

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.163/2013

..Monday..... this the ..8th..... day of February 2016

C O R A M :

**HON'BLE Mr.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER**

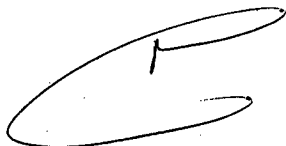
1. A.O.Vincent, S/o.Ouseph,
Postal Assistant,
Ammadam, Thrissur Division.
Residing at Akkara House,
Vegnisserry, Parlam P.O – 680 563.
2. Premanadhan.K., S/o.Sankara Narayana Panicker,
Postal Assistant, Ponnyurkulam – 679 561.
Residing at Kizhekadethu House,
Kaveed P.O., Kottapadi – 680 505.
3. N.Suresh Kumar, S/o.Cheerath Kumaran,
Postal Assistant, Thrissur Head Post Office.
Residing at Cheerath House,
Pullazhy P.O., Thrissur.

...Applicants

(By Advocate Mr.V.Sajith Kumar)

V e r s u s

1. Union of India
represented by Secretary to Government,
Department of Posts, Government of India,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 001.
3. The Superintendent of Post Office,
Thrissur Division, Thrissur – 680 001.
4. The Postmaster,
Head Post Office, Thrissur – 680 001.



5. The Postmaster,
Head Post Office, Kunnankulam – 680 503. ...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil,Sr.Panel Counsel)

This application having been heard on 13th January 2016 this Tribunal on 8th..... February 2016 delivered the following :

ORDER

HON'BLE Mrs.P.GOPINATH, ADMINISTRATIVE MEMBER

The applicants are aggrieved by the inaction on the part of the respondents to grant stepping up of pay at par with the direct recruits junior to them. Postal Assistants (P.As) directly recruited and (P.As) promoted from the feeder category are having same duties and responsibilities. They are in the same category/cadre. It is contended by the applicants that there was anomaly in the fixation of pay between promoted Postal Assistants and direct recruited Postal Assistants appointed after the implementation of 6th Pay Commission Report. Employees in the Postman cadre prior to 1.1.2006 on their promotion to the cadre of Postal Assistants were fixed with a pay less than that of those directly recruited. This anomaly has been visible all throughout Kerala Circle. The respondents had shown frivolous reason to reject stepping up of pay, the applicants contend. Smt.Jayasree got higher basic pay on her direct recruitment to the service.

2. Relief sought by the applicants is to direct the respondents to grant them stepping up of pay with that of direct recruit, junior Postal Assistants with effect from the date of entry into the Postal Assistant cadre and grant



all consequential benefits and alternatively direct the respondents to fix their pay on appointment by promotion to the post of Postal Assistant by fixing the pay at the prescribed minimum of the entry pay as prescribed for the direct recruit Postal Assistants in the revised pay rules and grant consequential benefits.

3. Respondents in their reply state that the applicants are presently working as Postal Assistants in Thrissur Postal Division. The date of promotion as Postman and date of promotion as Postal Assistant noted in paras 4 (2) by applicants are not correct. The 1st applicant was appointed as Postman with effect from 15.1.2004 and promoted to the cadre of Postal Assistant with effect from 30.12.2007. The respondents submit that it is a totally incorrect averment of the applicants that the 2nd applicant is drawing less pay in Postman cadre than the 1st applicant due to wrong fixation of pay in Postman cadre. Applicants 1 and 3 have availed of the facility of stepping up of pay in Postman cadre whereas the 2nd applicant has not availed of the same. The 2nd applicant has sought stepping up only in the cadre of Postal Assistant, which was rejected. Applicants sought stepping up of pay with one Ms.Jayasree.K.S., who is a direct recruit candidate of Irinjalakuda Division. Ms.Jayasree is not borne on the gradation list of Thrissur Division and the difference in pay dates back to 31.12.2007, when the applicants and their junior were borne on different gradation lists and working in different Postal Divisions. Ms.Jayasree joined as Postal



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Assistant in Thrissur Division only on 17.4.2008, and came on mutual transfer under Rule 38 of Postal Manual Volume IV from Irinjalakuda Division. As per FR 22, seniority of Government servants for the purpose of stepping up their pay with reference to the pay of their juniors may be determined with reference to the seniority roster maintained for the purpose of confirmation/promotion. It is also clarified that seniority list is maintained in the division in respect of divisional cadres such as Time Scale Clerks & RMS Sorters and the position in the seniority list may be taken as the basis for allowing benefit to the officials borne on the aforesaid cadres. As such, the stepping up of pay of the applicant with Jayasree is not permissible as they were borne on different gradation lists maintained in different divisions.

4. The respondents in their additional reply statement state that recruitment rules and procedures are different for Direct Recruits and Lower Grade Officials for promotion as Postal Assistants, As per 6th Pay Commission, the entry pay of Direct Recruit Postal Assistants is Rs.9910/- whereas officials promoted to the cadre of Postal Assistant are eligible for an additional increment only. Applicants 1 and 3 have availed of the facility of stepping up of pay in Postman cadre whereas the 2nd applicant has not availed of the same in the Postman cadre. As per rules, pay of seniors will be stepped with reference to the basic pay of directly recruit junior provided they belong to the same seniority list for all purposes. In this case,



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applicants are borne on the Gradation List of Thrissur Division, whereas Ms.Jayasree.K.S belongs to the Gradation List of Irinjalakuda Division as on 31.12.2007. Ms.Jayasree.K.S joined Thrissur Division on Rule 38 transfer from Irinjalakuda Division only on 17.4.2008.

5. The applicant's prayer is for stepping up of pay with that of direct recruit Postal Assistant with effect from the date of entry into the cadre or fix the pay at the minimum of the entry pay as prescribed for the direct recruit Postal Assistants. Hence the point raised is for parity of pay scale between direct recruit and promotee Postal Assistant or whether the pay of promotee Postal Assistant can be less than that of direct recruit Postal Assistant. A reading of the rules produced reveal that the pay of seniors will be stepped up with reference to the basic pay of directly recruited junior provided they belong to the same seniority list for all purpose. In this case applicants at the time of appointment are borne on the gradation list of Thrissur Division, whereas Jayasree.K.S with whom they seek parity at the time of recruitment belongs to the gradation list of Irinjalakuda Division on 31.12.2007. Ms.Jayasree.K.S joined Thrissur Division on Rule 38 transfer from Irinjalakuda Division only on 17.4.2008. The respondents also maintain that the version of the applicant that Divisional gradation lists are not maintained is not correct. The divisional gradation list has been prepared on due date and also circulated.



6. Pay fixation as per VIth CPC is done in a similar manner across all services of the Government of India as per DOP&T O.M.No.AB-14017/2/97-Estt. (RR) dated 25.5.1998. The said O.M has prescribed qualifying service for promotion from one post to the next. The VIth CPC gives a running pay band for Group C & D and has fixed the increments due, year wise, for the fixed qualifying service prescribed in the above DOP&T O.M for movement from one grade in the running band to the next promotional grade. One increment for every year of fixed qualifying service prescribed so is computed and added to the minimum of the running pay band and pay is fixed for the next promotional grade accordingly. This is a formula fixed across all pay bands, for all cadres and across all services of the Government of India. In addition to above, the grade pay corresponding to the grade in the running pay band is also added to the above computation so calculated. This is the modality drawn up, post VIth CPC for pay fixation of direct recruits.

7. The VIth CPC has in para 2.2.11 laid down the method of pay fixation on promotion from one grade to another also, in view of introduction of running pay bands. In such a case the pay is fixed by adding 3% of the sum of the pay in the pay band and the existing pay, rounded off to the next multiple of Rs.10/- to existing pay in the pay band. In addition to this fixation, the grade pay of the promotional post is also granted. No minimum pay band has been fixed for the promotees but the above pay fixation has been prescribed.



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8. The above recommendations of VIth CPC for promotees and direct recruits has been accepted by the Government of India for all services in the country, across pay bands, as general recommendations on pay structure and fixation. This is not a fixation applicable to Postman promotees to Postal Assistant in Kerala Circle only as averred by the applicants. This is also as per Rule 13 of CCS (RP) Rules, 2008, relating to fixation of pay on promotion on or after 1.1.2006.

9. The functional level of a post which was earlier identified on the basis of a pay scale is, after VIth CPC identified with grade pay. Both promotees and direct recruits will therefore be assigned the same grade pay. But pay in the pay band will be determined by length of service in the lower post for promotees and minimum qualifying service for direct recruits. This method of pay fixation in running pay bands has been drawn up across all services of the Government of India, across all pay bands. This is not a case of disturbing the historical parity between direct recruits and promoted employees. This is a case of fixation of pay in running pay bands wherein a number of scales of pay have been compressed and absorbed in four pay bands.

10. The VIth CPC headed by a Supreme Court Judge in its wisdom and the nodal Ministry, Department of Personnel has drawn up the methodology of fixation of pay on initial joining of a post by direct recruits and on



promotion for departmental employees in the same manner for all services of the Government of India, across all pay bands, in the country. Pay fixation formulas have been drawn up based on certain principles uniformly applicable to all employees covered by the VIth CPC.

11. Hence we find no discrimination or arbitrariness or unreasonableness in the Government of India orders passed as a consequence of VIth CPC. Accordingly, the Original Application is dismissed.

(Dated this the ^{8th}..... day of February 2016)


P.GOPINATH
ADMINISTRATIVE MEMBER


N.K.BALAKRISHNAN
JUDICIAL MEMBER

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