

RECORD SECTION INDEX SHEETOriginal Application No. 1591 1993

a) Applicant (s) K. Purnashottama Rao
 versus
 b) Respondent(s) Chief Post Master General, AP & Ors,
Hyderabad & 2 Ors.

Part I

Order Sheet

1-3

Original Application dt.

23.12.93

4-15

Material Papers

16-49

Order dt.

50-52

Counter Affidavit dt.

7.11.94

53-58.

Reply Affidavit/Rejoinder dt. Commitment Slip

Order dt.

Duplicate Ordersheet

" Material Papers

" Order dt.

" Counter Affidavit dt.

" Reply Affidavit/Rejoinder dt.

" Order dt.

Part III

Notice papers

19.11.94

21

Memo of Appearance

22.11.94

PSR

19/12/94

(2)

MANUFACTURE OF PARTS/TELEGRAMS

OA 1591/93

Date

Office Note

FEDERAL GOVERNMENT

orders

18.1.94

19.1.94 Notice sent to RRs 163
by RPAD

R1-Sd

R2-Sd

R3-Sd

Act
21/2/94Notice before adminis-
tration.If ultimately the
applicant succeeds, the
monetary benefit will
be limited from one
year prior to the date
of submission of the
OA.

Post it on 22-2-94.

D
HRR(A)X
VC

22-2-94

Ans. forwarded

for reply in the meanwhile

HRRN
A(A)HVNRI
VC

23.2.94

Before the D.R.(J)
for CounterPut up on 6.4.94
for further proceeding.
Counter if any mean-
whilea) Registration
ccNBBX
2/94 R. Court
M&P

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A. No. / T.A. No.

1591

of 199

K. Purushottama Rao

Applicant(s)

Versus

Chief Post Master General, A.P.Cille, Hyderabad

Respondent(s)

et 2 others

Date	Office Note	Orders
27.12.93		Post it tomorrow Print the name of Mr. N.V. Raghava Reddy HRR M(A) By order <i>DR 27/12/93</i>
9-1-94	Counter Affidavit filed by Mr. N.V. Raghava Reddy, Addl. CAGC on 7/1/94	HVR VC By order <i>DR 27/12/93</i>
28-12-93 6-4-94	Before Dy. Regr (T). Notice has been given that the Case shall be deemed to be ready for hearing under rule 31 of C.A.T, Rules of Practice, 93. Add it to the ready list. Dy. Regr (T)	Post it on 17-1-94 Print the application form HRR M(A) HVR VC 17-1-94 DR 27/12/93 HVR VC HVR DR 27/12/93

(3)

OA 1591/93

Date : Office Note

ORDERS

29-11-95

Visit on 1-12-95-
at the request of the applicat.

HABU
MCA

B.O.

BUREAU
VC

AS
& DRC

27.11.95

The OA. is disposed of
as per orders on separate sheets

JK
HBSJP
M(J)

HARRN
M(H)

04/15/91/93.

L.S.G.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO. 1591 OF 1993

Shri K. Purushottam Rao Applicant (s)

Versus

Chiey Eng; AP each; Hyd.

8 2 Am

Respondent (s)

This Application has been submitted to the Tribunal

by M. P. Rathore Advocate under section 19 of the
Administrative Tribunals Act. 1985 and same has been scrutinised with reference to the points mentioned
in check list in the light of the provisions contained in the Administrative Tribunal (Procedure)
Rules, 1987.

The application has been in order and may be listed for admission on

Scrutiny Officer.

- 1297
Deputy Registrar (J) 11/12

11. Have legible copies of the annexures duly attested been filed? *y*
12. Has the Index of documents been filed and pagination done properly? *y*
13. Has the applicant exhausted all available remedies? *y*
14. Has the declaration as required by item 7 of Form I been made? *y*
15. Have required number of envelopes (file size) bearing full address of the respondent's been filed? *y*
16. (a) Whether the reliefs sought for, arise out of single cause of action? *y*
(b) Whether any interim relief is prayed for? *y*
17. In case an M.A. for condonation of delay is filed, is it supported by an affidavit of the applicant? *y*
18. Whether this case can be heard by single Bench? *no*
19. Any other point?
20. Result of the Scrutiny with initial of the scrutiny Clerk. *my file*

Section Officer *C. A. M.*

Deputy Registrar 

REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Diary No.

Report on the scrutiny of Application

Presented by..... *M. P. Nathachal*

Date of Presentation.....

Applicant(s) *K. Punshotan Rao*

Respondent(s) *Chief Pmc, A.S. Circle, Hyderabad*

Nature of grievance *Arising of Grievance*

No. of applicants..... 1

No. of respondents..... 3

CLASSIFICATION

Subject..... (No.) Department (No....)

1. Is the application in the proper form?

(Three complete sets in paper books form
in two compilations)

2. Whether name, description and address of
all the parties been furnished in the
cause title?

3. (a) Has the application been duly signed
and verified?

(b) Have the copies been duly signed?

(c) Have sufficient number of copies of
the application been filed?

Whether all the necessary parties are
intended?

5. Whether English translation of documents
in a language other than English or Hindi
been filed?

6. Is the application in time?
(See Section 21)

7. Has the Vakalathnama/Memo of appearance/
authorisation been filed?

8. Is the application maintainable?
(U/s 2, 14, 18 or U.R. 8 etc.)

9. Is the application accompanied by IPO/DD
for Rs.50/-?

10. Has the impugned orders original/duly attested

Contd.....

