REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 16 Nov '87

REVIEW APPLICATION NO 118/87 ~~(T)~~
~~W.P.No.~~ IN R. No. 478/87 (F)

APPLICANT S.C. Bhavi Vs RESPONDENTS Union of India by Secretary, Min. of Communications, N. Delhi and 3 Ors.

To

1. Sri S. C. Bhavi,
L. S. G. Sorting Assistant,
Office of the S.R.O.,
R.M.S. 'HB' Division,
Belgaum.

2. Sri P. B. Kulkarni,
Advocate,
48, 57th 'B' Cross,
4th Block,
Rajaji Nagar,
Bangalore-10.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/ ~~INTERIM ORDER~~ passed by this Tribunal in the above said application on 3 Nov '87.

RECEIVED (2) copies 17/11/87
Diary No. 1425/2nd/87
Date: 18.11.87

DEPUTY REGISTRAR
(JUDICIAL)

Encl: as above.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH:BANGALORE

DATED THIS THE THIRD NOVEMBER, 1987.

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

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

REVIEW APPLICATION NO.118/87

Shri S.C. Bhavi
S/o. Shri C.S. Bhavi
L.S.G. Sorting Assistant
Office of the S.R.O.
R.M.S. 'HB' Dn,
Belgaum. ... Applicant.

(Shri P.A. Kulkarni, Advocate)

Vs.

1. Union of India by its Secretary
   Ministry of Communication
   New Delhi.

2. Director General Posts
   Department of Posts
   'Daktar' Bhavan
   New Delhi-110 001.

3. Post Master General
   Karnataka Circle
   Palace Road
   Bangalore-560 001.

4. Superintendent
   R.M.S. 'HB' Division
   Hubli - 580 029.

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

ORDER

In this review application, the applicant wants us to review our order dated 21st/24th September, 1987

....2/-

by which his claim that his pay in the grade of LSG Sorting Assistant should be stepped up to equality with that of his 4 juniors with effect from 1979 when he was actually promoted to that grade was rejected.

2. Shri P.A. Kulkarni, learned counsel for the applicant made the following points to show that there has been an error in our order dismissing the original application: So far as the claim of the applicantfor stepping up of his pay to equality with that of his juniors was concerned we held that the juniors having been promoted earlier, i.e., in 1975, Government of India's O.M. dated 4.2.1966 was not applicable to his case. On the other hand, while referring to paragraph 8 under FR 27 in Swamy's compilation we had held that the applicant was entitled to notional fixation of his pay in the grade of LSG Sorting Assistant in 1979, ~~and~~ which according to Shri Kulkarni meant that in 1979 the applicant was eligible to be allowed the same pay as his 4 juniors. We had earlier observed in that order that by bringing down the 4 persons below the applicant in the grade of LSG Sorting Assistant the effective promotion of these 4 persons was also from 1979 like that of the applicant. If that was so the date of promotion of the applicant and his 4 juniors was the same, that is 1979, and the applicant was entitled to the benefit of the Government of India O.M. dated 4.2.1966. He, therefore, submits

....3/-

that our order dismissing the application was erroneous and should be reviewed.

3. After careful consideration we are still of the view that what we have said in our order is correct and there was no error. When the question of stepping up of pay to equality with that of his juniors is considered, the fact cannot be ignored that, rightly or wrongly, the juniors held the higher post from 1975. Their proper promotion should no doubt have been only in 1979 when the applicant became due for promotion and was promoted. But that cannot erase the fact that the juniors, for no fault of theirs, held the higher post for 4 years before 1979. The applicant's promotion in 1979 was right because he became due for promotion only in that year. His pay in the promoted post of LSG Sorting Assistant in 1979 had therefore, to be fixed with reference to the pay being drawn by him in the post held by him immediately before his promotion and that having been done, the pay fixed did not require any change. Government's O.M. regarding stepping up of pay really has no application because, as we have said earlier, rightly or wrongly, the 4 persons who are junior to the applicant in fact held the post of LSG Sorting Assistant from 1975 and had earned increments during these years and that situation is not covered by Government of India O.M. dated

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4.2.1966. If the applicant feels that our view in this regard is incorrect, the remedy for the applicant is to file an appeal and his grievance, if any, in this regard cannot be remedied in review.

4. In the result, we decline to entertain this review application which is dismissed.

Sd/- 3/11/87
MEMBER (A)

Sd/- 5-11-87
MEMBER (J)

-True copy-

mr.

DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE