

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 22.1.90

PRESENT

HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 218/89

S. Thankaraj

Applicant

Vs.

1. Sr. Supdt., RMS, TV Division, Trivandrum
2. Director General, Department of Post, Government of India, New Delhi
3. Post Master General, Kerala Circle, Trivandrum-33 and
4. Union of India represented by the Secretary, Department of Post Government of India, New Delhi

Respondents

M/s. G. P. Mohanachandran
K. R. Haridas,
S. K. Vijayasankar &
Lal C. Aruvikal

Counsel for
the applicant

Mr. P. Santhalingam, ACGSC

Counsel for the
respondents

ORDER

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

The applicant while working as Lower Division Clerk in the scale of Rs. 260-400 in the Tariff Commission, Bombay was declared as surplus and transferred to the Central Suprlus Staff Cell of the Department of Personnel & Administrative Reforms in the year 1977. The applicant was later absorbed in the post of Time Scale Clerk in the

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RMS TV Division, Trivandrum and after training was appointed as a temporary Sorter w.e.f. 7.3.1977 in the scale of Rs. 260-480. The applicant's grievance is that while fixing his pay as Sorter, instead of being given the benefit of FR 22 C by considering the post of Sorter of higher responsibility than that of the LDC, his pay was fixed under FR 22 A at Rs. Rs. 308 by considering the aforesaid two posts as similar. His further grievance is that he has not been given the benefit of seniority because of his previous service in the Tariff Commission while being absorbed in the cadre of Sorter in the P & T Department. Still another grievance of his that for promotion to the Lower Selection Grade for which sixteen years of qualifying service in the lower cadre is necessary, his service as LDC in the Tariff Commission has not been taken into account.

2. We have heard the arguments of both the parties and gone through the records carefully. We have no doubt in our mind that the post of Sorter in the scale of Rs. 260-480 is definitely of higher status and responsibility than that of a LDC in the scale of Rs. 260-400. In service jurisprudence a post the maximum of which is higher than that of another post, the maximum of which is higher is normally considered to be of higher status and responsibilities. The increments also given to the Sorter are higher than the increments given to a LDC. In terms of duties also

12

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those discharged by Sorters are more ~~superior~~ ^{senior} than
those of the IDCs.

3. In the overall conspectus we find that the
applicant's ~~scale~~ ^{claim justified his pay as Sorter} is ~~superior~~ ^{senior} and should have been fixed
by applying FR 22 C. As regards his seniority, the DGP&T's
instruction dated 10.12.71 quoted below FR 20 reads as
follows:

" The transfer of the surplus staff through the
Surplus Cell of the Ministry of Home Affairs is
in the public interest and as such, these officials
will be entitled to all the benefits admissible
to Government servants transferred from one
Government Department to another. Their seniority
will, however, be determined with reference to
the date of their joining the duties in the
Department."

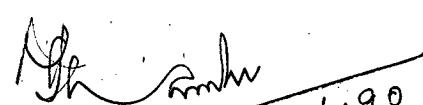
In view of the aforesaid instructions, the applicant
who had admittedly been absorbed in the P & T Department
from the Suplus Staff Cell, cannot claim benefit of his
previous service in the Tariff Commission ~~for the purpose of seniority~~ ^{as}

4. As regards the question of his promotion to the
Lower Selection Grade under the time bound one promotion
scheme, whether or not the applicant should be allowed to
reckon his previous service in the Tariff Commission as
qualifying service, we leave the matter to the best sense
of the respondents to decide.

5. In the facts and circumstances, we allow this
application in part to the extent of directing the
respondents that the initial pay on the applicant's
absorption in the P & T Department should be fixed under
FR 22 C without any benefit of seniority. The applicant

may if so advised represent to the respondents requesting
as LDC.
for counting his previous service as qualifying for the
purpose of promotion to Lower Selection Grade under the
^{one time}
aforesaid promotion scheme within a period of one month
from the date of communication of the order and the
respondents are directed to dispose of the representation
within three months from its receipt.

6. There will be no order as to costs.


(N. Dharmadan) 22.1.90
Judicial Member


S. P. Mukerji
22.1.90
(S. P. Mukerji)
Vice Chairman

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