

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 JUN 1988

APPLICATION NO.

514

/88(F)

W.P. NO.

Applicant(s)

Shri H.V. Sreenivasamurthy

V/s

Respondent(s)

The DG (Posts), New Delhi & 2 Ors

To

1. Shri H.V. Sreenivasamurthy
Circle Complaints Officer
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
2. The Director General of Posts
Ministry of Communications
New Delhi - 110 001
3. The Post Master General
Karnataka Circle
Bangalore - 560 001
4. The Deputy Director of Accounts(P)
Karnataka Circle
G.P.O. Building
Bangalore - 560 001
5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

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(s) on 8-6-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 8th DAY OF JUNE, 1988

Present : Hon'ble Sri P.Srinivasan

Member (A)

APPLICATION No. 514/88(F)

H.V.Sreenivasamurthy,

Circle Complaints Officer,
O/o. The Postmaster General
Karnataka Circle,
Bangalore - 1.

Applicant

vs.

1. Director General of Posts,
Ministry of Communications,
Government of India,
New Delhi - 1.

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

3. The Dy. Director of A/cs(P),
Karnataka Circle,
GPO Building,
Bangalore - 1. ...

Respondents

(Sri M.S.Padmarajaiah ... Advocate)

This application having come up for hearing
today, Hon'ble Sri P.Srinivasan, Member (A) made the following :

O R D E R

In this application, the applicant who is working
as a Circle Complaints Officer in the Post and Telegraph
Department, Bangalore, complains that though he was promoted
to the Group 'B' cadre by the same order dated 24.1.1980 as
Sri K.P.Kamath who was junior to him, in fixing his initial
pay in the higher scale, the date of next increment was noted
as 1.2.1981 whereas that of Shri Kamath was noted as 1.1.1981.
He prays that the date of next increment in his case should
also be fixed as 1.1.1981, subsequent increments falling due
on the 1st of January, each year.

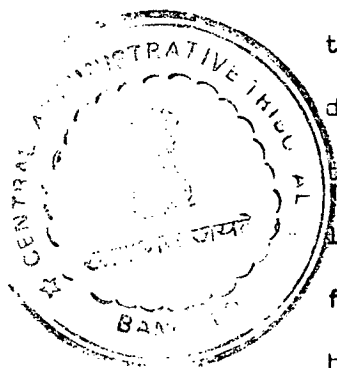


2. The applicant argued his case himself. He submitted that though he was promoted to Group 'B' by order dated 24.1.1980 along with Shri K.P.Kamath he was not relieved from his earlier post till 8.2.1980 and so he could join the higher post only on 8.2.1980 while Shri K.P.Kamath was relieved earlier and was able to join duty on 30.1.1980. Therefore, his reporting for duty in the higher post was delayed for no fault of his and for this reason he should not be made to suffer by getting his increment one month later than Shri Kamath.

3. Shri M.S.Padmarajaiah, learned counsel for the respondents submits that there is no merit in the application because the difference in dates of increment ^{was} ^{to} due to the different dates on which the applicant and Shri Kamath joined the higher post. This is not a case where the difference ^{is} has arisen purely by reason of application of FR 220 in both the cases. Since the applicant joined the higher post later his increment falls due later, but otherwise the initial pay fixed on promotion was the same for both.

4. Having heard both sides I am of the view that this application has no merit. Pay in a higher post can be drawn only from the date a person joins that post. It was the applicant's misfortune that he was relieved from the lower post later and therefore, joined the higher post a few days later and that too in the following month. If he had joined a few days later in the same month, the date of increment would have been the same for him as in the case of Shri Kamath. There is no rule by which the date of increment of a senior could be fixed as the same date as that of a junior, even though the latter joined ^{earlier} later. In this view,

P. S. S. S.



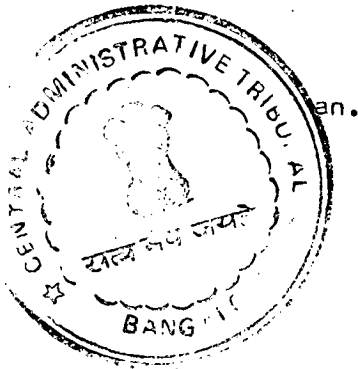
this application has to fail. It is upto the administrative authorities, if at all, to consider the matter from the point of view of hardship under FR 27. The applicant is free to move the Director General, P. & T in this regard for such relief, ^{if any,} as the latter may deem fit to give him.

5. In the result the application is dismissed.
Parties to bear their own costs.

Sd/-

MEMBER (A) 01/01/88

TRUE COPY



[Signature]
DEPUTY REGISTRAR (JDL) 13/2
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE