

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 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

P. Srinivasan

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

P. L. - 40

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.110-240. 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.

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

P. S. - 42

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~~ PS

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

P. S. Rao