

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 DEC 1988

APPLICATION NO.

55

/88(F)

W.P. NO.

Applicant(s)

Shri N. Anantharamaiah

To

Respondent(s)

V/s The Director General, Dept of Posts, New Delhi
& another

1. Shri N. Anantharamaiah
2683, XII Cross
Veni Vilasa Mohalla
Mysore - 570 002
2. The Director General
Department of Posts
Ministry of Communications
Dak Tar Bhavan
New Delhi - 110 001
3. The Post Master General
Karnataka Circle
Bangalore - 560 001
4. 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 5-12-88.

Encl : As above

SECTION OFFICER

(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5th DAY OF DECEMBER, 1988

Present : Hon'ble Sri Justice K.S. Puttaswamy

Vice Chairman

Hon'ble Sri P. Srinivasan

Member (A)

APPLICATION No. 55/88(F)

N. Anantharamaiah,
2683, XII Cross,
Vani Vilasa Mohalla,
Mysore - 570 002.

...

Applicant

Vs.

1. The Director General
Department of Posts,
Ministry of Communications,
New Delhi - 110 001.

2. The Post Master-General,
Karnataka Circle,
Bangalore - 560 001. ...

Respondents

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

This application having come up before the Tribunal
today, Hon'ble Member (A) made the following :

ORDER

The applicant retired as a Post Master in the Postal
Department in the Karnataka Circle on 1.11.1976. He had been
agitating for revision of his seniority in the Clerical cadre.
After he retired from service, by order dated 3.1.1986, the
Post Master General acceded to the applicant's request and
revised his seniority in the clerical cadre. As a result
of this he became due for promotion to the Lower Selection
Grade and Higher Selection Grade earlier than the dates on
which he was actually promoted to those grades. He requested
the authorities to give him arrears as a result of the earlier



P. Srinivasan

promotions and also to revise his pension. The authorities informed him that on his promotion from an earlier date to LSG arrears totalling to Rs.1,421.30 were due to him. However, his promotion from an earlier date to the next grade of HSG resulted in the reduction of total remuneration due to him for the period of his service and as a result a sum of Rs.764.25 was recoverable from him.

2. The applicant submits that the result of his promotion from an earlier date ^{H k} of HSG cannot result in a reduction in his remuneration necessitating a recovery for alleged over payments. He argued his case himself and submitted that the fixation of his pay on promotion to HSG for the purpose of determining the arrears due to him had not been correctly made by the respondents because they had not applied Government of India OM dated 18.7.1974 printed at page 75 of the 8th edition of Swamy's compilation of Fundamental Rules and Supplementary Rules. If the provisions of that OM had been applied he would be entitled to arrears even in the HSG and to a consequent increase in his pension over the figure which had already been fixed.

3. The Respondents have resisted the applicant's claim and Sri M.S.Padmarajaiah, learned counsel for the respondents contended that the applicant's prayers do not deserve to be allowed.

4. We have considered the matter carefully. The applicant no doubt relies on an OM dated 18.7.1974 issued by the Ministry of Finance regarding fixation of pay of a Government servant on the introduction of the revised pay scales recommended by

P. S. K.

the 3rd Pay Commission. However, in order to see whether this OM applies to his case he has to point out which of his juniors was promoted to HSG after 1.1.1973 and was drawing higher pay than him in that grade after 1.1.1973.

He expressed his inability to do this because it is 12 years since he retired. The respondents are also unable to help in the matter. Therefore, we are unable to see what the result of the application of the OM dated 18.7.74 would be in the case of the applicant. At the same time we are somewhat surprised that inspite of promotion being given to him to HSG from an earlier date, the respondents say that salary and allowances had been paid to him in excess in the past and that a recovery of Rs.700 odd has to be made from him. We feel that this recovery is unjustified and should not be made. So far as pension is concerned, in the absence of relevant particulars to apply the OM dated 18.7.74, we cannot recalculate the emoluments of the applicant immediately prior to his retirement and recompute his pension. However, we are of the view that the pension already fixed in the case of the applicant should not, in any event be reduced.

5. In the result we pass the following orders:

- i. The respondents will pay the applicant arrears of Rs.1,421.30 due on account of his promotion to LSG cadre from an earlier date;
- ii. No recovery should be effected ^{towards} ~~due to~~ alleged excess payment stated to have been made to the applicant in the HSG grade before he retired;
- iii. The pension of the applicant already fixed shall not be reduced.
- iv. The respondents will comply with the above directions within a period of two months from the date of receipt of this order.



6. The application is disposed of on the above terms but in the circumstances of the case we direct the parties to bear their own costs.

Sd/-

VICE CHAIRMAN

Sd/-

MEMBER (A)

TRUE COPY



[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

16/12