

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 392/2007**

This the 16th day of July, 2010

**Hon'ble Dr. A.K.Mishra, Member (A)**

Jai Karan Lai aged about 50 years Group 'D' Runner, Sitapur- Tambaur Line District- Sitapur , r/o Village and P.O. Hargaon Sugar Mill, Lucknow.

Applicant

By Advocate: Sri R.S. Gupta

**Versus**

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Superintendent of Post Offices, Sitapur/ Postmaster, Sitapur.

Respondents

By Advocate: Sri S.K. Awasthi

**ORDER (ORAL)**

**Hon'ble Dr. A.K. Mishra, Member (A)**

Heard both parties.

2. The learned counsel for the applicant contends that the applicant was working as a casual employee with temporary status on the post of contingency paid chowkidar and drawing the basic pay of Rs. 3200/- when he was regularized as a Group 'D' employee by the appointment order of Superintendent of Post Offices issued on 9.12.2005. He was allowed to draw the old pay of Rs. 3200/- and by the impugned order, it was directed that his pay should be fixed at Rs. 2550/-, the initial level of Group 'D' pay scale and the excess paid should be recovered. Hence this O.A.

3. The learned counsel for the applicant draws my attention to O.M. dated 9.5.2008 in which Govt. of India, Ministry of Personnel, Public Grievance and Pension (Department of Personnel and Training) had issued instruction that the pay of a casual employee on regularization should be fixed after taking into account the increments already

earned by him. He also cited the decision of this Tribunal in O.A. No. 260/2008 in which a similar direction was given to the respondents authority to follow the govt. instruction issued on the subject on 9.5.2008.

4. In the circumstances, the order reducing his pay is hereby quashed and the respondents authority are directed to follow the instruction of DOP&T dated 9.5.2008 and fix the pay of the applicant at the time of his regularization after taking into account the increments already earned by him, if not already done. O.A. is disposed of accordingly. No costs.

  
(Dr. A.K. Mishra)  
Member (A)

HLS/-