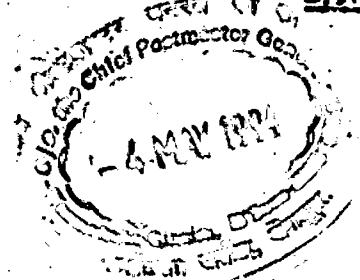


LC/2-814/94

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH



Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:-21 APR 1994

APPLICATION NUMBER: 10/94 and 674 To 735/94

APPLICANTS:

R. Sarvanam & others vs. Chief Post Master General
To.

RESPONDENTS:

Karnataka Circle
Bangalore.

- 1) Shri R. Hari, Advocate
No. 4, Cambridge Road I Cross,
Ulsoor, Bangalore - 560 008.
- 2) The Chief Post Master General,
Karnataka Circle, Palace Road,
Bangalore
- 3) Shri M. S. Padmarajiah,
Senior Standing Counsel for
Central Govt, High Court Buildings,
Bangalore - 1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 13-4-94

Guard file

S. Shanthi
for DEPUTY REGISTRAR 27/4
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.10/94 & 674 TO 735/94

WEDNESDAY THIS THE THIRTEENTH DAY OF APRIL, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER (A)

1. R. Saravanam
2. G. Keshavan
3. K. Arumugham
4. K.N. Perumal
5. Subba Rao
6. Md. Akbar Sheriff
7. B. Vasudevamurthy
8. S. Ramalingam
9. C.A. Srinivasamurthy
10. A.M. Rama Rao
11. R. Shanmugham
12. D. Sanjeevaiah
13. Narayanaswamy
14. Nagabhushana Rao
15. N. Rudrappa
16. L. Dhangroji Rao
17. S. Sreenivasan,
18. B.G. Nadoni,
19. M. Narasimhamurthy
20. T. Narasimhamurthy
21. S.R. Satwaji Rao
22. S. Balasundram
23. C.P. Ramachandra
24. S.T. Nagaraja
25. T.V. Chigateri
26. S. Ramasesha
27. T.S. Srikantaiah
28. B. Varahamurthy
29. K.A. Vaze
30. H.N. Jayaram
31. M.K. Gopalakrishnan
32. Munivenkatappa
33. M. Murugeraiah



34. Israel
35. N.P. Subba Setty
36. B.S. Sadasivaiah
37. R. Rangaiah
38. Adaikala Dass
39. Muniyappan
40. V. Ramachandrappa
41. S.K. Ramanna
42. A.G. Ramalingam
43. R. Lakshminarasimhan
44. B.S. Balasubramaniam
45. K. Narayananamurthy Rao
46. K. Savari Dass
47. V. Ramakrishna
48. C.P. Ramasanjivamurthy
49. A.R. Dorairaj
50. S. Venkatachalaiah
51. D.T. Doraiswamy Iyengar
52. M.R. Ambaji Rao
53. K. Basappa
54. B.G. Gopalakrishnan
55. M.S. Ramamurthy
56. S. Muniswamy
57. A. Balachandran
58. F. Devaraj
59. K.G. Srinivasan
60. N. Gopalakrishna Rao
61. M. Ramaiah
62. M. Rajagopal
63. B. Hanumantha Rao

Applicants

(All these applicants are working
as Short Duty Clerks in General
Post Office, Bangalore - 560 001)

(By Advocate Shri R. Hari)

v.

1. The Chief Post Master General
Karnataka Circle, Palace Road,
Bangalore

Respondent

(By learned Standing Counsel)
Shri M.S. Padmarajaiah

-3-

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

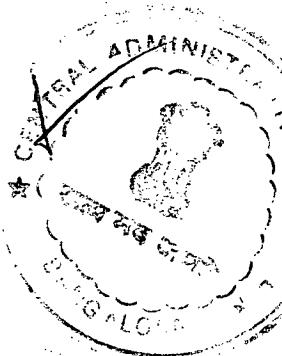
Heard the learned counsel for the applicant.

We have a set of applications by more than 60 and odd pensioners of Postal Department who had the good fortune of being employed after retirement and therefore they receive pensionary benefits along with consequential benefits as well.

Apparently, to relieve the pressure on the Department with particular reference to sorting of mail, a scheme was introduced for giving re-employment to retired postal department officials by engaging them as Mail Sorting Assistants on hourly wages basis @ Rs.4.40 and employed as Mail Sorters, but designated as Short Duty Clerks.

Learned Counsel for the respondent tells us that though they are called Short Duty Clerks, they do the work of mail sorting. It would appear that in the same category there is another species of mail sorters who are paid Rs.8.80 per hour.

