

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 4TH NOVEMBER, 1986

Present: Hon'ble Shri Ch. Ramakrishna Rao
Hon'ble Shri P. Srinivasan Rao,

Member (J)
Member (A)

Application Nos. 292 to 295/86.

K. Nagamanikkam,
Major, Govt. Service,
Residing at 258, I Block,
Rajajinagar,
Bangalore-10.

V.S. Burge, Major,
Occ. Govt. Service,
Residing at Plot No.12,
Near Shiddaruda Math,
Old Hubli,

B.G. Kohalli, Major,
Govt. Service, Malvade Chawl,
Bammapur Galli, HUBLI.

VOS. Asundi Major.
Service. R/O Malwade Chowk,
Bammapur Galli, HUBLI.

APPLICANTS

1. The Director General of Posts & Telegraphs Dept., New Delhi.
2. The Ministry of Communications by its Secretary.
3. Post Master General in Karnataka Circle, Bangalore.
4. Senior Superintendent, RMS Q 'DN'
Bangalore-20.
5. Superintendent RMS Q 'DN'

HUBLI. RESPONDENTS

(Shri M.V. Rao, Advocate)

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

O R D E R

These applications originated as writ petitions before the High Court of Karnataka, and have since been transferred to this Tribunal. There are 4

P. S. Rao

applicants. The first applicant Shri K. Nagamanikkam present argues the matter on behalf of all the four. Shri M. Vasudeva Rao, counsel for the respondents, is also heard.

2. The grievance of the applicants is against the fixation of their pay. The facts may now be briefly stated:

All the 4 applicants joined the Postal Department as Sorters and were working as such till 1.6.1964. They were drawing pay as Sorters in the pay scale of 110-240, prior to the implementation of the recommendations of the Third Pay Commission (TPC). The revised pay scale for the said post fixed by TPC was 260-480. The applicants were given an option to elect the new scales from any date upto 1.1.1979. They elected the new pay scale w.e.f. 1.8.1974, and on that date, they were all drawing a pay of Rs. 212/- in the pre-revised scale of 110-240. In accordance with the rules of refixation of pay while implementing the new pay scales, their pay in the new scale was fixed at Rs. 432/- as from 1.8.1974. However, by an order dated 19.10.1974, they were all promoted retrospectively to the selection grade (SG) w.e.f. 1.6.1974. The pay scale of the SG, as revised by the TPC was 425-640. Their pay in the said SG was fixed at Rs. 425/- w.e.f. 1.6.1974, and from 1.8.1974, their pay was fixed at Rs. 432/-. i.e. Rs. 425/- + personal pay of Rs. 7/-.

The grievance of the applicants is that as from the date they came over to the new scale i.e., 1.8.1974, their pay in the lower grade of Sorters

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having been fixed at Rs. 432/-, they were not given any rise in pay, on promotion to the SG which they would normally have been entitled to under rule 22(c) of the Fundamental Rules. In other words, the promotion to SG gave them no advantage.

We have considered the matter carefully. We are of the view that the fixation of pay of the applicants in the revised SG at the minimum of the scale and giving them only PP of Rs. 7/- from 1.8.1974 - the date from which they came over to the new scale - was not just. We feel that as on 1.8.1974, the pay of the applicants in the lower grade in the revised scale of 260-480 should have been fixed first in accordance with the norms for refixation of pay while implementing the recommendations of the TPC. If that had been done, their pay in the grade of Sorter in the revised scale would have been Rs. 432/- as on 1.8.1974. Then their pay in the higher grade, i.e., SG, in the revised pay scale of 425-640 should have been fixed by applying FR 22(c), i.e. giving one increment over their pay of Rs. 432/- and fixing them at the corresponding stage in the higher scale, which would be Rs. 455/-; otherwise, the promotion to SG would give them no advantage. We, therefore, direct the respondents to refix the pay of all the applicants as on 1.8.1974 at Rs. 455/- in the SG as indicated above.

