

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.359/98

Tuesday, the 10th day of March, 1998.

CORAM:

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

HON'BLE SHRI S.K.GHOSAL, ADMINISTRATIVE MEMBER

K.Krishnankutty,
Carpenter (Group C),
Postal Stores Depot,
Thiruvananthapuram.

..Applicant

(By Advocate Mr.Sasidharan Chempazhanthiyil)

vs.

1. Superintendent,
Postal Stores Depot,
Thiruvananthapuram.
2. Chief Postmaster General,
Kerala Postal Circle,
Thiruvananthapuram.
3. Director General,
Postal Department,
New Delhi.
4. Union of India rep. by its
Secretary, Ministry of Communications,
New Delhi. ..Respondents

(By Advocate Mr.Mary Help John David, ACGSC)

The application having been heard on 10.3.1998, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant was appointed by order dated 10.8.72 to the post of Carpenter, a Group-C post. As the applicant was not given the pay scale of Rs.950-1500 w.e.f. 1.1.86 and as he was given only the pay scale of Rs.800-1150 w.e.f. 1.1.86, the applicant agitated the matter and on the basis of the order of this Tribunal, his pay was fixed in the scale of Rs.950-1500. On

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implementation of the 5th Pay Commission Report, the applicant's pay was fixed by Annexure A-2 order in the scale of pay for a Group-D post. The case of the applicant is that as he has been holding a Group-C post, his pay should have been fixed in the scale of pay as applicable to a Group-C post. Aggrieved by Annexure A-2 fixation of pay, the applicant made a representation on 12.2.98. Finding no response to this, the applicant has filed this application for a declaration that the applicant, as a Group-C official is entitled to have his pay fixed in a scale applicable to Group-C post and for a direction to the respondents to fix his pay accordingly, setting aside the Annexure A-2 order by which his pay has been fixed in the scale of Rs.2650-4000.

2. We notice that the applicant has been rather hasty in approaching the Tribunal before the respondents had any time to consider his representation.

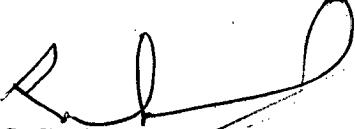
3. However, when the application came up for hearing today, learned counsel on either side have agreed that the application can be disposed of with appropriate directions to the second respondent to consider the representation submitted by the applicant at Annexure A-3 and give him a speaking order within a time to be stipulated by the Tribunal.

4. In the light of what is stated by the learned counsel on either side, the application is disposed of with a direction to the second respondent to consider the representation made by the applicant at Annexure A-3 in the light of the appointment order of the applicant Annexure A-1 and the decision taken by

the Government of India on acceptance of the report of the 5th Central Pay Commission in regard to Group-C category and give the applicant a speaking order within a period of two months from the date of receipt of a copy of this order. Should the applicant feels aggrieved on the outcome of the representation, it would be open for him to seek appropriate relief in accordance with law.

5. No order as to costs.

Dated the 10th March, 1998.


S.K.GHOSAL
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-1 : Order No.8/41 dated 10-8-92 issued by the 1st respondent.
2. Annexure A-2 : Pay fixation Memo. as on 1-1-96 of the applicant.
3. Annexure A-3 : Representation dated 12-2-98 submitted by the applicant to the 2nd respondent.

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