

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.344/94

Thursday, this the 25th day of August, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

M Chandrasekharan Nair,
Superintendent of Post Offices,
Tiruvalla Division, Tiruvalla.

....Applicant

By Advocate Shri PC Sebastian.

Vs.

1. The Assistant Director (A & P),
Office of the Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
2. The Deputy Director of Accounts (Postal),
Kerala Circle, Thiruvananthapuram.
3. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
4. Union of India represented by
Secretary, Department of Posts,
Dak Bhawan, New Delhi.

....Respondents

By Shri V Ajith Narayanan, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant claims special pay for the period during which he held additional charge of Assistant Director, in the office of the Chief Postmaster General, namely 1.6.91 to 16.12.91. While he was working substantively as Welfare Officer, he was directed to hold additional charge of the post aforesaid. That is a post which carries special pay.

2. Relying on FR 49(ii), learned counsel for applicant submitted that special pay is admissible when an officer holds additional charge of a post, which carries special pay. This contention was rejected

contd.

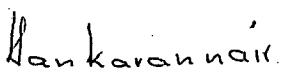
by Annexure A-VIII, stating that applicant was 'unapproved for Group B and unapproved persons are not posted in Circle Office carrying special pay...'. This reason cannot hold good. It only says that a category of persons cannot be posted in posts carrying special pay. But if they are posted, irrespective of the disability in posting, they may, perhaps, be entitled to special pay. Counsel for applicant states that the statement that applicant was 'unapproved' in Group B is incorrect because, applicant is described as Postal Service Group B officer in A-2. We are not required to pronounce on this question in the context of the present case.

3. We find that applicant's claim was upheld in A-5 by the financial wing, whereas a different view is seen taken in A-8. If there is a factual error committed by the Chief Postmaster General, that is to be corrected by an authority in the position of an appellate authority. Interference is merited in judicial review, only if the decision making process is vitiated or if there is an error apparent on the face of the record. While we feel that there are no good grounds to quash Annexure A-8, we permit applicant to make a representation before the fourth respondent. If a representation is made within three weeks from today, a final decision will be taken thereon within six months from the date of receipt of the representation. This long time limit, under no circumstance, will be extended.

4. Application is disposed of as aforesaid. No costs.

Dated the 25th August, 1994.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A II - True copy of Order No. ST/1/1/5/91 dt. 30.4.91 issued on behalf of 3rd respondent.
2. Annexure A V - True copy of Lr. No. --/Admn.II/GE/PF. 206 dt. 05 July'93 sent by 2nd respondent.
3. Annexure A VIII - True copy of Lr. No. AP/8-19/91 dt. 23.12.93 sent on behalf of 3rd respondent.

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