

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

O.A.NO. 1434/93

Between:

Date of Order: 5.5.95.

Kum. G.Nagamani  
Sri J.Varahalu

...Applicant.

And

1. The Director General,  
Dept. of Posts, Dak Bhavan,  
Sansad Marg, New Delhi-1.
2. The Chief Post Master General,  
A.P.Circle, Dak Sadan, Abids,  
Hyderabad - 1.
3. The Post Master General,  
Northern Region,  
Visakhapatnam-3.

...Respondents.

Counsel for the Applicants : Mr.Krishna Devan

Counsel for the Respondents : Mr.V.Bhimanna, Addl. GSC.

CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

contd...

O.A. 1434/93.

Dt. of Decision : 05-05-1995.

ORDER

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

Both the applicants who were promoted from the post of LSG Accountant to that of APM Accounts claim by means of this OA for a direction to the respondents to fix their pay in the scale of Rs. 1400-2300/- <sup>by</sup> giving them the benefit of pay fixation under FR 22-C from the dates of their respective promotions.

2. The applicants were promoted as LSG Accountants under the DTBP Scheme with effect from 30-11-1983 in the scale of pay of Rs. 425-640/-. The said scale was revised to 1400-2300/- with effect from 01-01-1986. Subsequently, they were promoted on 07-03-1989/08-04-1989 to the post of APM Accounts which ~~too~~ carried the same scale of pay, that is, Rs. 1400-2300/-. On their promotions as APM Accounts their pay was fixed at the same stage without giving them the benefit of fixation under FR 22-C. Relevant portion of FR 22-C as it <sup>then</sup> ~~now~~ existed reads as under:-

"Notwithstanding anything contained in these Rules, where a Government servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those of the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued".

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3. The rule position thus clearly indicates that when a Government servant is promoted or appointed to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the higher post has to be fixed in terms of FR 22-C, that is, at the stage next above pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

4. The respondents in their reply affidavit refuted the claim of the applicant mainly on the ground that there was hardly any difference in the nature of duties performed by LSG Accountant and APM Accounts. In support of their contention, they referred to the fact that both the posts carried one and the same scale of pay namely 1400-2300/-. They also state that the post of APM Accounts is offered to the seniormost official in the LSG Grade in Accounts cadre. Accordingly it is only a placement from one Supervisory post to another Supervisory post, both of which carry the same scale of pay and that it is not a promotion.

5. Learned counsel for the applicant has shown me a copy of the memo of distribution of work in the Accounts Branch, Hyderabad GPO which would show that the duties of APM Accounts are of greater importance than those of Accountants. Learned standing counsel for the respondents also furnished to me today similar memorandum of the distribution of work of the Accounts Branch at Rajamundry HO and Anakapalle HO and the same is taken on record. A casual perusal of the said memos of distribution of work would clearly indicate that the APM Accounts is responsible for the

To

1. The Director General, Dept. of Ppsts,  
Dak Bhavan, Sansad Marg, New Delhi -1.
2. The Chief Post Master General,  
A.P.Circle, Dak Sadan, Abids,  
Hyderabad -1.
3. The Post Master General,  
Northern Region,  
Visakhapatnam.-3.
4. One copy to Mr.Krishna Devan,Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT? Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One spare copy.

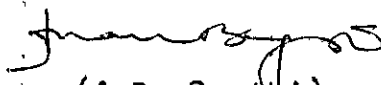
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proper functioning of the entire Accounts branch and that he is also saddled with the function of supervision over the PAs and Accountants of the Branch. Clearly therefore the provisions FR 22-C would be attracted in this case. It will be important to know that FR 22-C does not refer to appointment to a post carrying a higher scale of pay but only to promotion or appointment "to another post carrying duties and responsibilities of greater importance". Accordingly the pay of the applicants will have to be fixed on their promotion to the post of APM Accounts by giving them the benefit of FR 22-C. In coming to the conclusion I am also supported by the judgement of the Tribunal in OA.No.481/92 dated 24-02-1995. In that case the applicant was promoted from the post of LSG Accountant to that of AHRO carrying the same scale of pay. From the record however it was seen that the nature of duties of AHRO are of higher degree of importance than those of LSG Accountant. Accordingly the said OA was allowed with a direction to the respondents to fix the pay of the applicant by giving him the benefit of FR 22-C.

6. In view of what is stated above, I am of the considered view that the applicants' case has merit. Accordingly the OA is allowed and the respondents ~~are~~ directed to restore the pay of the applicants by giving them the benefit of fixation of pay under FR 22-C with effect from the respective dates of their promotion. Amounts recovered if any shall be refunded within a period of three months from the date of communication of this order. Similarly arrears of pay, if any, accruing to the applicants shall also be paid to them with <sup>in</sup> three months.

7. No order as to costs.

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

Dated : The 5th May 1995.  
(Dictated in Open Court)

spr

  
Deputy Registrar (J)  
contd.

001-1434/93

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE SHRI A.V. HARIDASAN: MEMBER (.)

AND

THE HON'BLE SHRI A.B. GORTHY: MEMBER (.)

DATED

21/5/95

ORDER/JUDGMENT

M.A. NO./R.P. NO./C.P. NO.

O.A. NO:

1434/93

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

No spare copy

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