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

INDEX SHEET (ORIGINAL)

O.A. NO. 1591 of 1993

CAUSE TITLE K. Pereshottama Rao

VERSUS

Chief Post Master General, A.P Circle, Hyderabad
vs 2 others

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 9
2.	Material papers	1 to 32
3.		
4.	Objection Sheet	—
5.	Spare Copies <u>3 (three)</u>	
6.	Covers <u>3 (three)</u>	<u>key</u>

1. To direct the Posts & Tel. to revise the seniority of the applicant and re-fix his pay
on par with his junior, W.O.R. 1-6-74.

(4)

Revision of Seniority

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

Bind case

Postal

AT HYDERABAD

O.A. No. 1591 of 1993

Between:

K. PURUSHOTTAMARAO
S/o K. Vasantha Rao, aged 62 years,
Retd. L.S.G. Sub-Post Master,
N.R.Pets, R/o 12-168,
Sri Ramachandra Nagar, Kurnool.

...Applicant.

A N D

1. Chief Post Master General
Andhra Pradesh Circle,
Dak Sadan, Hyderabad-500 001.
2. Post Master General,
A.P. Southern Region,
Kurnool-518005.
3. Superintendent of Post Offices,
Kurnool Division, Kurnool-518001.

...Respondents.

LIST OF CHRONOLOGICAL EVENTS

<u>Sl. No.</u>	<u>Date.</u>	<u>Particulars</u>
1.	23.2.53	Applicant entered services Postal Assistants in Bellary division Madras Postal Circle in Composite Madras State.
2.	01-11-53	Applicant was transferred and posted as Postal Assistant in Kurnool Postal Division on formation of Andhra Postal Circle.
3.	01-11-55	Sri. S.M. Yousuff. Junior to the Applicant
4.	01-11-67	Applicant was confirmed in Kurnool postal division.
5.	01-6-74	Sri. S.M. Yousuff was promoted as LSG Sub-Postmaster.
6.	02-11-76	Applicant was promoted as LSG Sub-Postmaster on revision of seniority.
7.	03-06-80	SPOs Kurnool writes to Accounts Officer Regional Director of Postal Services, Kurnool seeking re-fixation of pay of the applicant on par with junior.
8.	24-11-88	Applicant seeks
9.	24-01-87	SPOs Kurnool direct the applicant to submit a copy of his representation dtd. 02-12-80.
10.	30-08-91	Applicant submits representation to CPMG, Hyderabad seeking revision of seniority, re-fixation of pay.
11.	09-10-92	Applicant submits representation of CPMG Hyderabad seeking revision of seniority, re-fixation of pay.
12.	16-01-93	Applicant submits representation to Secretary Board of Postal service on the subject.
13.	05-07-93	Applicant submits representation to CPMG
14.	19-07-93	PMG Kurnool forwards the representation of applicant to CPMG Hyderabad.

Date: 23-12-93

PLACE: And

K. Purushottamrao

SIGNATURE OF THE COUNSEL

FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 1591 OF 1993

(b)

Between:

K.Purushottama Rao
S/o K.Vasantha Rao, Aged 62 years.
Retd. L.S.G. Sub-Post Master,
N.R.Pets, R/o.12/168, Sri
Ramachandra Nagar, Kurnool.

....Applicant.

A n d

1. Chief Post Master General
Andhra Pradesh Circle,
Dak Sadan, Hyderabad-500 001.
2. Post Master General,
A.P. Southern Region,
Kurnool-518005.
3. Superintendent of Post Offices,
Kurnool Division,
Kurnool-518001.

....Respondents.

INDEX OF MATERIAL PAPERS

Annexure No.	Particulars of the document	Page Nos.
1.	Extract of Circle gradation list dtd. 1.7.1975, 1.7.80, 1.7.87.	1
2.	Copy of Memo of ST/6-27/II of PMG Andhra dtd. 30.10.80	2 to 4
3.	Copy of Memo. No. B1/INC/ED, dtd. 7.3.73 of SPOs Kurnool. a) Copy of Memo. No. ATA/62-608/88, dtd. 8.11.89 of CPMG Tamilnadu Circle, Madras.	5 6-8
4.	Extract of CAT Chandigarh, Judgement.	9-10
a)	Extract of GOI MHA O.M. No. 20011/1/77-ESTT(D) dtd. 15.4.78.	11
5.	Copy of the representation of the applicant dtd. 26.4.80	12
6.	Copy of D.O. Letter from SPOs Kurnool added to Account- Officer, Office of the R.D.P.S. A.P.S.R, Kurnool.	13-14
7.	Copy of PMG Andhra Circle No. AC I/6-41/79 dtd. 21.5.80 addsd to D.P.S. A.P.S.R. Kurnool reproduced in DPS Memo. No. RDK/AC/Stepping dtd. 17.6.80.	15
8.	Copy of representation of the applicant dtd. 24.11.88.	16
9.	Copy of Memo. No. B3/187, dtd. 24.1.89 of SPOs Kurnool.	17
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11.	Memo. No. ST-II/FS dtd. 15.5.92 of PMG A.P.S.R. Kurnool.	20
12.	Reply to Memo. of PMG A.P.S.R. Kurnool dtd. 15.5.92 by the applicant, B/20-5-92	21-21A

K. Purushottama Rao

....2.

