

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW  
ORIGINAL APPLICATION NO: 498/03  
this, the 23rd day of October 2003.

HON. SMT. MEERA CHHIBBER MEMBER (J)  
HON. MR. S. P. ARYA MEMBER (A)

1. Shiv Prakash Pandey, aged about 35 years, son of Sri RamaKand Pandey, E.D. Brach Post Master, Branch Post Office, Dhanauli, District-Barabanki.
2. Moh. Shameem, aged about 35 years, son of Sri Moh. Ismail, ED Brach Post Master, Branch Post office, Jargawna (Asandra), District- Barabanki.
3. Shesh Narain Singh, E.D. Branch Post Master, Brach Post Office, Kanhaipur, District- Barabanki.
4. Lalji Shukla, ED Brach Post Master, Brach Post Post Office, Ram Sahai, District- Barabanki.
5. Devi Sharan Trivedi, aged about 27 years, son of Sri S.N. Trivedi, E.D. Brach Post Master, Brach Post Office, Pokhra, District- Barabanki.
6. Anusuya Devi, aged about 45 years, ED Branch Post Master, Branch Post Office, Jarouli, District Barabanki.

....Applicants.

BY ADVOCATE SHRI SURENDRAN P.

VERSUS

1. Union of India through the Secretary, Department of Posts, New Delhi.



2. Director General, Department of Posts, New Delhi.
3. Chief Post Master General, U.P. Circle, Lucknow.
4. Superintendent of Post Offices, Barabanki.

....Respondents.

BY ADVOCATE SHRI S. LAVANIA.

ORDER (ORAL)

BY SMT. MEERA CHHIBBER MEMBER(J)

This Original Application has been filed as many as six persons who have sought a common relief. Accordingly M.P. NO: 2570/2003 in Diary No: 2292/2003 is allowed. Registry is directed to give number to ~~this file~~.

2. The grievance of the applicants in this case is that they were appointed as EDBPM, under the respondent No. 4 Superintendent of Post Offices, Barabanki and even though earlier, they were getting the basic pay at Rs. 1800/- + allowances etc <sup>per 12</sup> applicant No.1 to 4, and Rs. 1720/- + as basic pay + allowances <sup>per 12</sup> applicant No. 5 to 6, But from September 2003, their pay has been fixed at Rs. 1385/- as basic pay + allowances without issuing any order to that effect or giving them any opportunity or without giving them any show cause notice. Being aggrieved, they gave representation, even these were not accepted by Respondent No. 4 which finds mentioned at Page 19, 17 etc. etc. Thus finding no other remedy, they have filed this Original Application.



3. Contention of the applicants' counsel is that their pay could not have been reduced without putting them notice especially so <sup>when</sup> ~~that~~ there was a circular issued on 13th March 1997, wherein, it was specifically stated as under:-

"I am directed to refer to the communication cited under reference on the above subject under which it was ordered that no reduction may be carried out until further orders.

A large number of complaints regarding reduction of allowances are being received in this Directorate. Hence, you are once again requested not to reduce the allowances of Extra Departmental Agents under any circumstances. Suitable instructions may be given to all Divisional Superintendents and concerned officers of the Department."

Counsel for the applicants has also annexed an order passed ~~in~~ in the case of Santosh Kumar & Others versus Union of India & Others (Page-33). He has thus submitted that reduction in pay is absolutely wrong, illegal, and is liable to be set aside with a direction to the respondents to pay them the same salary which they were getting prior to September 2003.

4. Counsel for the respondents, on the other hand, submitted that the circular dated March 1997 has no relevance as thereafter the remuneration payable to all categories, has been revised from time to time which is evident from applicants own annexure No. 13 annexed at Page 31 which shows that w.e.f. 1st March 1998 allowances for EDAs shall be fixed as under:-

Category	worked	Time Related Continuit Allowances
1. EDMCs/ED Pac- kers ED Runners/ ED Messengers	Up to 3 hrs 45mts. More than 3 hrs.45mts.	Rs. 1,220-201,600 Rs.1,545-25-2,020

2. EDDAs/EDSVs	Up to 3 hrs 45 mts. More than 3 hrs. 45 mts.	Rs. 1,375-25-2,125 Rs. 1,740-30-2,640.
3. EDBPMs	Up to 3 hrs More than 3 hrs	Rs. 1,280-35-1,960 Rs. 1,600-40-2,400
4. ED SPMs	.....	Rs. 2,125-50-3,125

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It is further submitted by the respondents' counsel that remuneration has to be fixed as per the working hours of the post office and the post held by the individual.

5. Counsel for the respondents has submitted that remuneration for the different categories <sup>to</sup> has/be decided on the basis to number of hours and working load of the said post. If applicants are <sup>performing</sup> ~~being~~ in lesser work, naturally their remuneration will be fixed accordingly. Therefore, it cannot be said to be the case, where <sup>in</sup> can be said ~~their pay~~ <sup>base</sup> have been reduced specially when applicants have not annexed their own appointment letters to show, how they were appointed <sup>on</sup> on which scale. *They have also not annexed any pay slips for the period prior to September 2003. B*

6. We have heard counsel <sup>for both B.</sup> for the parties and perused the pleadings as well.

7. Since this is a matter which would have to be first looked into by the department itself as to how the pay has been fixed in case of applicants. They <sup>would B be B</sup> ~~were~~ also <sup>be B</sup> required to look into the grievance made by the applicants, which ~~is~~ stated by them in the representation <sup>annexed</sup> with this petition. We think, ~~or~~ without stating anything <sup>on the merit</sup> of the case, this case can be <sup>back to B</sup> remitted ~~by~~ the authorities with the direction to consider this Original Application itself as representation and to pass reasoned and detailed order thereon under intimation to the applicants within a period of four weeks from the date of receipt of copy of this order. In case, applicants have still grievance, by the order passed by the respondents, they shall be at liberty to ~~ch~~ challenge the same by filing ~~the~~ fresh O.A.

8. In view of the above, the O.A. is ~~dismissed~~ <sup>dismissed</sup> ~~of~~ <sup>of</sup> No order as to cost

MEMBER(A)

MEMBER(J)

Lucknow; dated: 23.10.2003.