

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.301/91

Date of Order: 18.1.1994

BETWEEN:

A.Krishnamurthy

.. Applicant.

AND

The Union of India rep. by:

1. The Secretary to the Department
of Posts, New Delhi.
2. The Chief Postmaster General,
Hyderabad.
3. The Postmaster General, A.P.
S.R., Kurnool.
4. The Superintendent of Post Offices,
Tirupati.

.. Respondents.

Counsel for the Applicant

.. Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUD L.)

[Handwritten signature]

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The claim of the applicant is for promotion to L.S.G. in the scale of pay of Rs.425-640 w.e.f. 1.6.74 when his junior Mr.T.V.Chalam was promoted to L.S.G.

2. The applicant was appointed as Postal Assistant on 23.2.53 whereas Mr.T.V.Chalam was appointed on 10.4.53. While Mr.T.V.Chalam was confirmed on 1.9.55 the applicant's date of confirmation was 1.3.61. He thus became junior to Mr.T.V.Chalam. This position was reviewed based on the Judgement of the Supreme Court in Union of India v. Ravi Varma AIR 1972 SC 670. It was held therein that the inter-se seniority of the Postal Assistants would be determined on the basis of length of service in the grade and not from the date of confirmation. Consequently in the revised seniority, the applicant has once again become senior to Mr.T.V.Chalam.

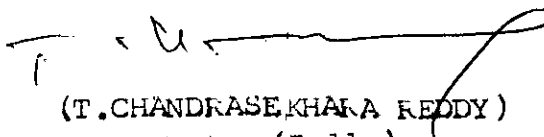
3. We have heard learned counsel for both the parties. Mr.K.S.R.Anjaneyulu, Learned counsel for the applicant has drawn our attention to the case Jiwan Singh Azad v. Union of India decided by the Chandigarh Bench of the Tribunal and also a few O.As. decided by the Madras Bench of the Tribunal to which a reference has been made by the Chief Post Master General, Madras in the memo dt. 8.22.1989. A careful examination of the aforesaid would indicate that the applicant herein will also be entitled to grant of L.S.G. Rs.425-640 w.e.f. 1.6.1974. The Chief Post Master General, Madras, in compliance with the judgements of the Madras Bench of the Tribunal gave a direction to fix the pay of the affected

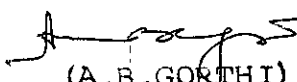
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individuals in the cadre of L.S.G. notionally w.e.f. 1.6.74 and to grant actual benefit from the date of actual ^{promotion to} ~~benefit~~ of L.S.G. A further direction was given for re-fixing the pensionary entitlements of the affected persons in accordance with the revised entitlements. Mr. N. R. Devraj, Standing Counsel for the respondents says that ^{as} the applicant is covered by the judgements referred to by the applicant's counsel the benefit could be given to the applicant also. In these circumstances, we allow the application and direct the respondents to consider whether infact the applicant herein is senior to Mr. T. V. Chalam in view of the Supreme Court's judgement in Ravi Varma's case and if so to grant him the necessary benefits as has been done by the Chief Post Master General, Madras. Accordingly the pay in the cadre of L.S.G. in respect of the applicant will be notionally fixed w.e.f. 1.6.74 with consequential benefits also accruing to him notionally. Consequent to the said re-fixation ^{& of pay,} his pensionary entitlements will be re-fixed and the same shall be given to him from the date of his retirement. The respondents shall comply with this judgement within a period of 4 months from the date of communication of this judgement.

4. There shall be no order as to costs.

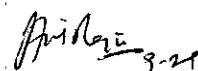

(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A. B. GORTHI)
Member (Admn.)

Dated: 18th January, 1994

(Dictated in Open Court)

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Dy. Registrar (Judl.)

Contd. - 4/-

32/12/94