13. Copy of Memo.No.B3/Confirm dtd. 19.11.57 of SPOs Kurnool. 22-22A

14. Copy of representation of the applicant dtd. 9.10.92 addsd to CPMG A.P. Circle Hyderabad. 23-24

15. Copy of representation of the applicant addsd to Secretary Board of Postal Services dtd. 16.1.93. 25-28

16. Copy of representation of the applicant to Sri.A.V.Rao, CPMG, Hyderabad. 29-31

17. Copy of Memo.No.ST-II/PF/II, dtd. 19.7.93. 32

DATE: 23-12-93

Place: Hyderabad

SIGNATURE OF THE COUNSEL
FOR THE APPLICANT

K. Purushotham Rao

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A.NO. 1591 OF 1993

(1)

Between:

K. Purushottama Rao
S/o K. Vasantha Rao, aged 62 years,
Retd. L.S.G. Sub-Post Master,
N.S.Pets, R/o.12-168,
Sri Ramachandra Nagar,
KURNOOL.

....Applicant.

A N D

1. Chief Post Master General
Andhra Pradesh Circle,
Dak Sadan Hyderabad-500 001
2. Post Master General,
A.P. Southern Region,
Kurnool-518 005.
3. Superintendent of Post Offices,
Kurnool Division,
KURNOOL - 518 001.

....Respondents

THE
DETAILS OF/APPLICANTON

i) Name of the applicant : K. Purushottam Rao
ii) Name of the father : K. Vasantha Rao
iii) Age of the applicant. : 62 Years
N.R.Pet, Kurnool.
v) Address for Service : M/s P. Rathaiah,
C. Gopal Reddy
D. Ramana Reddy
B. Ranga Reddy
B.S.A. Setyanarayana,

Advocates
9-33/3, Lingala Complex,
Dilsukhnagar, Hyderabad-500 660.

2. Particulars of the Respondents:

(a) Respondent No.1.

i) Name and Designation : Chief Post Master General,
Andhra Pradesh Circle,
Dak Sadan, Hyderabad-500 001.

K. Purushottama Rao

...2.

ii) Office Address : Same as above.

iii) Address for service : -do-

b) Respondent No.2. : Post Master General,
Andhra Pradesh Southern Region,
Kurnool-518 005.

i) Name and Designation : Same as above.

ii) Office Address : Same as above.

iii) Address for service : -do-

(c) Respondent No.3 :

i) Name and Designation : Superintendent of Post Offices,
Kurnool Division,
Kurnool - 518 001.

ii) Office Address : Same as above.

iii) Address for Service : Same as above.

3. Particulars of the Order
against which the application
is made:

i) Order No. : ST/II/PF/II

ii) Date of the Order : 19-7-1993.

iii) Passed by : Post Master General, A.P.,-
Southern Region, Kurnool-518005.

iv) Subject matter in Brief : Denial of the benefit of
Seniority, refixation of pay
on par with junior.

4. Jurisdiction of the Tribunal:

The applicant submits that the subject matter of relief claimed in the application is within the jurisdiction of this Hon'ble Tribunal under section 14(1) (b) (ii) of the Administrative Tribunals Act, 1985.

5. Limitations:

The applicant submits that the impugned order was issued by Respondent No.2 on only 19-7-93. Therefore it is submitted that the application is within the prescribed period of limitation, under section 21 of Administrative Tribunals Act, 1985.

K. Purushotham Rao

(a)

6. FACTS OF THE CASE:

6-1. The applicant submits that he retired as L.S.G. Sub-Post Master, N.R.Pet, Sub-Post Office, Kurnool Town, after putting in 37 years of unblemished service. The applicant also submits that he was initially recruited as Postal Assistant in the then Composite Madras Postal Circle, Bellary Division on 23.2.53, and with the formation of Andhra Circle he was posted to Kurnool Postal Division with effect from 01-11-53. It is also submitted that the Andhra Circle being a new circle the confirmation examination was not held till 1957 and as result of this administrative reason the applicant was confirmed in the post of Postal Assistant with effect from 01-3-1957. It is further submitted that one Sri. S.M. Yousuf, ~~xxx~~ (since retired) who joined the department as Postal Asst. on 27.2.1953, and thus a junior to the applicant by four days, got confirmed with effect from 01-3-55. A copy of the Circle gradation list dated 01-7-1987 (enclosed as Annexure No.1) shows that the applicant is senior to the said S.M. Yousuf.

6-2. The applicant humbly submits that he was promoted as L.S.G. in the month of March, 1979 (Annexure No.2), where as Sri. S.M. Yousuf who ranked junior to the applicant in the cadre of Time Scale, was promoted with effect from 01.6.1974. It is further submitted that the seniority of the applicant was revised in accordance with the Supreme Court Judgement and vide P.M.G. Hyderabad Letter-No. ST/6-27/II, dated 30-10-80 as well as the date of promotion to the cadre of L.S.G. notionally with effect from 02-11-76. without benefit of wages from the date. It is evident from the Circle Gradation Extract enclosed as annexure No.1 the applicant was shown at serial No.740 whereas Sri. S.M. Yousuf was shown at Sl.No.742, as on 1.7.75.

