

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 13-8-87

APPLICATION NO 1632 /86(F)

XXXXXX

Applicant

P.K.Paulraj

Vs

Director General, D/o Posts, ND & ors.

To

1. Shri P.K.Paulraj,
Superintendent,
Postal Stores Depot
Hubli-580 029.
2. Director General(Posts)
Department of Posts,
Dak Tar Bhavan,
New Delhi-110 001.
3. Postmaster General,
Tamil Nadu Circle,
Madras-600 002.
4. Postmaster General, Karnataka Circle,
Bangalore-560 001.
5. Director of Accounts(Postal), Tamil Nadu
Circle, Madras-600 105.
6. Deputy Director of Accounts(Postal), GPO
Buildings(Karnataka Circle), B'lore-560001.
7. Shri M.Raghavendra Achar, Advocate,
No.1074-1075, Banashankari 1st Stage,
Bangalore.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/XXXXX

XXXXX ORDER passed by this Tribunal in the above said
application on 5-8-87.

Encl : as above

8. Shri M.S.Padmarajiah,
Central Govt. Standing Counsel,
High Court Buildings,
Bangalore.

DEPUTY REGISTRAR
SECTION OFFICER
(JUDICIAL)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 5TH AUGUST, 1987.

Present: Hon'ble Sri P. Srinivasan

Member (A)

APPLICATION NO.1632/86(F)

Sri P.K. Paulraj
Superintendent
Postal Stores Depot
Hubli - 580 029

...

Applicant

(Sri M.R. Achar

... Advocate)

Vs.

1. Director General (Posts)
Department of Posts
Dak Tar Bhavan
New Delhi - 110 001.

2. Postmaster General
Tamil Nadu Circle
Madras - 600 002.

3. Postmaster General
Karnataka Circle
Bangalore - 560 001

4. Director of Accounts (Postal)
Tamil Nadu Circle
Madras - 600 105.

5. Deputy Director of Accounts (Postal)
GPO Buildings (Karnataka Circle)
Bangalore - 560 001.

...

Respondents

(Sri M.S. Padmarajaiah

... Advocate)

This application has come up for
hearing before this Tribunal today, Hon'ble P. Srinivasan,
Member (A) made the following:

O R D E R

In this application under section 19
of the Administrative Tribunals Act, 1985, the applicant
who was working as Assistant Superintendent of Post
Offices on 1.1.1973 and was promoted to the Postal

P. S. Srinivasan

....2/-



Superintendent Service Group 'B' with effect from 12.12.1973 has made 3 prayers.

2. Firstly, he wants a direction to the respondents to fix his pay in the cadre of Assistant Superintendent of Post Offices as on 1.1.1973 in the new pay scale prescribed for that post from that date.

3. Secondly, since he was notionally promoted to the Higher Selection Grade (I) with effect from 9.4.1975 his pay in that grade should be fixed as on 9.4.1975, applying FR 22 C. and

4. Thirdly, his pay in the Postal Superintendent Service Cl.II (to which he was promoted from 12.12.1973) be refixed from 9.4.1975 on the basis of the pay he would have been entitled to as HSG (I) on that date, applying FR 22 C.

5. Reply has been filed on the behalf of the respondents. Shri M.R. Achar, Learned Counsel for the applicant and Shri M.S. Padmarajaiah, Learned Counsel for the respondent have been heard. The position that has emerged out of the arguments on both sides is that the applicant was indeed working as Assistant Superintendent of Post Offices (ASP) on 1.1.1973 and is therefore, entitled to the fixation of his pay from that date in that grade in the revised pay scales. The prayer is allowed and the respondent is directed to fix the pay as on 1.1.1973 in the revised pay scale of ASP.



6. As for the second prayer that the applicant's pay in HSG (I) to which he was notionally promoted from 9.4.1975 should be fixed as on that date under FR 22 C, the position is that when the applicant was so promoted, the post of HSG (I) was not treated as one carrying higher responsibilities than that of Assistant Superintendent and therefore, the applicant is not eligible for his pay in HSG(I) being fixed under FR 22 C. This prayer is therefore, rejected.

7. As for the third prayer, the applicant's pay in PSS Cl.II from 12.12.1973 when he was promoted to that cadre is not the subject of controversy. ^M ~~What~~ The applicant's submission is that with effect from 9.4.1975 he was given a notional promotion to the post of HSG (I) which is lower than the post of PSS Cl.II to which he had already been promoted on 12.12.1973. Therefore, he wants that on 9.4.1975 his pay in HSG (I) should be first fixed and thereafter his pay on and from that date in PSS Cl.II should be determined under FR 22 C. As mentioned earlier the pay of the applicant in HSG (I) as on 9.4.1975 has to be fixed ^{and not under FR 22C M} applying FR 22 a (ii) and thereafter taking that pay into account the applicant's pay in PSS Cl.II from the same date will have to be fixed under FR 22 C.



-: 4 :-

The respondents are directed to do this now and fix his pay in PSS Cl.II from 9.4.1975 accordingly. The third prayer is allowed.

8. In the result the application is partly allowed. Parties to bear their own costs.



mr.

sd/-
MEMBER (A)

sd - - - - -

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- True Copy -

B. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE