

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 27.1.1994.

OA 803/88

CIRCLE SECRETARY (AIPO) AND  
RMS ACCOUNTANTS ASSOCIATION & ORS. ... APPLICANTS.

Versus

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).  
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicants ... SHRI K.S. SHARMA.

For the Respondents ... SHRI K.N. SHRIMAL.

PER HON'BLE MR. O.P. SHARMA, MEMBER (A).

Circle Secretary, All India Post Office and Railway Mail Service Accountants Association, Rajasthan Circle, Jaipur has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying in substance that there should be no distinction in the matter of pay between Accountants on the RMS side and those on the Postal side and the Accountants on the Postal side should also be granted the higher selection grade on the same basis and formula on which it is granted to the Accountants on the RMS side.

2. The case of the applicant association is that Clerks on the Postal side and the RMS side are eligible for appearing in examination for the post of Accountants, if they have completed three years continuous satisfactory service. The syllabus prescribed for the examination for Clerks in both the wings is the same. However, the officials on the RMS side are granted accelerated promotions, in that every fifth post in lower selection grade/<sup>of RMS</sup> is reserved for the higher selection grade, whereas on the Postal side every 10th such post is reserved for higher selection grade. Thus, opportunities for grant of higher selection grade Rs.1600-2660 are twice as many on the RMS side as they are on the Postal side. The applicant association has assailed this discrimination as violative of

Articles 14 and 16 of the Constitution.

3. We have gone through the reply filed by the respondents and have also heard the learned counsel for the parties. The reply was filed in January, 1990 but thereafter certain developments have taken place, in the light of which the reply filed is no longer very relevant.

4. The learned counsel for the respondents has produced before us a copy of letter No.22-1/89-PE.I dated 11.10.1991, issued by the D.G. Posts, (PE-I), New Delhi. A copy of this letter is also available with the learned counsel for the applicant. This letter is on the subject of Biennial Cadre Reviews. According to this letter, a scheme of Biennial Cadre Reviews has been introduced. Under this scheme, inter-alia, all Clerks, Postal Assistants, Sorting Assistants, RMS Accountants etc. working in the Post Offices, whether in the RMS wing or the Postal Wing, have been granted two cadre reviews on completion of 16 years service and 26 years service. On completion of 16 years service they are entitled to scale of pay Rs.1400-2300 and on completion of 26 years of service they are entitled to scale of pay Rs.1600-2660. It is the scale of pay Rs.1600-2660 which the applicant association has been demanding for its members so that it can be placed at par with the RMS Clerks etc. in the matter of grant of higher selection grade. We have gone through the scheme. We find that in view the promulgation of the scheme, the discrimination which was alleged by the applicant association as being practised against its members has been removed and the grant of higher selection grade Rs.1600-2660 has been made conditional on completion of 26 years service uniformly. Thus, the discrimination alleged by the applicant association has been removed w.e.f. 1.10.1991, the date from which the scheme of Biennial Cadre Reviews in terms of letter dated 11.10.1991 came into force.

5. We find that the grievance of the applicant association stands now fully redressed.

6. The learned counsel for the applicant has stated that the members of the association have been drawing less emoluments on account of discrimination practiced against them in the past from as far back as 1957. We cannot order a revision of pay scales of the officials working in the Postal Department from any retrospective date. Having taken note of the situation in the Department and particularly the stagnation in promotional opportunities the Department have now taken steps, in the form of Biennial Cadre Reviews, to ensure that the stagnation in the matter of promotions and emoluments is removed and that all the employees who are similarly situated are granted equal emoluments. In these circumstances, we decline to interfere with any alleged injustice done to the members of the applicant association in the past.

7. Since the applicant association's grievances have been substantially redressed, this OA now does not survive for consideration. It is accordingly dismissed with no order as to costs.

( O.P. SHARMA )  
MEMBER (A)

Gopala Krishna  
( GOPAL KRISHNA )  
MEMBER (J)