Th. Purushothaman Rao

(10)

It is further submitted that the extract of Circle Gradation List as on 1-6-87 (Vide Annexure-1) also shows the applicant the applicant senior to Sri.S.M.Yousuf, but his pay was shown as Rs.1950/- while that of Sri. S.M.Yousuf as Rs.2,000/-. Even the revision of seniority and promotion were revised the said revision did not reflect the correct position of seniority. The Applicant further submits that he was allowed to cross EB in the time scale of 110-4-150-5-175-EB-6-205 -EB-7-240 at the stage of 205 to 212, on 7-3-1973 (enclosed- as Annexure -3) and there was no reason for not promoting the applicant from 1-6-74 ^{except discrimination} as no adverse C.R.entry was communicated to him in between 7-3-1973 and 1-6-1974.

6-4. It is further submitted that in similar cases the pay fixed on par with the juniors in Tamilnadu Circle vide Chief Post Master General Letter No.ATA/62-608/88, dtd.8-11-89 consequent to the judgement delivered by the Hon'ble Central-Administrative Tribunal Madras in O.A.Nos.752/87, 198/88, 125/88, 449/88, 142/88, 395/88, and 426/88. (enclosed as - Annexure No.3A) In these cases it is submitted that the benefit of pay was given even for the period of notional promotion. It is further submitted that the Hon'ble C.A.T.- Chandigarh Bench also held in O.A.No.249/89 dated 26-10-1989 (enclosed as Annexure No.4) that the applicants therein were entitled to the L.S.G.Scale with all the consequential benefits and the date of effect in both the above cases was 1-6-1974. The applicant submits that he is fully covered by the above judgements. It is further submitted that the applicant is further covered by the Govt. of India Ministry of Home Affairs O.M.No.20011/1/77-Estt(D) dated 19th April, 1978, in respect of benefit of notional fixation of pay

K. Purushothamanadas

with effect from the date of notional promotion which was denied to the applicant earlier. (enclosed as Annexure -4A).

6-5. The applicant further submits that he submitted a representation first on 26-4-1980 to the then Director of Postal Services Kurnool. (enclosed as Annexure No.5). The representation of the applicant was forwarded to the D.P.S. Kurnool by the Superintendent of Post Offices, Kurnool vide his D.O. Letter No.B3/187, dated 3-6-1980. (enclosed - as Annexure No.6) The applicant submits that vide Post-Master General Letter No.AC I/6-41/79, dated 21-5-1980 communicated by the Regional Director Kurnool vide his Letter No.RDK/AC/Stepping dated 17-6-1980 it was stated that the cases of stepping up of pay were being separately examined and accordingly the applicant waited for a long time to no avail. (enclosed as Annexure No.7). Thereafter the applicant submitted several representations ending

It is further submitted that the applicant was directed by the Superintendent of P.Os Kurnool vide his letter - No.B3/187 (enclosed as Annexure No.9) to submit a copy of his original representation once again for consideration. ~~where upon the applicant submitted another representation~~ to the Respondent No.1 on 30-8-91 (enclosed as Annexure No.10). On 15-5-1992 the Respondent No.2, Vide his Letter No.ST/II/FS, directed the applicant to furnish the date of passing of the confirmation and the chance availed for the same. (enclosed- as Annexure No.11). The applicant submitted reply dated 20.5.1992 to the above communication (enclosed as Annexure-12), enclosing the copy of the confirmation memo issued by the SPOs, Kurnool vide Letter No.B3/Confirm dated 1-11-1957 as there was no reply from the Respondents the applicant submitted

T. Perumal Rao

(12)

another representation to the Respondent No.1, on 9-10-1992 (enclosed as Annexure No.14) and to the Secretary Board of Postal Services on 16-1-1993 (enclosed as Annexure No.15) with all the relevant details, and also with a specific request to issue instructions to the concerned authorities to refix the pay of the applicant with all consequential benefits, (enclosed as Annexure No.15), on par with junior with effect from 1-6-1974. The applicant submits that he did not get any relief over this representation also and then he submitted another representation to the Chief-Post Master General (R-1) A.P.Circle Hyderabad (enclosed-as Annexure No.16) which was forwarded by the Post Master-General A.P.Southern Region, Kurnool vide his communication-
 instead of himself taking the decision. Therefore the applicant submits that having no other recourse he approached this Hon'ble Tribunal through this O.A. The applicant further submits that it is evident from the O.A. and the Annexure to it, that the Respondents were adopting dilatory tactics instead of settling his grievance. The applicant also submits that his is a fit case for intervention of this Hon'ble Tribunal and causing justice to him.

7.

GROUND FOR RELIEF:

7-1. The applicant submits that the omissions and commissions of the Respondents in regard to his case are assailable among others on the following grounds.

7-2. It is submitted that the respondents ought to have given the benefit of reckoning of the seniority of the applicant in terms of the judgement of Hon'ble Supreme Court, that is from the date of appointment and not from the date of confirmation initially. Thus the respondents have gone against the established law.

Th. Perumalotham Rao

7-3. It is also submitted that while revising the seniority of the applicant the respondents ought to have given effect of the promotion from 1-6-1974 on par with his immediate junior Sri. S.M.Yousuf and revising his date of promotion from 2-11-1976 was without any basis for law what so ever, and therefore bad in law, arbitrary, and void, as also violative of Articles 14 and 16 of the Constitution of India.

