

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

R.A. No. 30/90 in
D.A.No. 354/89

Date of Decision : 27th September, 1991

S.V.Seshagiri Rao

Petitioner.

Shri C.Suryanarayana

Advocate for the
petitioner (s)

Versus

The Director of Accounts,
Postal, Hyderabad.

Respondent.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR.J.NARASIMHA MURTHY : MEMBER (J)

THE HON'BLE MR.R.BALASUBRAMANIAN : 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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(JNM)
M(J)

(RBS)
M(A)

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.P.No.30/90

Date of Order: 27.9.1991.

in
O.A.No.354/89.

S.V.Seshagiri Rao

.. Petitioner/Applicant

Vs.

The Director of Accounts,
Postal, Hyderabad.

.. Respondent/Respondent

Counsel for the Petitioner : Shri C.Suryanarayana

Counsel for the Respondent : Shri N. Bhaskar Rao Addl. Case.

CORAM:

The Hon'ble Shri J.Narasimha Murthy : Member(J)

The Hon'ble Shri R.Balasubramanian : Member(A)

{Judgment delivered by The Hon'ble Shri J.Narasimha Murthy,
Member(J)}

This review petition is filed against the order dt. 1.3.90 passed in O.A.No.354/89. The petitioner's contention is that his pay in the Junior Time Scale as on 18.6.86 should be fixed taking into account the special pay of Rs.200/- drawn in the post of Asst. Director of Postal Services. In this review petition he relies heavily on the decision of the Jabalpur Bench in their T.A.No.2/86. The Jabalpur Bench held "that the special pay of Rs.100/- per month drawn by the applicant therein as Asst. Director of Post Offices was in lieu of a separate scale of pay and was not attached to the post". Therefore, they allowed the application before them because one of the essential conditions that the special pay should be in lieu of a higher scale of pay had been met in the case before them. Their decision might have been based on the Govt. of India O.M. No.F.6(1)-E.II(B)/68 dated 8.1.68 wherein the special pay shown in the schedule to the C.C.S.(R.P.) Rules, 1960 would be treated in lieu of higher scales of pay. This was a sequel

To

1. The Director of Accounts, Postal, Hyderabad.
2. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
3. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.
4. One spare copy.

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to the II Pay Commission recommendation. Subsequently these were superseded in 1973 by the C.C.S.(R.P) Rules, 1973 following the III Pay Commission recommendations. The III Pay Commission did not make any recommendation in regard to the continuance of special pay to the post. The Finance Ministry further desired the Department to review the case in respect of the posts to which the III Pay Commission did not make any recommendation. In pursuance of the said instructions, the D.G.P&T, New Delhi in memo No.10/11/74-PAT, dated 11.2.1976 constituted a committee which submitted its recommendations and in implementing the committee's recommendations they held that the Assistant Directors of Postal Services in Circle Offices were discharging higher responsibility and, should, therefore, get the special pay. It is clearly seen that there was no separate scale for the Assistant Directors of Postal Services in Circle Offices. Therefore, it is clear that the special pay drawn by the applicant was not in lieu of a higher scale of pay in that post. If special pay attached to a post is treated as in lieu of a higher scale, then every transfer in administrative interest from a post carrying special pay to a post in the same grade or scale not carrying special pay will be treated as a reduction and this will lead to chaos. ~~There is~~ no error in the Judgment dated 1.3.1990 in O.A.No.354/89. We, therefore, dismiss the review petition with no order as to costs.



(J.NARASIMHA MURTHY)
Member(Judl.)



(R.BALASUBRAMANIAN)
Member(Admn.)

Dated: 27th September, 1991.

83/10/91
Registrar