

Shri. Manohar Savai  
(Supersar). Bijapur

ms  
DLO Posts & Co

COST OF INDEX

LIST OF PAPERS IN O.A./T.A. NO. 96/90 OF

PART	SERIAL NO. OF PAPERS ON RECORD	DATE OF PAPER / FILING	DESCRIPTION OF PAPER
I	1	22-2-90	PT
		6-4-90	PT
	2	6-4-90	<u>jud/rejected</u>
			Cosar: Hon'ble Shri. M.Y. Patolkar, M(O) Hon'ble Shri. J.P. Sharma, M(T)
			order is enclosed in it
II	-	-	Scrutiny sheet of O.A.
III	1-2	9-2-90	Notice issued to applicant
	3-4	5-3-90	Copy B. jud. issued to applicant
	5	17-5-90	
			Alb 28/11

Received on 9/2/90 By Hand/Post  
Inward No. POS.

9/2/90  
Mr. Bunker (Part I)

APPENDIX 'A' FORM

"FORM - I"

OA 96/90

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT, 1985.

.....

Title of the case :- Non permission for mutual transfer  
under rule 38 of P&T manual Vol. IV

INDEX

S.NO.	Description of Documents relied upon	Page No.
1.	Application	1 to 4
2.	Certified Copy of PMG Bombay order No, Staff-C-98 /Rg/249/88 date 15/11/88 under supdt of POS/ Pune M.F.L. DIV Pune. 42 NO B-2/18/MGs/MBk/88 Datee 18.11.88.	5 to-
3.	Attested copy of representations Date 24/11/88 to PMG Bombay	6
4.	Attested copy of representation to DG/Dept of Posts New Delhi Date 1.2.89	7
5.	Attested copy of representation to PMG Bombay and DG Dept of Posts New Delhi 1 Date 1.3.89	8

Signature of the Applicant,

For use in Tribunal's Office.

- : Date of filing or
- : Date of receipt by post
- : Registration No.

—Signature of Registrar

Central Administrative Tribunal, New Bombay Bench
Received application on 9/2/90
By Hand / Post
Stamp No. 81/90 Date 8/2/90
For Registrar

SB

Office Notes, Office  
Memorandum, of Coram  
Appearance, Tribunal's  
Orders of direction &  
Registrar's Orders

Tribunal's orders

(1)

Stamp No 81/90

Per Tribunal

Three objectives

1) facts are very short,  
Not under district  
heads, not numbered  
consequently

fixed for Admonition hearing  
on 14th April 90

Issue notice accordingly.

10/4/90  
10/4/90

6/4/90

Notice issued to  
the Applicant on  
dt 5-3-90

MSB  
5-3-90

Neither the applicant nor  
represent friend

Order of the Tribunal  
pronounced & signed on the court

MSB  
6/4/90

Notice dt 5/3/90

served on applicant  
on 14/3/90

MSB  
28/3/90

3  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

O.A.96/90

Manohar Sayai,  
Subpostmster(Time scale),  
Vadgaon Nimbalkar of Pune  
MFL Postal Div. of  
Maharashtra Postal Circle. .... Applicant.

vs.

Chief PostMaster General,  
Maharashtra Circle,  
Bombay - 400 001. .... Respondent

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri J.P.Sharma, Member(J)

Appearance:

Applicant in  
person.

~~JUDGMENT~~ JUDGMENT

(Per M.Y.Priolkar, Member(A)) Date: 6-4-1990

The applicant in this case is working as a Lower Selection Grade Postal Assistant in the Pune MFL Postal Division of Maharashtra Circle and he is seeking mutual transfer with a Time Scale Postal Assistant in the Karnataka Circle. His grievance is that the Postmaster General, Maharashtra Circle, Bombay has by his letter dtd. 15.11.1988 held that such mutual transfer is not permissible since the two employees are holding posts in two different pay scales.

2. According to the applicant, there was only one pay scale and a single gradation list of Postal Assistants right upto 1985 and it was only from 1-1-1986, pursuant to the IVth Pay Commission's Report, that a Time bound promotion scale(also referred to

(3)

as Lower Selection Grade) of Rs.1400-2300 was introduced for Postal Assistants in the Time Scale of Rs.975-1660. The applicant contends that he had never given his consent for being promoted under the Time Bound Promotion scheme and, therefore, this promotion cannot be thrust on him. He also submits that it is anomalous to have two pay scales for Postal Assistants since all Postal Assistants whether they are in the time scale of Rs.975-1660 or in the Lower Selection Grade of Rs.1400-2300 are entrusted with the same duties and responsibilities.

3. Admittedly, the applicant has been promoted to this Lower Selection Grade of Postal Assistant with effect from 1-1-1986 and since then he has been drawing the higher pay and allowances attached to that post. It was only on 24-11-1988 after he was informed that mutual transfer is not permissible when the two posts are in different pay scales, that the applicant wrote to the department to revert him to the lower time scale post and permit the mutual transfer. Having worked for almost three years in the higher post, obtaining benefit of higher pay scale and allowances, it is not now open to him to ask for reversion to the lower time scale post merely to qualify for a mutual transfer to another circle. Further, the question of different pay scales as also introduction of selection grades or time bound promotion schemes are decided by Government on recommendations of expert bodies like Pay Commission and we

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do not see any anomaly in having a time bound promotion scheme after a specified number of years of service, for the benefit of employees stagnating in the same pay scales even after long years of service. The applicant could have opted to retain his old pre-revised scale of pay, if he so wanted, but he did not exercise that option.

4. We do not therefore, see any merit in the application which is rejected in limine with no order as to costs.

J. P. Sharma

(J.P.SHARMA)  
Member (J)

M.Y. Priolkar

(M.Y.PRIOLKAR)  
Member (A)

Judgment dt. 6.4.90  
Served to parties on  
17.5.90.

Abbeali

Judgment dt. 6.4.90  
Served on applicant on  
dt 6.6.96

10  
19/6/96