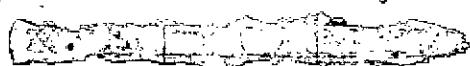
7-4. The denial of benefit of pay fixation and seniority even from 2-11-1976 is against the judgements delivered in O.A.No.249/89 of C.A.T. Chandigarh, C.A.T. Calcutta - benches (1989-II ATC 531) and also against the principles laid down by the Hon'ble Supreme Court in Direct Recruits- Class-II, Engineering Officers Association Vs State of - Maharashtra (ATR 1990 S.C. 1607) that the determination of Seniority should be on the basis of continuous service and pay benefit should be given with retrospective effect as also other consequential benefits. Denial of this is violation of settled questions of Law.

8. DETAILS OF REMEDIES EXHAUSTED:

The applicant submits that he had exhausted all the remedies available to him ending with his representation to the Chief Postmaster General dated 5-7-1993.

9. MATTERS OR NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he had not filed any application, Writ Petition, Or Suit regarding the matter in respect of which this application is filed, before any ~~any court or any authority or any branch of the tribunal nor~~ any such application petition, suit is pending before any of them.



H. Purushothama Rao

(14)

10. RELIEF (S) SOUGHT:

In view of the facts mentioned in para 6 and grounds in para 7 above the applicant prays that this Honourable-Tribunal may be pleased to

a) Call for the records and after perusal of the same declare the action of the respondents in denying the applicant the benefit of seniority, refixation of pay with effect from 1-6-1974 on par with his immediate junior Sri. S.M.Yousuf as bad in law, arbitrary, and void.

b) In consequence direct the respondent No.1 and 2 to revise the seniority of the applicant and refix his pay on par with his junior Sri. S.M.Yousuf with all consequential benefits thereto with effect from 1-6-1974.

11. INTERIM RELIEF IF ANY IS PRAYED FOR:

Pending final disposal of this O.A. the applicant humbly prays that the Hon'ble Tribunal may be pleased to direct the respondents to accord the benefit of refixation of pay with effect from 1-6-1974 inview of his old age.

12. Particulars of the Bank draft/Postal order in the respect of the application fee:

I) No. of Indian Postal Order : 805928935

II) Name of the Issuing Post Office: Panjabian Branch

III) Date : 23-12-82

IV) Post office at which payable : ~~new D.D.~~ I.P.O./B.C./D.D./Removed

I) Postal Order :

II) Vakalat. :

III) O.A. alongwith material papers as per Index. :

VERIFICATION

I, K. Purushothama Rao, S/o Late K. Vasantha Rao, aged 62 years retired L.S.G. Postmaster, N.R.Peta, P.O.Kurnool-Town, Kurnool District and a resident of 12/168 ~~mk~~ Srirama-chandranagar, Kurnool do hereby verify that the contents of para 1 to 13 are true to my personal knowledge and para 7 is believed to be true on legal advice and that I have not suppressed any material facts.

PLACE: Hyderabad.

DATE: 22-12-'93

K. Purushothama Rao

SIGNATURE OF THE APPLICANT.

DAM
SIGNATURE OF THE COUNSEL
FOR THE APPLICANT.

(2)

GRADATION LIST DT. 1-1975

Annexure-I

Page 70 for S.M. Yousuff
Page 87 for K.Purushotham Rao

Page 1

1. S.M. Yousuff 27-12-1932 27-02-1953 1-3-1955 SPM Ipannapalem 470/- 1-6-1975 27-2-1953
Rao.

GRADATION LIST DT. 7-1980

Page 70 for K.Purushotham Rao
Page 73 for S.M. Yousuff.

420 K.Purushotham 13-1-1931 23-2-1953 1-3-1957 PA Kukool H.C. 515/- 1-2-1980 23-2-1957
Rao

469 S.M. Yousuff 27-12-1932 27-2-1953 1-3-1955 PA Eluru 560/- 1-6-1981 27-2-1953
20% LSG.

GRADATION LIST DT. 7-1987

Page 21 for K.Purushotham Rao
Page 28 for S.M. Yousuff.

K.Purushotham 13-1-1931 23-2-1953 Kurnool 1950/- 1-11-1986 23-2-1953
Rao

S.M. Yousuff 27-12-1932 27-2-1953 Eluru 2000/- 1-6-1987 27-2-1953

N.D.V

Office of the Postmaster-General, Andhra Circle, Hyderabad.
Memo ST/6.27/II

Dated at Hyd. 50001, 17-11-1978

Sub:- Revision of seniority of T/S Clerks in Post Offices appointed during the period from 26-6-49 to 21-12-59 and consequent revision in the promotions made to the cadre of L.S.G.

In pursuance of the orders contained in D.G. P&T, letters No. 45/1/74-SPB-II dated 12-4-73 and 26-4-73 and the revision of seniority of T/S Clerks in post offices in the C.G.L., the promotions made to the LSG in Post Offices ordered in the Circle based on the recommendations of DPCs held after 4-1-72 have been reviewed and revised. Selection for promotions to LSG have been re-cast on the basis of the revised seniority in the cadre of T/S Clerks in the C.G.L.

2. The officials detailed in the annexure are deemed to have been promoted to the LSG cadre in the scale of Rs. 425-15-560-EB-20-640 with effect from the date indicated in the annexure. Their pay will be notionally fixed in the LSG cadre with effect from that date but arrears of pay consequent to such notional pay fixation will be paid only for the period they actually worked in the LSG.