What the applicants ask is that they should be treated on par with the other mail sorters and paid Rs.8.80 per hour. In denying such higher wages, it is contended that the applicants have been denied equal treatment before law and they seek direction from this Tribunal directing the department to give them also Rs.8.80 per hour as in the case of other mail sorters. In this connection, strong reliance is placed on a judgment of the Madras Bench of this Tribunal in C.A.No.1028/91 disposed of on 24.4.92 wherein it is pointed out that



disparity in pay fixation between the same category of mail sorters had to be dispensed with and all Mail Sorters be paid similar wages.

2. This application is opposed by the Department who have filed a written statement in which it is maintained that the wage packet of Rs.4.40 per hour is fixed taking into account that people coming from the category of retired officials are appointed as Mail Sorters and therefore get the extra benefit of Rs.4.40 per hour in addition to the pension they get inclusive of DA etc. etc. It is pointed out that in regard to the other category of Mail Sorters, who are in-service people and not retired officials, their wages are fixed at a higher rate of Rs.8.80 per hour. Therefore, the Department says there is a valid distinction between re-employed pensioners of the postal department and reserved trainee pool who are particularly trained for this job and are awaiting permanent absorption. Clearly the above distinction is well-marked and well-founded. A retired official has no claim for re-employment and when re-employment is offered, it is offered on particular terms which takes into account the pensionary benefits which he enjoys and in relation thereto, his present wages are fixed. Apart from the fact that these applicants cannot make a grievance of being not placed in the same track as the regular trained personnel who are yet to find their feet in the department on a permanent basis and who are yet to become permanent employee

of the department whereas these applicants have already served their stint in the department, earn a pension and are again given an opportunity to earn more in addition to their pension clearly give rise to two different classes and, therefore, one cannot claim parity with other. In that view of the matter, we think the argument that payment of different wages to section of persons doing the same work is violative of Articles 14 and 16 of the Constitution has no substance. The above argument fails and is rejected. In this connection, reference is made to a decision of the Madras Bench of the Tribunal in C.A.No.1028/91 disposed of on 24.4.1992 and relied on by the learned counsel for the applicants in support of the contention that an argument similar to the one raised herein was putforward before the Madras Bench of the Tribunal. While that appears to be so, we do not think that we can subscribe to the views of the Madras Bench since it fails to take adequate notice to the distinction between the re-employed pensioners and a new entrant to the department, the distinction we think is held to be telling enough to divide them into two different streams for the purpose of paying different wages. Therefore, we think the decision of the Madras Bench which appears to have missed the essential distinction is per incuriam.

3. For the above reasons, these applications fail and are dismissed finally with no order as to costs. We, however, think that if the applicants are aggrieved by the Government's decision, it is

still open to them not to work for the Department.

Sd/-

(T.V. RAMANAN)
MEMBER (A)

Sd/-

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY



S. Sankar
SECTION OFFICER 2014
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 4 APR 1995

APPLICATION NO. 521 & 669 to 673 of 1994.

APPLICANTS: Sri.V.M.Yaseen and five others.,

V/S.

RESPONDENTS: The Chief Post Master General, Karnataka Circle,

To

1. Sri.R.Hari, Advocate,
No.4,First Cross,
Cambridge Road,Ulsoor,
Bangalore-560 008.
2. Sri.G.Shanthappa,Addl.CGSE,
High Court Building,
Bangalore-560001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal,Bangalore-38.

