

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 412/2003.

this, the 1st day of September 2003.

HON. MR. A.K. MISRA MEMBER(A)

HON. SMT. MEERA CHHIBBER MEMBER(J)

Uma Shankar Mishra aged about 52 years, son of Shir Ram
Bharosely Misra, R/o Village & Post Chamrouli, District-Unnao.
Presently posted at Brach Post Master, Sonik, District-Unnao.

...Applicant.

BY ADVOCATE SHRI K.K. SINGH.

VERSUS

1. Union of India through Secretary Post & Telecommunication, Government of India, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Ukanpur Circle, Lucknow.
4. Superintendent of Post Offices, Mufassil Division, Kanpur.

....Respondents.

BY ADVOCATE SHRI S.P. SINGH.

ORDER (ORAL)

BY HON. SMT. MEERA CHHIBBER, MEMBER(J)

By this O.A., the applicant has sought a direction to the respondents to pay forthwith at least an amount of Rs. 2908/-



as salary and to continue to pay the same in future on regular basis as salary of the Branch Post Master. Further, he be also paid the arrears as a difference between the salary which he was paid as Gramin Dak Sevak and Agent at Branch Post Office, Chamrouli, Unnao i.e. Rs. 2908 and the amount of Rs. 2044 which has beebe paid to the applicant since April 2003.

2. The grievance of the applicant's of the case is that he was initially appointed as Gramin Dak Sevak and Delivery Agent at Post Office Chamrouli, District-Unnao on 25.1.1977 and continued to perform his duties as such till March 28, 2003. He was being paid salary amounting to Rs. 2908/- per month (Annexure-1). However, vide letter dated 28.3.2003, applicant was issued to join as Branch Post Master of the newly opened Branch Post Office, Sonik, Unnao w.e.f. 29.3.2003 (Annexure-2).

3. Applicant accordingly, joined the newly opened Branch Post Office, on 29.3.2003 as Branch PostMaster , but after he was asked to join as Branch Post Master, respondents paid him the salary amounting to Rs. 2044/- only arbitrarily and illegally. Therefore, being aggrieved he gave representation to the Superintendent Post Offices Mufassil Division Kanpur on 1.5.2003 informing him as to how his salary has been reduced arbitrarily without any justification because, the post of Branch Post Master is higher post then the Gramin Dak Sevak. Therefore, after his appointment as Branch Post Master, it could not have been reduced in any case (Annexure-4). Since, no reply ~~is to be~~ ^{was B}



given to him, he gave another representation on 23.5.2003, ^{he} for necessary action (Annexure-6), but even this was not paid ^{to} ~~him~~. Therefore, ultimately applicant got legal notice served to the Chief Post Master General U.P. Circle, Lucknow Post Master General, Kanpur and Superintendent of Post Offices Mufassil Division, Kanpur so that it could attract the attention of higher authorities. Representation dated 7.7.2003 and legal notice dated 19.7.2003 are filed as Annexure No. 7 & 8 to the O.A.

4. The grievance of the applicant is that on one hand ~~his~~ his salary has been reduced arbitrarily. While on the other hand, respondents are not been decided ^{the} his representation. Therefore, he had no option ^{after the J.U.L.B} ~~and~~ file the present O.A.

5. Counsel for the respondents, Shri S.P. Singh was seeking time to reply to the O.A. ~~and~~ orally he submitted that the pay of Branch Post Master is less than the Gramin Dak Sevak. Therefore, he submitted that when applicant accepted the offer of Branch Post Master, naturally he had to be paid the salary of the same post.

6. At this stage, we feel no purpose would be served by calling a counter from the respondents, as it would unnecessarily delay ^{the} matter, ~~is~~ and since, the main grievance



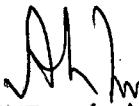
of the applicant, in this case is, that respondents are ~~not~~ ^B even deciding his representation, we feel, this O.A. can ~~be~~ ^B disposed of at the admission stage itself without going into the merits of the case by directing the respondents to apply their mind to the various points taken by the applicant in his representations as well as the present O.A. and then to pass a reasoned and speaking order ^{thereon B} within a period of two months from the date of receipt of copy of this order under intimation to the applicant. It goes without saying that in case, respondents find that applicant's pay has been wrongly reduced, they should pass a necessary orders and give him the arrears of difference of pay in accordance with law or otherwise pass a reasoned order.

7. With the above directions, this O.A. is disposed of at the admission stage itself with no order as to costs.


MEMBER (J)

LUCKNOW: DATED: 1.9.2003.

V.


MEMBER (A)