

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 601/98

Date of Decision: 27.11.98

Shri G.D.Patil

Applicant.

Shri S.P. Inamdar.

Advocate for
Applicant.

Versus

Union of India and others.

Respondent(s)



**Shri S.S. Karkera for
Shri P.M.Pradhan.**

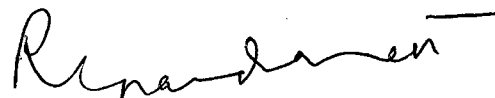
Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S.Baweja, Member (A)

- (1) To be referred to the Reporter or not? 
- (2) Whether it needs to be circulated to other Benches of the Tribunal? 


(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 601/98.

Friday the 27th day November 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S. Baweja, Member (A).

G.D. Patil
Sr. Supdt. of Post
Offices, Mumbai City
South Division,
Mumbai.

... Applicant.

By Advocate Shri S.P. Inamdar.

V/s.

Union of India through
The Director General/
Secretary,
Department of Posts,
Ministry of Communications,
Dak Bhavan, New Delhi.

Chief Postmaster General
Maharashtra Circle
Mumbai.

The Director of Accounts
(Postal), Nagpur.

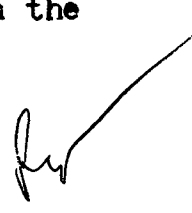
... Respondents.

By Advocate Shri S.S.Karkera for Shri P.M.Pradhan.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

This is an application filed under
Section 19 of the Administrative Tribunals Act 1985.
Respondents have filed their reply. Since the
point involved is short and covered by the previous
decision of this Tribunal, after hearing both the
sides, we are disposing of this O.A. at the
admission stage itself.



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2. The applicant is now working as Senior Superintendent of Post Offices at Bombay. Earlier he was a Group 'B' officer when he was getting special pay of Rs. 200/-. According to the applicant special pay of Rs.200/- should be taken into account while fixing the pay in the promoted grade.

The learned counsel for the applicant states that special pay of Rs.200/- has been increased to Rs. 400/- after the recommendation of the Vth Pay Commission.

The respondents in their reply while opposing the application have admitted that the applicant was working in the grade 'B' post from 23.12.1993 to 28.4.1997. It is also admitted that special pay of Rs. 200/- has been enhanced to Rs.400/- after the implementation of Vth Pay Commission. The respondent's contention is that special pay cannot be taken into consideration while fixing the pay in the promoted grade.

3. After hearing both the sides we find that the point is squarely covered by earlier decisions of this Tribunal.

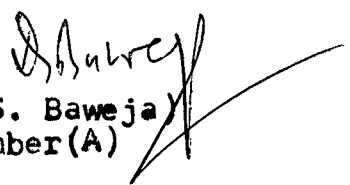
4. In O.A. 107/88 and other connected cases by an order dated 17.3.1994, a Division Bench of this Tribunal took the view that the special pay in the Grade 'B' post must be taken into consideration while fixing the pay of the official in the promoted grade. This decision has been followed by a Single Bench of this Tribunal in O.A. 808/96 and connected case by order dated 4.4.1997. Then again the said view was endorsed and followed by a Division Bench of

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this Tribunal in O.A. 280/96 and 715/97 to which one of us was party(Shri Justice R.G.Vaidyanatha) by order dated 28.4.1998 the Tribunal has clearly held that special pay must be taken into consideration while fixing the pay of the official in the promoted grade.

5. For the above reasons we hold that in the present case ^{also} the applicant is entitled to special pay in the grade 'B' cadre after taking into consideration while fixing the pay of Senior Superintendent of Post offices.

6. In the result the O.A. is allowed. The respondents are directed to fix the pay of the applicant in the present post after taking into consideration the special pay of Rs. 200/- or Rs. 400/- of Grade 'B' post during the period from 23.12.1993 to 28.4.1997. The respondents are directed to comply with the this order within three months from the date of receipt of a copy of this order. As a consequence the orders of the respondents dated 27.3.1998 (Exhibit 1) and order dated 9.3.1998 are hereby quashed. In the circumstances of the case there will be no order as to costs.


(D.S. Baweja)
Member(A)


(R.G. Vaidyanatha)
Vice Chairman