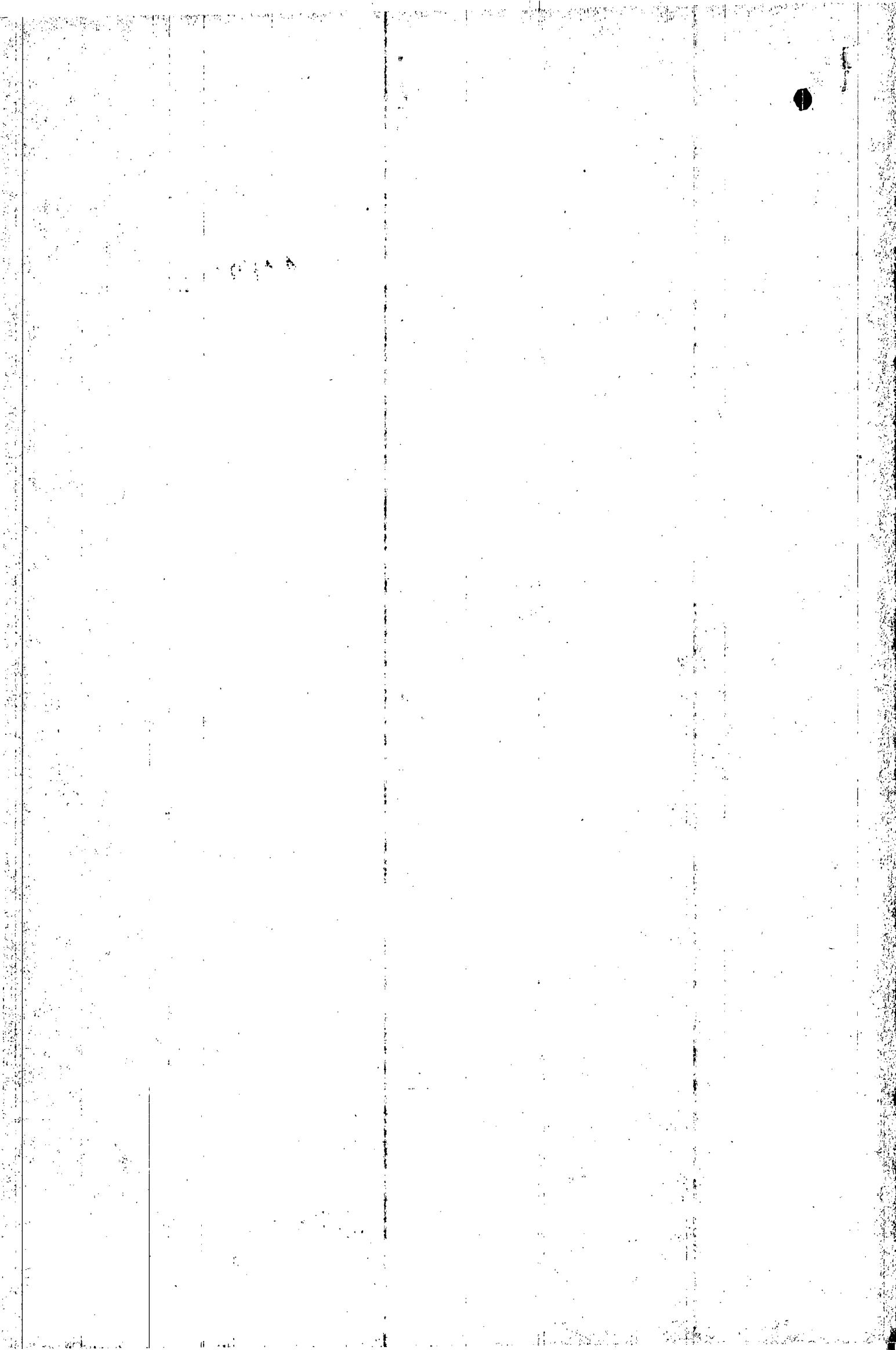
---xxx---

Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 17th March, 1995.

Issued on
5/4/95
R


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*



CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION Nos. 521 & 669 TO 673/1994

FRIDAY, THIS THE 17TH DAY OF MARCH, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

1. Shri V.M. Yaseen,
aged 62 years,
S/o late V.M. Yousuff,
No.16, 6th Cross, Gospel Street,
Bangalore-84.
2. Shri U.S. Lakshman,
65 years,
S/o late Sanjeevi Naidu,
No.74, IV Cross, Magadi Road,
Bangalore - 560 023.
3. Shri M.A. Ramachar,
63 years,
S/o late K.V. Ananthachar,
No.20 D(3) Dhomanna Garden,
Dinnur R.T. Nagar,
Bangalore - 560 032.
4. Shri M. Arunachalam,
aged 65 years,
S/o late Murugan,
No.987, B.27 Block 1st Floor,
B.D.A. Quarters, Austin Town
II Stage, Bangalore - 560 047.
5. Shri C. Govindarajan,
aged 65 years,
S/o Chinnaswamy Poojari,
No.10, Kuppuswamy Naidu St.,
Shivajinagar, Bangalore-51.
6. V.G. Parthasarathy,
aged 65 years,
S/o late Gomdasajnta,
No.262, Narayana Pillai St.
Bangalore - 560 001.

... Applicants

(By Advocate Shri R. Hari)

Vs.

19950 NO/028
The Chief Postmaster, General,
Karnataka Circle, Palace Road,
Bangalore - 560 001.

... Respondent

(By Advocate Shri G. Shanthappa,
Addl. Central Govt. Sto. Counsel)

...2...



ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman:

Treated as before us for this day. These applications are fully covered by our decision in O.A. No.10/94 & 674 to 735/94 disposed off on 13.4.1994. Following the same, we make an order dismissing these applications. No costs. But, Dr. Nagaraja would say that if on the basis of the Madras Bench decision, the department is to grant relief to the applicants, our judgment should not preclude them from doing so. We agree. If the department grants relief to the applicants on its own based on the decision of the Madras Bench of this Tribunal, and without reference to our order, they are welcome to do so and definitely our judgment will not be in the way.

Sir

Set

(T.V. RAMANAN)
MEMBER (A)

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

Shyam 10/4/95

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore