

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 24TH DAY OF MARCH, 1987

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
Present:

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

APPLICATION NO.1731/86

Y.L. Vasudeva Rao,
Acting Chief Postmaster,
Bangalore GPO-1.

... Applicant.

v.

1. Union of India
by its Secretary,
Department of Posts,
Ministry of Communications,
New Delhi-1.

2. The Postmaster General,
Karnataka Circle,
Bangalore-1.

... Respondents

(Shri M.S. Padmarajaiah, SCGSC)

This application having come up for hearing
to-day Hon'ble Member Shri P. Srinivasan made the
following.

ORDER

The short point for decision in this application
is whether, when the pay of a senior officer is
allowed to be stepped up in pursuance of Government
of India, Ministry of Finance, Office Memorandum
No.F.2(78)-E.III(A)/66, dated the 4th February, 1966
and the orders directing such stepping up are passed
long after the date of promotion of the junior, the



benefits of such stepping up should be made available from the date the junior was promoted or only from the date the orders ^{were} passed.

2. The applicant, who was working as Assistant Superintendent of Post Offices, was promoted to the Higher Selection Grade I (HSG I) with effect from 19.2.1980. At that time, the post of HSG I was not treated as a promotional post for an Assistant Superintendent of Post Offices. Subsequently, with effect from 29.3.1980, the posts in HSG I were treated as promotional posts and an Assistant Superintendent of Post Offices promoted to HSG I was given the benefit of FR 22C. A person junior to the applicant was promoted as HSG I with effect from 6.10.1980 and he got the benefit under FR 22C and his pay was initially fixed at Rs.830/- in HSG I. At that time, the applicant who was senior and was working as HSG I was drawing Rs.780/- only. The applicant represented to the authorities that in terms of Ministry of Finance O.M. dated 4.2.1966 referred to earlier, his pay should be stepped up to equal the pay of his junior with effect from 6.10.1980. After considerable correspondence to and fro, the Director General, Post & Telegraphs, finally agreed to this request. This was communicated in a letter dated 31.7.1985 of the Assistant Director General (PE) addressed to the Post Master General, Bangalore. It would be useful to extract this letter in full below:

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" I am directed to say that the President has been pleased to step up the pay of the following postal officers under FR-27 at the stages and with effect from the dates as shown against their names with reference to the pay of their juniors mentioned against them in relaxation of Ministry of Finance O.M. No. P1(35) E-III()/74 dated 18.7.74. The next increment will accrue to them from 1st of the month in which it falls due on completion of one year incremental period if otherwise due and admissible to them.

Sl No.	Name of the officer whose pay is stepped up	Name of the junior officer	Date of refix-ation of pay	Stage at which the pay is refixed
1	2	3	4	5
1.	Shri Y.L. Vasudeva Rao	Shri H.R. Rao	6.11.80	Rs330/-
2.	Shri V.K. Seetharaman	Shri B.Krishna-Murthy	1.11.82	Rs960/-
3.	Shri K.S. Sundaram	Shri B.Krishna-Murthy	1.11.82	Rs960/-
4.	Shri T.S. Gohil	Shri S.R. Patel	4.11.80	Rs795/-
5.	Shri S.H. Bhawe	Shri S.J. Gunari	21.10.82	Rs920/-

2. The fixation of pay as stated above will be notional for the past periods and the actual benefit on this account will be admissible from the date of issue of this sanction.

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3. This issues with the concurrence of P&T Finance Advice (Postal) vide their U.O.No.2192/FA(Postal)/85 dated 3.6.85."

3. The quarrel of the applicant is with para 2 of the said letter which deprived him of arrears for past periods.

4. The applicant in person strongly pleads before us that in terms of the aforesaid Office Memorandum dated 4.2.1966 his pay in the HSG I should have been stepped to ^{of equal} that of his junior with effect from 6.10.80 when the junior took charge as HSG I. On the other hand, the Post and Telegraph Directorate had given the benefit of stepping up only from the date of their order i.e. 31.7.1985 for which there was no justification. In fact, the stepping up should have been done immediately the junior who was promoted took charge as HSG I. It was the fault of the administration not to have done so at the time. Merely because the administration delayed issuing the order, the applicant cannot be denied the benefit which was his right in terms of the aforesaid Office Memorandum.

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5. Shri M.S. Padmarajaiah, learned counsel for the respondents strongly refutes the contentions of the applicant. He pleads that the order granting him benefit of stepping up can have only prospective effect and cannot be given restrospective effect.

6. Having considered the rival contentions, we have no doubt whatsoever that the applicant is entitled to the relief sought for by him. We have read the Ministry of Finance Office Memorandum dated 4.2.1966 according to which if the conditions laid down therein are fulfilled the stepping up should be done with effect from the date of promotion or appointment of the junior officer. There is no doubt here that the conditions for invoking the Office Memorandum are fulfilled in this case because the authorities have themselves agreed to apply that Office Memorandum to the applicant. That being so, in terms of the Office Memorandum itself, the benefits of stepping up should have been given effect to from the date the person junior to the applicant took charge as HSG I on 6.10.1980. Therefore the order of the DG P&T dated 31.7.85 (Ex P24 to the application) to the extent that it denied the benefit to the applicant from 6.10.1980 was in violation of the aforesaid Office Memorandum. We therefore quash para (2) of Ex P-24 in so far as it relates to the applicant before us, and direct the respondents to grant

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all the arrears to the applicant from 6.10.1980
by applying the aforesaid O.M. dated 4.2.1966
from that date.

7. In the result, the application is allowed.
Parties will bear their own costs.

MS. Prakash
Vice-Chairman *24/3/87*

P. S. Rao
Member (A) *24/3/87*

Gr/Mrv.