

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.95/91.

Date of Judgment 22-11-91

1. B.Biksham
2. M.Raghav Rao
3. A.B.Omkar
4. V.S.Somayajulu
5. S.A.Saleem
6. R.Narayana Swamy
7. V.J.R.Subrahmanya Sastry
8. M.A.Mohiddin
9. Syed Ahmed Hussain
10. G.S.R.Sastry
11. G.Chandra Sekhara Prasad
12. P.Ramachandra Murthy
13. K.Sathiah
14. Leela Shanker
15. P.V.Narasimha Rao
16. N.V.V.Venugopala Rao
17. A.Vijaya Saradhi
18. M.Rama Mohan Rao
19. P.Sathyanarayana
20. Ch.Venkateswarlu.
21. N.V.Subba Rao
22. N.Kameswara Sarma

.. Applicants

Vs.

Union of India,
represented by

1. The Secretary to Govt.,
Department of Posts,
Min. of Communications,
New Delhi.
2. The Director of Accounts
(Postal),
O/o the Chief P.M.G.,
Hyderabad.

.. Respondents

Counsel for the Applicants : Shri K.S.R.Anjaneyulu
Counsel for the Respondents : Shri N.Bhaskar Rao, Addl. CGSC

CORAM:

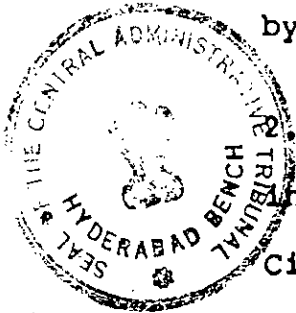
Hon'ble Shri R.Balasubramanian : Member(A).

s application has been filed by Shri B.Biksham
and others against the Union of India, represented by the
Secy to Govt., Department of Posts, Min. of Communica-
tion Delhi and another under section 19 of the
Active Tribunals Act, 1985. Prayer herein is

1/2/91
ADVOCATE

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to direct the respondents to refix the pay of the applicants on promotion from Junior Accountant to Senior Accountant by taking into account the special pay of Rs.35/- p.m. drawn by them and to pay arrears of pay from 1.9.85 onwards.



The applicants are now working as Senior Accountants in the Office of Director of Accounts (Postal), Andhra Pradesh Circle, Hyderabad. By an order dated 5.5.79 vide O.M.

No.F.7(52)-E.III/78 the Govt. of India, Ministry of Finance decided that UDCs in non-Secretariat Administrative Offices attending to work of a more complex nature may be granted a special pay of Rs.35/- p.m. The Director-General, Posts & Telegraphs, New Delhi vide letter No.6-7/79-PAP dated 3.1.81 decided that the benefit of special pay of Rs.35/- p.m. granted to certain posts of UDCs in non-Secretariat Administrative Offices may be extended to the Junior Accountants in the Circle Postal Accounts Offices in accordance with the provisions of the Govt. of India, Ministry of Finance O.M. dated 5.5.79. By another order dated 1.9.87 vide O.M.No.7(35)-E.III/87 the Govt. of India, Ministry of Finance decided that the Rs.35/- p.m. paid to UDCs as special pay vide O.M. dated 5.5.79 shall be taken into account for fixation of pay on promotion subject to some conditions. Still later, by an order dated 22.5.89 vide No.7(29)-E.III/89 the Govt. of India, Ministry of Finance further decided that for persons promoted to higher posts prior to 1.9.85 otherwise fulfilling the conditions also the benefit of counting the special pay of Rs.35/- p.m. for fixation of pay would be extended. While matters stood thus, some officials at Bangalore filed O.A.No.1026/88 in the Central Administrative Tribunal, Bangalore claiming that the special pay of Rs.35/- p.m. should be taken into account for fixation of pay. The application was disposed of

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10/11/89
Advocate

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1000 at 1000 ft
Adm Oct 27

NO BENCH.

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Date..... 25/11/91.....

Representative
Advisors

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P-12 (14)

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) A.P.CIRCLE: HYD-1

No.193/Admn-I/EA-II/CAT/OA.95/91

Date: 19/10/92

ORDER

In pursuance of the judgement of the Central Administrative Tribunal, Hyderabad in OA-95 of 1991 filed by Sri B.Biksham & (21) others and in accordance with the orders contained in the Postal Directorate FAX Message vide No.33(2)/91/PA (Admn-I, dated 19-10-92 orders are hereby issued for fixation of the pay of the following officials on their promotion as Senior Accountant, on a notional basis, by allowing the benefit of Special Pay of Rs.55/- granted to them in accordance with MF.No.F.7(52)-E.III/78 dated 5-5-1979 read with the D.G. P&T New Delhi Lr.No.6-7/79-PAP dated 3-1-81.

