

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 350/1999

Thursday this the 16th day of December, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. K.Pankajakshan, S/o Pappan aged 77 years
Parttime Casual Labourer,
Sub Record Office, Thiruvalla RMS,
Thiruvalla.
2. K.K.Alagar S/o Kuruvan
Parttime Water Carrier
Sub Record Office,
Thiruvalla RMS, Thiruvalla.
3. P.A.Kurian,
S/o Anthrayose, Parttime Casual Labourer
Sub Record Office, Changanacherry,
4. K.Gowri, D/o Kunjachan
Parttime Sweeper Scavanger
Sub Record Office, Changanacherry..Applicants

(By Advocate Mr. T.C.Govindaswamy (rep.)

Vs.

1. Union of India represented by
the Secreetary to the Government of India,
Ministry of Communications,
Department of Posts,
New Delhi.
2. The Director General of Posts,
New Delhi.
3. The Head Record Officer,
Head Record Office, Railway Mail Service,
Trivandrum Division, Trivandrum.
4. The Senior Superintendent,
Railway Mail Service, Trivandrum Division,
Trivandrum.
5. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
6. The Sub Record Officer,
Sub Record Office,
Railway Mail Service, Thiruvalla.
7. The Sub Record Officer,
Sub Record Office, Railway Mail Service,
Changanacherry. ...Respondents

(By advocate Mr.PMM Najeeb Khan (rep.)

The application having been heard on 16.12.1999,
the Tribunal on the same day delivered the
following:

...2




O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This original application has been filed for a declaration that Annexure.A2 to the extent it is brought into force only with effect from 3.11.98 is arbitrary, discriminatory and unconstitutional, quash the same to the extent it operates only with effect from 3rd November, 1998, and to declare that the applicants are entitled to have their wages calculated on the basis of the scale of pay as recommended to the Group D employees by the Fifth Pay Commission with effect from 1.1.96 and direct the respondents to grant the applicants the consequential benefits including arrears thereof with effect from 1.1.96.

2. Though the respondents have filed a reply statement, the respondents have now decided to grant the reliefs sought for in this application by order dated 28.10.99 and also to give effect to the enhancement with effect from 1.1.96. The learned counsel for the applicants states that the application may be disposed of directing the respondents to disburse to the applicants the arrears resulting from the decision taken. Learned counsel of the respondents also agrees.



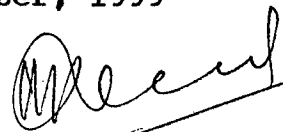
.3.

3. In the light of what is stated above, the application is disposed of directing the respondents to disburse to the applicants the arrears consequent on the decision to give effect to the enhancement with effect from 1.1.96 within a period of two months from the date of receipt of a copy of this order. No order as to costs.

Dated this the 16th day of December, 1999



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

ks.

List of Annexure referred to:

Annexure.A2: True copy of the letter No.1-3/97-PAP dated 3.11.98 issued by the second respondent and communicated by the fifth respondent under letter No.Est/53-1/98 dated 10.-11.98 .