3. Postmasters concerned will take action to have their pay notionally fixed in the LSG and to draw the dues of pay and allowances. A report of compliance will be furnished to this office within 15 days.

(M. Subramanian)

DRA: Annexure.

Director Postal Services (Hqrs.)
O/o the Postmaster-General
Andhra Circle, Hyderabad.

Copies of this memo issued to :-

- 1) All Regional Directors in the Circle.
- 2) All Sr/Supdts. of POs in the Circle.
- 3) All Postmasters in the Circle.
- 4) Director of Postal Accounts, Hyderabad.
- 5) Officials through the Divisional Supdts. concerned.
- 6) P.F.s of offices (R.D's Office)

for Postmaster-General
Andhra Circle, Hyderabad.

SG Genl. add at Nandyal the 3-11-80

provided to: Smt S. Ratnaswamy
L.S.G. Clerk, Civil Office
Nandyal

SUPERVISOR
NANDYAL

T.C.
mm

below showing the names of officials deemed to have been promoted
from the date earlier than the date of actual promotion.

1. No.	2. Name of the official	3. Division in which working	4. CGI. No.	5. Actually selected by DPO hold in	6. Date from which noti- onal pro- motion is given.
1.	P. Varahamurthy	SC	Vizianagaram 507	20-4-77	1-6-74
2.	K. Bhimachar		Tirupati 573	25-10-76	"
3.	B. Munisubrahmanyam		Secunderabad 636	5/76 (2/7rd)	1-6-74
4.	A. Soumiah Sastriulu		Rajahmundry 652	3/79	--do--
5.	K. Venkatesan		Hyderabad 653	3/79	--do--
6.	S. A. Ichman		Cuddapah 654	3/79	--do--
7.	V. Adinayana		Nellore 659	3/79	--do--
8.	K. S. Srinivasan		Vijayawada 661	9/76	--do--
9.	G. Gundarao		Madhliapatnam 669	9/76	--do--
10.	Byed Jabbur		Nellore 670	3/79	--do--
11.	K. Ramamohan Rao		Vijayawada 677	9/76	--do--
12.	Ph. Parthi Serrid		Madhliapatnam 678	9/76	--do--
13.	S. Subrahmanyam		Nellore 683	3/79	--do--
14.	S. Subrahmanyam		Nellore 689	3/79	--do--
15.	S. Ramachandran		Tirupati 690	9/76	--do--
16.	Y. Adinayana	SC	Vizianagaram 661	3/79	--do--
17.	M.N.B. Prasad	SC	Khammam 1093	3/79	--do--
18.	K. Venkateswarlu		Vijayawada 389	9/76	5-7-76
19.	P. Lakshikantarao		Anantapur 458	9/76	--do--
20.	Y. Subbarao		Cuddapah 503	9/76	--do--
21.	K. Venkateswarlu	SC	Kurnool 703	9/76	--do--
22.	P. Subbarayudu	SC	Cuddapah 717	9/76	--do--
23.	T. Dasaratha Ramiah		Nellore 693	3/79	2-11-76
24.	Md. Chousuddin Ahmed		Warangal 720	3/79	--do--
25.	C.R. Raghavam Rao		Chittoor 721	12/77	--do--
26.	N. Krishna Murthy		Chittoor 723	12/77	--do--
27.	N. Jayarama Rao		Gudur 724	3/79	--do--
28.	B. Nagendrappa		Kurnool 727	12/77	--do--
29.	N.D. Panday		Nandyal 732	2/77	--do--
30.	M. Mustafa Balgi		Kurnool 733	12/77	--do--

Contd.,..2/-

JKS

Page 4

(19)

1.	2.	3.	4.	5.	6.
38. J. Rama Gopal	Hindupur	736	3/79	12-1-78	-do-
39. P. Seetharaman	Anantapur	737	3/79	-do-	-do-
40. C. Vasudevg. Murthy	Kurnool	738	12/77	-do-	-do-
41. T. Jeevan Rao	Kurnool	739	3/79	-do-	-do-
E. Purushotham Rao	Kurnool	740	3/79	-do-	-do-
K. Rangayya Kurthi	Anantapur	742	3/79	12-1-78	-do-
H. Gururajachari	Kurnool	744	3/79	-do-	-do-
38. G. Sreenongiah	Anantapur	745	3/79	-do-	-do-
39. R. Sreenivasa Rao	Anantapur	746	3/79	-do-	-do-
40. M. Krishna Murthy	Anantapur	747	3/79	-do-	-do-
41. T. S. Basstry	Bhadrakalpam	749	3/79	-do-	-do-
42. M. K. Tirupathyamachar	Anantapur	750	3/79	-do-	-do-
43. A. Krishna Murthy	Bhadrakalpam	751	3/79	-do-	-do-
S. Srinivasaulu	Anantapur	752	3/79	-do-	-do-
M. Madhu Babu	Guddapah	755	3/79	-do-	-do-
K. Narasimha Murthy	Hindupur	756	3/79	-do-	-do-
K. Rama Murthy	Hindupur	757	3/79	-do-	-do-
S. Venkatesubbaiah	Hollur	770	3/79	-do-	-do-
Y. Subrahmanyam	Kakinada	773	3/79	-do-	-do-
J. Sivaprasad SC	Guddapah	776	20/79	-do-	-do-
J. Surya Rao SC	Rechumudri	7252	10/79	-do-	-do-

1/TP. 8/19

SC
Anantapur

Annexure no. 3

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT Page 5

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Office of the Superintendent of Post Offices, Kurnool Division
Memo. No. B1/Inc/B. dated at Kurnool 513004 the 7-3-1973

The undermentioned officials are hereby permitted to cross the Efficiency Bar at the stages ~~xxx~~ referred to and with effect from the dates noted against each, in the scale of pay of Rs. 110-4-150-5-175-EB-6-205-EB-7-240.

