

(APR)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 480/90.
T.A No.

Date of Decision :

Smt. K.Janaki

Petitioner.

Shri K.S.R.Anjaneyulu

Advocate for the
petitioner (s)

Versus

Union of India, Rep. by Secy., to Govt.,
Dept. of Posts, New Delhi & 5 others

Respondent.

Shri N.Bhaskara Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
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) *No*

HRBS
M(A).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.480/90.

Date of Judgment 01/04/92.

Smt. K.Janaki

.. Applicant

Vs.

Union of India, Rep. by

1. Secy., to Govt.,
Dept. of Posts,
New Delhi.
2. The Chief Postmaster-General,
Hyderabad.
3. The Postmaster-General, S.R.
Kurnool.
4. Director of Accounts(Postal),
Hyderabad.
5. Supdt. of Post Offices,
Kurnool.
6. Postmaster,
Kurnool.

.. Respondents

Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri N.Bhaskara Rao, Addl. CGSC

CORAM:

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

This application has been filed by Smt. K.Janaki under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by Secy., to Govt., Dept. of Posts, New Delhi & 5 others. The prayer herein is to quash the order No.AC/Pay Fixation/Part I dt. 20.7.89 and to direct the respondents to fix her pay at Rs.1520/- as on 23.1.86 instead of Rs.1400/- with all consequential benefits.

2. At the relevant time the applicant was working as L.S.G. P.A., Kurnool Camp B S.O. It is stated that she had already been confirmed as Time Scale Clerk w.e.f. 24.11.74. When she was successful in the P.O. & R.M.S. Accountant held examination/in July, 1979 she was promoted as such. The post originally carried a special pay of Rs.45/- and after a brief break when the cadre itself was placed in a different

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(without special pay),

and a higher scale / the special pay was again restored after the change ^{again} of scale. On 23.1.86, the applicant was promoted as L.S.G. under the Time Bound Promotion Scheme. At that time her pay was fixed, according to her, correctly at Rs.1520/-p.m. taking into account the special pay that the post carried and recoveries were also ordered. It was against this that the applicant has filed this O.A.

3. The respondents have filed a counter affidavit and oppose the application. It is their case that when she was promoted she was given the scale of Rs.380-640 from 1.8.79. She continued in that scale till 9.12.80 and thereafter she was reverted to her original post. She was again promoted between 28.1.81 and 1.2.81 when after the 5 days spell she was reverted again. She again officiated as Accountant but in a different scale of Rs.260-480 with special pay from 26.3.84. Thereafter she officiated as Asst. Postmaster from 17.11.84 to 30.1.85. Again from 31.1.85 to 22.1.86 she functioned as a Accountant. On 23.1.86 she was promoted as L.S.G. It is their main contention that during the period she was in the separate scale of Rs.380-640 without any special pay that period should not be counted for taking the special pay into account while fixing her pay on promotion.

4. I have examined the case and heard the rival sides. The facts of the case are not disputed. The only dispute between the applicant and the respondents is whether to count her functioning as Accountant during the period 1.8.79 to 9.12.80 (1 Year 4 Months 9 Days) when she was in the scale of Rs.380-640, for the purpose of fixing her pay in a higher scale on her promotion to L.S.G. treating the period as one with special pay. If this period of 1 Year 4 Months 9 Days when she did not actually draw the special pay is to be ignored as contended by the respondents, then her pay cannot be fixed as she claims. On the other hand, if this period is also counted for the purpose of fixing her pay for treating

this period as one with special pay for fixing her pay her pay on promotion, then she will have the requisite period of 3 years to enable the respondents to fix her pay at Rs.1520/- as claimed by her. At the time of hearing, Shri K.S.R.Anjaneyulu, learned counsel for the applicant submitted a copy of the D.G.P&T New Delhi's letter No.1/5/81-PAP dt. 2.11.81. This letter clearly states that the period when a person officiated in the scale of Rs.380-640, even though as Accountant ^{without} with special pay, should be counted as one carrying special pay for the purpose of pay fixation on promotion to higher cadre. In this view of the situation, the applicant is entitled for the period 1.8.79 to 9.12.80 i.e., 1 Year 4 Months 9 Days also to be added to the other broken spells by which she would ^{be} fulfilling the required 3 years service carrying special pay. By this reckoning she would be entitled to be fixed at Rs.1520/- p.m. on promotion to L.S.G. in January, 1986. Therefore, I allow the application and direct the respondents to fix her pay at Rs.1520/- w.e.f. 23.1.86. There is no order as to costs. The direction shall be implemented within 3 months of receipt of this order.

R.Balasubramanian
(R.Balasubramanian)
Member(A).

Dated: 1st April 92

10/4/92
Deputy Registrar(Judl.)

Copy to:-

1. Secretary to Government, Department of Posts, New Delhi.
2. The Chief Post Master-General, Hyderabad.
3. The Post Master-General, S.R. Kurnool.
4. Director of Accounts (Postal), Hyderabad.
5. Superintendent of Post Offices, Kurnool.
6. Postmaster, Kurnool.
7. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
8. One copy to Sri. N.Bhaskara Rao, Addl. CGSC, CAT, Hyd-bad.
9. Copy to Reporters as per standard list of CAT, Hyd.
10. One spare copy.

Rsm/-

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(B) O.A. 480/90

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 14-1-1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

O.A. No.

480/90

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Allowed
Disposed of with directions

Dismissed

Dismissed as withdrawn

Central Administrative Tribunal
DESPATCH

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

27/4/92
HYDERABAD BENCH

pvm.

Reported -