

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 Surplus 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 is that for his eligibility 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

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

3. In the overall conspectus we find that the applicant's ~~scale~~ ^{claim} is ^{justified} ~~superior~~ ^{his pay as Sorter} 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.}

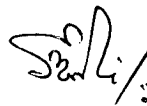
4. As regards the question of his promotion to the Lower Selection Grade under the time bound one promotion scheme, whether or not the applicant should be allowed to reckon his previous service in the Tariff Commission as qualifying service, we leave the matter to the best sense of the respondents to 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 ^{on Sorter} should be fixed under FR 22 C without any benefit of seniority. The applicant

may if so advised represent to the respondents requesting
for counting his previous service ^{as LDC.} as qualifying for the
purpose of promotion to Lower Selection Grade under the
aforesaid ^{one time} 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)
Judicial Member 22.1.90.


(S. P. Mukerji)
Vice Chairman 22.1.90.

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