

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.581/91

Date of Order: 20.1.94

BETWEEN:

G.Venkataratnam

.. Applicant.

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Union of India represented by:

1. The Secretary to Government,
Department of Posts,
New Delhi.
2. The Post Master General,
Vijayawada.
3. The Senior Superintendent, RMS,
'Y' Division, Vijayawada.
4. The Senior Superintendent of
of Post Offices,
Vijayawada.

.. 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 (JUDL.)

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

The applicant was working as a Sorting Assistant in the Postal Department and was promoted as L.S.G. Sorting Assistant in 1979. While he was thus working, 4th Pay Commission ^{came} to be implemented w.e.f. 1.1.86. The applicant opted to come under the revised pay scales w.e.f. 1.1.86 and not from the next date of his increment i.e. on 1.8.86. According to the Ministry of Finance (Department of Expenditure) O.A.No.7(52)E III/86 dated 27.5.88, the pay of the Government servants drawing their increments annually who opt to switch over to the revised scales from the date of next increment falling after 1.1.86 but not later than 31.12.87 in respect of the posts held by them on 1.1.86 shall also be fixed in accordance with the revised pay rules providing ^{ed} option in the prescribed form was exercised before 31.8.88. The contention of the applicant is that the said ^{GM} OA was ~~not~~ circulated in his office and that as a result he was ~~not~~ aware of its contents. When he noticed ^{that} with his batchmates were drawing Rs.1800/-p.m. whereas he was drawing Rs.1760/- only from 1.8.88 he came to know of ~~the~~ option to be exercised. He immediately made a representation dt. 22.12.88 ^{to} the Senior Post Master, Vijayawada and also furnished the revised option. His representation was rejected by the Director General, Dept. of Posts, although it was duly recommended by the Intermediate authority.

2. The respondents in their reply affidavit have stated that as the applicant failed to exercise the option before the due date, i.e., 31.8.88 his pay was

rightly fixed and therefore he cannot now make a grievance out of the fact that his batchmates were drawing higher pay. It was only as an after thought the applicant has claimed that his belated option should be accepted.


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 of ^a similarly situated employee (Y.Narasimha Naidu) who approached the Tribunal with O.A.508/92 which was decided on 23.3.93. In that case the respondents were directed to condone the delay in the exercise of the option by the applicant and to pass appropriate orders with regard to the refixation of the pay of the applicant in the revised pay scales. In that case also the contention of the applicant was that the relevant O.M. was not brought to his notice.


4. Mr.N.R.Devraj, learned counsel for the respondents has furnished the necessary record. A careful examination of the same would indicate that the Post Master General, Vijayawada took up the case of the applicant with the Assistant Director General, Department of Posts, New Delhi recommending sympathetic consideration of the applicant's case. The reason given in support of the applicant's case was that the relevant OM of the Ministry of Finance was infact not circulated to the applicant owing to the fault of the local office. We are now informed that the respondents have accepted the belated option submitted by Mr.Narsimha Naidu and refixed his pay accordingly. We therefore, see no reason why the case of the applicant herein should also not be decided on similar lines. Consequently this application

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is allowed and the respondents are directed to condone the delay in the exercise of the option by the applicant and pass appropriate orders with regard to the redifixation of the pay of the applicant in the revised pay scales. This order shall be implemented within three months from the date of the receipt of the same. No order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


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

Dated: 20th January, 1994

(Dictated in Open Court)


Deputy Registrar(J)^{ee}

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To

1. The Secretary to Govt., Union of India
Dept. of Posts, New Delhi.
2. The Post Master General, Vijayawada.
3. The Senior Superintendent, RMS, 'Y' Division, Vijayawada.
4. The Senior Superintendent of Post Offices, Vijayawada.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT. Hyd.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 2-1-1994

ORDER/JUDGMENT:

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

O.A.No.

in
58/91

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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