

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.683/91.

Date of Judgement : 28.2.94

K.V.Subba Rao

.. Applicant

Vs

The Union of India, Rep. by

1. The Secy., to Govt., &
Director-General,
Dept. of Posts,
New Delhi.
2. The Chief Postmaster-General,
Hyderabad.
3. The Supdt. of Post Offices,
Khammamet. .. Respondents

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

Counsel for the Respondents:: Shri N.R.Devaraj, Sr. CGSC

C O R A M

Hon'ble Shri A.B.Gorthi : Member (A)

Hon'ble Shri T.Chandrasekhar Reddy : Member (J)

J u d g e m e n t

(As per Hon'ble Shri A.B.Gorthi : Member (A))

The case of the Applicant is that his pay was not properly fixed on his promotion to L.S.G. w.e.f. 21.8.82 and that it should have been fixed at Rs.560/- in the scale of pay of Rs.380-620 by applying F.R.22(C).

2. The Applicant having passed the P.O. & R.M.S. Accountants Examination in 1969 was appointed as P.O. & R.M.S. Accountant w.e.f. 30.11.71 in the pay scale of Rs.260-480 with special pay of Rs.45/- p.m. Subsequently the pay scale was revised to Rs.380-620 without the benefit of special pay of Rs.45/- p.m. vide D.G.P&T letter

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dt. 10.11.78. Subsequently, the said scale of pay of Rs.380-620 was declared defunct vide D.G.P&T letter dt. 24.2.81. Consequently, the Applicant was once again brought under the old scale of pay of Rs.260-480 with special pay of Rs.45/- p.m. As, at the relevant time, he was drawing the pay of Rs.545/- p.m. in the defunct scale, his pay was fixed at Rs.480/- + Rs.45/- + Rs.20/- (personal pay) w.e.f. 1.6.81. The Applicant was promoted to L.S.G. cadre on 21.8.82 but his pay on such promotion was also kept at Rs.545/- only. Had he continued in the defunct scale of pay of Rs.380-620, his pay as on 21.8.82 would have been at Rs.560/-.

3. The Respondents in their counter affidavit have stated that when the Applicant was brought to the old scale from the defunct scale his pay was correctly fixed at Rs.480/- (which was the maximum in the old scale of pay of Rs.260-480) + special pay Rs.45/- + Rs.20/- (personal pay) The grant of personal pay was on account of the fact that he was at the relevant time drawing pay of Rs.545/- in the defunct scale. According to rules the personal pay was to be absorbed against future increments of the Applicant. His pay had to remain the same even after one year, i.e., on 1.6.82 because one increment got absorbed against the personal pay. On 21.8.82, when he was promoted to L.S.G. cadre (Rs.425-640), his pay was fixed as under:-

Pay. Rs.480/-

Special Pay. Rs. 45/-

One Increment. Rs. 12/-

Total. Rs.537/-

Next stage in the scale of pay of Rs.425-640. Rs.545/-

From the above calculation it would be evident that the Applicant's pay was refixed applying the provisions of F.R.22 (C).

4. We have heard learned counsel for both the parties. Shri K.S.R. Anjaneyulu, learned counsel for the Applicant has drawn our attention to a judgement of the Bangalore Bench of the Tribunal in O.A.No.1445/85. In that case, the Bangalore Bench directed the Respondents to fix the pay of the Applicant on his promotion to the L.S.G. cadre by applying F.R.22 (C). Following the said judgement this bench of the Tribunal too, in O.A.No.540/89, gave a similar direction. There can be no dispute about the fact that on promotion to the L.S.G. cadre, F.R.22 (C) becomes applicable in the matter of fixation of pay. As has been explained by the Respondents in their counter affidavit, F.R.22 (C) was duly applied to the case of the Applicant herein also.

5. Another argument advanced by the Applicant's counsel is that the pay of the Applicant would have been Rs.560/- as on 1.6.82 had he continued in the defunct scale and it was, therefore, not proper for the Respondents to fix the pay of the Applicant at Rs.545/- only even after his promotion to the L.S.G. cadre. He contended that those who opted to revert to the old scale of pay could not thus be discriminated vis-a-vis those who continued in the defunct scale. This cannot be accepted because those who remained in the defunct scale formed altogether a different class, because in their case it was clearly stipulated that there shall be no further promotion, whereas no such embargo on promotion has been laid down in respect of those who reverted to the old scale of pay.

6. In view of the aforesated, we find no merit in the application and the same is hereby dismissed without any order as to costs.

T.C. Reddy
(T.Chandrasekhar Reddy)
Member(J).

A.B.Gorthi
(A.B.Gorthi)
Member(A).

Dated: 28 Feb., 1994.

Andhra 7374
Deputy Registrar(J)CC.

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To

1. The Secretary to Govt.& Director General,
Dept.of Posts, New Delhi.
2. The Chief Postmaster-General, Hyderabad.
3. The Superintendent of Post Offices, Khammam.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library,CAT.Hyd.
7. One copy spare.

pvm

*4th Feb
18/2/94
7/3/94*