixing his pay taking into account 9 increments on the basis of the 9 years regular service that he has rendered in the Indian Air Force.

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We find that there is force in the submission of the applicant. When action has been taken on the basis of the Office Memorandum, we do not find any reason for not allowing one increment for each year of service. There is a specific averment in the application that the applicant had rendered 9 years of regular service. It has not been controverted at all. The fixation of pay at the stage of Rs.308/- apparently takes into account only 6 increments. Admittedly, the increments in the scale is Rs. 8/-. No explanation has been offered by the respondents as to why 9 increments have not been granted taking into account the 9 years regular service.

6. In the circumstances, we direct the respondent to fix the basic pay of the applicant as on 8.4.75, taking into account the 9 increments in the scale in view of the 9 years of regular service rendered by the applicant in the Indian Air Force.

The application is allowed as above.

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DEPUTY REGISTRAR