Sl.No.	Name & designation of the official.	Stage		Date of effect.
		From	To	
1.	K.Purushothamarao, SPM, Kurnool Bazar.	Rs. 205/-	Rs. 212/-	28-2-73
2.	S.A.Hakcem, Accountant, Nandyal H.O.	Rs. 205/-	Rs. 212/-	3-3-73
3.	T.Jeevan Rao, W.L.I-II, Kurnool	Rs. 205/-	Rs. 212/-	8-3-73
4.	P.V.Subbaiah Chetty, SPM, Akumalla.	Rs. 175/-	Rs. 181/-	19-3-73
5.	K.C.Nagamunaiyah, Asst. Accountant, Kurnool HO.	Rs. 175/-	Rs. 181/-	23-3-73

Contd..2..

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Par

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Annexure 3A

page 6

DEPARTMENT OF POSTS

OFFICE OF THE CHIEF POSTMASTER GENERAL, TAMILNADU CIRCLE, MADRAS -600
No. - No. ATA/62-608/88 DATED AT MADRAS-600 002 the 08-11-1989.

In pursuance of the pronouncement of judgement by the Central Administrative Tribunal, Madras Bench, in O.A.No.752/87, 198/88, 125/88, 449/88, 142/88, 395/88 and 426/88 filed by LSG officials, it has been decided to allow the benefit of pay in respect of the officials shown in the Annexure notionally with effect from 1-6-74, in the cadre of LSG. However, the officials are entitled for the arrears of the increased rate of pay and allowances only from the date of their actual promotion to LSG cadre as shown in Column-4 of the Annexure.

The fixation of pay in the cadre of LSG, notionally with effect from 1.6.74, and actual benefit from the date of actual promotion to LSG may be drawn and paid by the drawing officers after the fixation is approved by the Divisional Superintendents.

1. The pension cases of the retired officials whose names are found in the Annexure may also be processed in accordance with the revised entitlements and finalised earlier after obtaining revised authority from the Director of Postal Accounts, Madras-105.

2. This is in supersession of all the previous orders issued by this office with regard to national pay benefits in LSG cadre in respect of the officials mentioned in the Annexure.

A copy of this memo. is issued to :-

1. The Postmasters concerned thru' the Divisional Superintendents. The Divisional Superintendents will arrange for taking up extra copies if necessary for endorsing a copy.

2. The Director of Postal Accounts, Madras 600 105. (10 copies)

3. Sanction file.

4. Spare copies to file in O.A.No. referred to above.

NAI. As above.

Sd/- x x x x x x

(K.S.SUNDARAM)

Asst.Postmaster General (A/c)
for Chief Postmaster General
Madras - 600 002.

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ANNEXURE

LIST OF OFFICIALS ENTITLED FOR NOTIONAL PAY BENEFIT IN LSG
WITH EFFECT FROM 1-6-1974.

No.	Name of the official S/Shri.	Division	Date of actual promotion.
(1)	(2)	(3)	(4)
1.	S NARAYANAN	KOVILPATTI	18-7-1978
2.	T P KRISHNASWAMY	TIRUNELVELI	18-7-1978
3.	R IYYAMPERUMAL	KOVILPATTI	07-7-1978
4.	D SANKARAN	TUTICORIN	05-4-1979
5.	N PADMAGIRISAN	PTC, MADHAI	01-7-1980
6.	V VELLAIPANDIAN	KOVILPATTI	12-4-1979
7.	C S CHELLADURAI	KARUR	06-6-1977
8.	K SRINIVASAN	KUMBAKONAM	19-4-1979
9.	S HAMANUJAM	KARUR	27-3-1979
10.	S RAJAGUPALAN	MADURAI MUDUSIL	18-4-1979
11.	S GOVINDARAJULU-II	MADURAI CITY	26-4-1979
12.	P GANAPATHY	-do-	30-4-1979
13.	K VENKATAHAN	MAYILADUTHUHAI	04-5-1979
14.	G SARANGAPANI	-do-	08-5-1979
15.	K R KRISHNAN	MADURAI CITY	01-2-1981
16.	S GOVINDARAJULU-I	DINDIGUL	03-7-1980
17.	J PANDIAN	MADURAI CITY	22-6-1980
18.	L S MADHAVAN	SALEM	28-5-1976
19.	M KRISHNAMURTHI	DINDIGUL	06-1-1981
20.	P S GOVINDARAU	DHARMAPURI	03-6-1980
21.	K N MANUMANTHA RAO	-do-	13-6-1980
22.	K SRINIVASAN	KUMBAKONAM	01-1-1981
23.	E P EASA MARICAR	NAGAPATNAM	12-8-1980
24.	K V ANANTHA PADMANABHAN	SALEM WEST	24-9-1980
25.	-	DINDIGAL	23-12-1980
26.	K KANNIYAN	SALEM	22-2-1981
27.	K S VISHWANATHAN	SALEM	13-9-1980
28.	P P KRISHNA MOURTHY	SALEM	24-9-1980
29.	S RAGHUNATHAN	SALEM WEST	18-9-1980
30.	K NAGRAJAN	NAGAPATNAM	27-7-1980
31.	C SRINIVASA RAO	DHARMAPURI	09-6-1980
32.	N MUTHURAJAN	SALEM	13-9-1980
33.	S JAGANATHAN-I	MADURAI CITY	21-5-1980

Contd....