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHREVIEW APPLICATION No. 21/87
in Application Nos 292 to 295/86(T)
(WP. NO. 17496 to 17499/80)COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED : 13-4-87

APPLICANT

Vs

RESPONDENTSThe Sr. Superintendent RMS B'llore
and 4 Ors
TO

Shri K. Nagamanikkam and 3 Ors

1. The Senior Superintendent
RMS 'Q' Division
Bangalore - 560 020
2. The Superintendent
RMS "Q" Division
Hubli
3. The Post Master-General in
Karnataka Circle
Bangalore
4. The Director-General of
Posts & Telegraphs
New Delhi
5. The Secretary
Ministry of Communications
New Delhi
6. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Buildings, Bangalore-560001

7. Shri K. Nagamanikkam
258, I Block
Rajajinagar
Bangalore - 560 010
8. Shri V.S. Burge
Plot No. 12
Near Siddarudha Math
Hubli
9. Shri B.G. Kohalli
Malwade Chawl
Bammapur Galli
Hubli
10. Shri V.O.S. Asundi
Malwade Chawl
Bammapur Galli
Hubli

SUBJECT : SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 21/87

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
19-3-87.

ENCL: As above.

B. V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINETEENTH DAY OF MARCH, 1987

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri P. Srinivasan ... Member (A)

REVIEW APPLICATION No. 21/87

The Senior Superintendent,
RMS 'Q' Division,
Bangalore-20.

Superintendent,
RMS Q Division,
Hubli.

Postmaster-General in
Karnataka Circle,
Bangalore

Director-General of
Post and Telegraphs,
New Delhi.

Ministry of Communications
by its Secretary,
New Delhi

... Applicants

(Shri M. Vasudeva Rao ... Advocate)

V.

K. Nagamanikkam,
258, I Block,
Rajajinagar,
Bangalore-10.

V.S. Burge,
Plot No.12,
Near Siddarudha Math,
Hubli.

B.G. Khalli,
Malvade Chawl,
Bammapur Galli,
Hubli.

V.O.S. Asundi,
R/o Malwade Chawl,
Bammapur Galli,
Hubli.

... Respondents

This ~~xx~~ Review Application has come up for hearing before
this Tribunal today, Member (A) made the following:

O R D E R

The applicants in this Review Applications are the Secretary,
Ministry of Communications, Delhi and the officials of the Post and

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Telegraphs Department working under him. They have sought a review of our order dated 4.11.1986 rendered in Applications No.292 to 295 of 1986. We will, for the sake of convenience, refer to them hereafter as the original respondents and the applicants in Applications No.292 to 295 of 1986 as the original applicants.

2. The four original applicants in Applications No.272 to 295 of 1986 were working as Time Scale Sorters ("Sorters" for short) in the Posts and Telegraphs Department, under the control of the Post Master General, Bangalore, in the scale of Rs.110-240 before 1.1.1973. With effect from 1.1.1973 the pay scale of these posts was revised to Rs.260-480 on the acceptance of the Third Pay Commission's recommendations by the Government. Option was, however, given to officials already in service prior to 1.1.1973 to elect to come over to the revised scale of pay from any date subsequent to 1.1.1973 if that was more advantageous to them. The first of the original applicants elected to do so from 1.8.1974, the second from 1.10.1974 and the third and fourth from 1.7.1974. On such election their pay in the revised scale of Sorters from those dates was fixed at Rs.432 in accordance with the Rules governing the subject.