S/Sri

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|--------------------------------|------------------------------|
| 1. B.Biksham, SA | 12. P.Ramachandra Murthy, SA |
| 2. M.Raghava Rao, SA | 13. K.Sathaiah, SA |
| 3. A.B.Omkar, SA | 14. Leela Shankar, SA |
| 4. V.S.Somayajulu, SA | 15. P.V.Narasimha Rao, SA |
| 5. S.A. Saleem, SA | 16. N.V.V.Venugopala Rao, SA |
| 6. A.Narayanaswamy, SA | 17. A.Vijaya Saradhi, SA |
| 7. V.J.R.Subramanya Sastry, SA | 18. M.Rama Monan Rao, SA |
| 8. M.A.Mohiuddin, SA | 19. P.Sathyanarayana, SA |
| 9. Syed Ahmed Hussain, AAO | 20. Ch.Venkateswarulu, SA |
| 10. G.S.R.Sastry, SA | 21. N.V.Subba Rao, SA |
| 11. G.C.S.Prasad, SA | 22. N.Kameswara Sarma, SA |

The above officials are entitled to this benefit (as per the CAT, Hyderabad judgement in OA 95 of 1991) notionally only w.e.f. 1-9-85 and they shall not be entitled to any arrears prior to that date. The aforesaid benefit to these officials allowed in compliance to the CAT, Hyderabad judgement cited is only provisional and is subject to the final outcome in the S.L.P. filed in the Hon'ble Supreme Court against the judgement of the Hon'ble C.A.T. Hyderabad in the said O.A. and without prejudice to any revision as per the decision of the Hon'ble Supreme Court in the S.L.P. cited.

ASST.CHIEF ACCOUNTS OFFICER
INCHARGE

Copy to:-

1. All officials concerned.
2. A.O/Admn-II (44 copies, for necessary action. Necessary undertaking may be obtained from the officials concerned for refund of the benefit derived by them in case the decision of the Supreme Court is repugnant to the judgement of the CAT, Hyderabad in OA No.95/91.
3. A.O/PA-I
4. The Director (PA-I), O/o.the D.G.Posts, New Delhi w.r.t. their FAX message dated 19.10.92.
5. The A.P.M.G (S&V) O/o.the C.P.M.G. Hyderabad for information
6. O.O.File (8) Spare

fzl/

(Venkateswara)

Answer

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From
N. Kameswara Sarma,
Accountant,
Office of the Manager,
Mail Motor Service,
Hyderabad 500 195.

To
The Director of Accounts (Postal),
A.P. Circle,
Hyderabad 500 001.

(Through Proper Channel)

Respected Madam,

I submit the following few lines for your kind and sympathetic consideration and for issue of favourable orders. I have been served with a copy of O.O.No.193/Admn I/EA II/CAT/OA 95/91 dated 19-10-1991 in which it has been stated vide Serial 22 that I am also entitled along with others the benefit of special pay of Rs. 35/= for fixation of Pay on promotion to Senior Accountant while working in identified post of Special Pay and also subsequently in another O.O. issued under No. O.O.216/Admn I/EA I/Spl.Pay dated 06-11-1992 a copy of which was endorsed to me it has been clearly specified that while I was working in identified post carrying special pay of Rs. 35/= that but for proceeding on deputation to A.P.Khadi and Village Industries from 7-6-81 to 30-6-82 I would have continued to work in identified Post with special pay. I understand that all the Officials were paid arrears consequent on Central Administrative Tribunal's decision above and also their cases were considered taking into account the benefit of special pay of Rs.35/= for pay fixation. I submit in this connection that I have not been paid any arrears, or I am not aware whether the benefit of Spl. pay of Rs.35/= working in identified scales was taken into account although mine is a clear case entitled for the above benefit as directed by Central Administrative Tribunal as I have actually worked in special pay seat i.e., in Admn., I (EC I) of DAP Hyderabad which was identified as carrying special pay and I am sorry to bring to your kind notice that I have been denied the benefit though eligible in all respects and a lot of injustice was done by the authorities. Hence I am appealing to your goodness to kindly look in to the issue for redressal of my above grievance and help me at the fog end of my career so that I shall get some pensionary benefits for which I shall be ever grateful to you; respected Madam.

Thanking You Madam

Yours faithfully,

N. KAMESWARA SARMA

Kameswara Sarma

Advance Copy submitted to
Sd/- delay.

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) ANDHRA CIRCLE, HYDERABAD

No:O.O. No:216/Admn.I/EA.I/Spl.Pay

Dated:6.11.92.

OFFICE ORDER

Sri N. Kameswara Sarma while working as JA in an identified post with a special pay of Rs.35/- P.M. Proceeded on deputation to the A.P. Khadi & Village Board w.e.f. 7.6.81. Subsequently the official was promoted to the cadre of SA w.e.f. 1.7.82. It is certified that the official would have continued to work in an identified Post with the Special Pay but for his proceeding on deputation during the period from 7.6.81 to 30.6.82.

This issues with the approval of ACAO I/C.

[Signature]
Accounts Officer/Admn.I

Copy to:

1. the official.
2. AAO/Admn.II(2 copies)
3. Spare.

[Signature]
Advocate