

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY- BENCH

(5)

CAMP AT NAGPUR.

O.A. NO: 42/91 199
T.A. NO:

DATE OF DECISION 19.11.1991

All India Postal Accounts Employees Assocn.
Nagpur & Ors. Petitioner

Shri P.C.Marpakwar.

Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri Ramesh Darda.


Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman,

The Hon'ble Mr. M.Y.Priolkar, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

mbm*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY,
CAMP AT NAGPUR.

(6)

Original Application No.42/91.

All India Postal Accounts Employees
Association, Nagpur, & Ors.

... Applicants

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,
Hon'ble Shri M.Y.Priolkar, Member (A).

Appearances:-

Shri P.C.Marpakwar for the applicant.
Shri Ramesh Gada for the respondents.

Oral Judgment:-

(Per Shri Justice U.C.Srivastava, Vice-Chairman) Dt.19.11.91

The association of the employees of the postal accounts department along with 53 employees have filed this application praying that order passed by the second respondent dt. 25.7.1989 rejecting their prayer be set aside and the decision taken in the meeting held on 28.8.1990 regarding non-inclusion of special pay while fixing the pay in the cadre of Senior Accountant may also be set aside. The respondents be directed to refix the pay of the applicants 2 to 54 on promotion from Junior Accountant to Senior Accountant by taking into account the special pay of Rs.35/- for the purpose of fixing of pay on promotion.

2. Pursuant to the decision of the Government of India the UDC in a non-secretarial administrative office attending to work of a more complex and important nature may be granted a special pay of Rs.35/- per month, but it was limited only to 10% posts. Subsequently, it was decided and directed to issue to all the Heads of Postal Circles to give benefit of special pay of Rs.35/- p.m. to certain posts of UDC in the non-secretariat offices

...2.

(X)

also be extended to junior accountants in the Circle Postal Accounts Offices in accordance with the provisions of Memorandum No.P.7(62)- E-III/78 dt. 5.5.1979 which was verified that the subsequent letter dt. 26th December, 1979. They also decided that it shall have effect from 5.5.1979 and the special pay of Rs.35/- was thus granted to 10% of Junior Accountants.

3. The dispute which has been raised in this case is that as to whether the special pay of Rs.35/- p.m. given to the Junior Accountant should be taken into account while fixing their pay on promotion to the post of Senior Accountant. The demand was raised on behalf of the employees in the J.C.M. as the matter was not settled by the JCM the matter was referred to the Board of Arbitration which ^{vide} ~~vide~~ award dt. 28.4.1987 held that special pay of Rs.35/- p.m. should be taken into account cannot while fixing the pay on promotion. The award was accepted ~~the~~ by the Government of India and a decision was taken. But as a letter was issued on 5.2.1988 that the Junior Accountants were not entitled to the benefit of the same which has given rise to this, a reliance of Fundamental Rule 22(a)(ii) of the rule has been raised.

4. On behalf of the applicant it was contended that of course, the award was binding on the government and F.R. 22(a)(ii) has not been correctly read and incorporated and in this connection he has made a reference to the Bangalore Bench of the decision of the Tribunal. We are also in agreement of the said decision and accordingly the application is allowed and we (i) quash and set aside the order passed by 2nd Respondent dt. 25.7.1989.

(ii) quash and set aside the decision taken in the meeting held on 28.8.1990, regarding non-inclusion of special pay while fixing the pay in the cadre of Senior Accountant.

(iii) Direct the respondents to refix the pay of the applicants No.2 to 54 on promotion from Junior Accountant to Senior Accountant by taking into account the special pay of Rs.35/- for the purpose of fixation of pay on promotion.

bn

[Signature]

8

(iv) No order as to costs.



(M.Y. PRIOLKAR)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

B.S.M.