3. In October 1974, Government decided to upgrade 20% of posts of Sorters to Lower Selection Grade posts in respect of which the revised pay scale recommended by the Pay Commission and accepted by Government was Rs.425-640. The upgradation was with retrospective effect from 1.6.1974. Consequently by two orders dated 19.10.1974 and 20.10.1974 all the four original applicants were promoted to the Lower Selection Grade with retrospective effect from 1.6.1974. It was clarified in the first of these orders that the posts in the Lower Selection Grade carried higher responsibilities than those of Sorters for the purpose of fixation of initial pay in the former on promotion from the latter (See Annexures B and C to the original applications). The authorities proceeded to fix the initial pay of all the four original applicants in the Lower Selection Grade effective



from 1.6.1974 in the following manner. Their pay in the revised pay scale of Sorters (Rs.260-480) as from 1.1.1973 was first fixed notionally, applying the formula set out in the relevant Rules to the actual pay being drawn by them on that date in the prerevised scale of Rs.110-260. On this basis the pay they would have drawn in the revised scale of Sorter as on 1.6.1974 was then determined and this pay in turn was used as the basis for fixing their initial pay in the revised pay scale of the Lower Selection Grade from 1.6.1974. In this way the pay of all the original applicants in the Lower Selection Grade was fixed at Rs.425 from 1.6.1974.

5. We have earlier noticed that the pay of the four original applicants in the revised pay scale of Sorter was fixed at Rs.432 from 1.8.1974 for the first, from 1.10.1974 for the second and from 1.7.1974 for third and the fourth. None of them became due by these dates to an increment in the Lower Selection Grade above the initial pay of Rs.425 fixed as on 1.6.1974 as mentioned in the immediately preceding paragraph. Therefore from these dates they were allowed to draw only Rs.425 as pay in that grade plus Rs.7 (being the difference between Rs.432 and Rs.425) as personal pay which was to be absorbed in future increments. Thus the actual pay receivable by them stood reduced by Rs.7 with effect from those dates with reference to the pay earlier fixed in their cases in the lower post of Sorter. Their complaint in the original application was that this reduction in pay was not justified since Lower Selection Grade posts admittedly carried higher responsibilities and therefore their pay in the said higher posts should actually have been higher than the pay fixed in the lower post on the aforesaid dates. 1/

6. It was in these circumstances in what seemed to us also to be anomalous situation that we directed in our order dated 4.11.1986 that the pay of the original applicants be refixed from the dates



from which they had elected to come over to the revised pay scale of Sorter. We said that the pay of these persons in the revised pay scale of Sorter should first be refixed on these dates adopting the usual formula and that on this basis their pay in the Lower Selection Grade post carrying higher responsibilities be fixed afresh. We may here clarify that though in our order we mentioned only one date i.e. 1.8.1974, that was the date applicable to the first original applicant. In respect of the other the refixation of pay has to be done effective from 1.10.1974 for the second and from 1.7.1974 for the third and fourth of the original applicants. This seemed to us to be the only practical solution to avoid the anomalous result created by the earlier pay fixation. In the ff

7. In the present review application the original respondents have pleaded that the original applicants are not entitled to a "double benefit", and that therefore our original order should be reviewed. Shri M. Vasudeva Rao learned Additional Standing Counsel contended that our original order is not in conformity with the rules.

8. As will be apparent from the facts set out in some detail above, no "double benefit" was given to the original applicants in our order dated 4.11.1986. What we did there was to remove an anomalous situation created by the authorities by which the pay of the original applicants stood reduced from Rs.432 in the lower post of Time Scale Sorter to Rs.425 in the promotional posts in the Lower Selection Grade from the date they elected the revised pay scales in the lower post. We pointed out to Shri Vasudeva Rao that if the promotion of the applicants to the higher post in the Lower Selection Grade had taken effect on the day they elected to come over to the revised scale of the lower post and not earlier as was the case here, their initial pay would have been fixed



exactly as directed by us. As we have already said in the peculiar facts of these cases we found that that was the only practical solution to meet the ends of justice.

8. We, therefore, decline to admit this Review Application.



Sd/-
MEMBER (J)

Sd/-
MEMBER (A) 19/3/87

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bsv

B.V. Venkatesh Rao
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
(B.V.)