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(1)	(2)	(3)	(4)
34.	M NATARAJAN-I	SALEM	13-09-1980
35.	NAGALINGAM	SALEM	13-09-1980
36.	PRAKASAM	SALEM WEST	13-09-1980
37.	V RAJARAM	SALEM	13-09-1980
38.	H SIDDHAN	SALEM	13-09-1980
39.	N NARAYANA RAO	DINDIGUL	01-01-1981
40.	R RAJAGOPALAN-II	PUDUKUTTAI	18-08-1980
41.	R V VEMBU	-do-	18-06-1980
42.	I KARUPPIAH	-do-	28-10-1977
43.	N SANTHANAKRISHNAN	-do-	09-08-1980
44.	M S S MANIAN	-do-	11-10-1979
45.	I S NARASIMHAMOORTHY	-do-	31-10-1979
46.	I SRINIVASAMOORTHY	MADURAI CITY	09-06-1980
47.	H PANDITHURAI	-do-	02-08-1980
48.	V S VENKATARAMAN	-do-	20-10-1979
49.	H SANJIVI RAO	MADURAI CITY	11-10-1979
50.	H B SANKARAN	-do-	15-02-1981
51.	H SIVASAMY	-do-	03-1- 1981
52.	I BAWA BAGARDEEN	-do-	14-02-1981
53.	LAKSHMIKANTHAN	-do-	26-7- 1980
54.	H GANESAN	-do-	31-08-1977
55.	H RAMACHANDRAN	+DO-	11-10-1979
56.	H SAMPATHKUMARAN	MAYILADUTHURAI	19-07-1980
57.	H RANGANATHAN-II	SALEM WEST	13-09-1980
58.	ANANTHAPADMANABHAN	PTC, MADURAI	08-12-1979
59.	I RAMASAMY	NAGAPATNAM	17-07-1980
60.	B N GURU RAO	DHARMAPURI	05-10-1978
61.	V SAHMA	KUMBAKONAM	09-10-1979
62.	H KALYANASUMLARAM	MAYILADUTHURAI	18-07-1980
63.	H SHANMUGAM	NAGAPATNAM	22-10-1979
64.	V SUBRAMANIAN	THANJAVUR	01-07-1976
65.	H VISWANATHAN	SALEM WEST	13-09-1980
66.	B SHINIVASAN	KUMBAKONAM	15-10-1979
67.	K S RAJAGOPALAN	ERODE	28-05-1980
68.	V SANGAMESWARAN	MADURAI CITY	02-11-1980

Sd/- x x x x x x x
(K S SUNDARAN)

Asst. Postmaster General(A/c)
For Chief Postmaster General,
T.N. Circle, Madras-600 002.

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CAT Chandigarh Bench, Chandigarh application through
Mr. B.L. Gupta, Advocate;

Respondent through Mr. Deepak Thapar, Advocate.

D.A. - 249 - PB dated 26 - 10 - 89
Sivan Singh Azad and others - Applicant.

Vs.
Union of India and others - Respondents

B.S. Sekhan :

Present is a joint application preferred by the employees of P&T Department, who have been denied the benefit of pay and allowances of L.S.G. Rs. 425-640 with effect from 1-6-74.

2) Applicants case in brief is that the inter- seniority of employees of the Central services appointed/recruited during the period 22-6-49 to 21-12-59 was to be determined on the basis of length of service in the grade or in the equivalent grade as envisaged by the O.M. dated 22649 issued by the Ministry of Home Affairs and as held by the Supreme Court in Union of India vs. I.M. Ravi Varma and others (A.I.R. 1972 S.C. 670) Respondents had, had, however wrongly computed the inter seniority on the basis of the date of confirmation and had thereby assigned higher seniority to some junior colleagues of the applicants including Shri O.M. & Prakash Chawla. The aforesaid junior colleagues of the applicants were also promoted to LSC 425-640 with effect from June 1, 1974. Applicants have, however, not been granted the benefit and the allowances of the aforesaid grade, although they have been assigned their due seniority after a long lapse of time and certain other colleagues of the applicants including Shri Vasudev Gira, have been granted such benefits. Arising out of the above the decision rendered in T.A. - 178 of 1966 Madan Gopal Dhiman and others Vs. Union of India and others and Akkha and others Vs. Union of India and others. (A.I.R. 1988 (2) (CA-1) 518.

Respondent have resisted the application, inter alia, on the grounds that Shri Om Prakash Chawla had been assigned seniority on the basis of the date of confirmation and the seniority on the basis of length of service was determined subsequently in compliance with the judgement of the Supre Court and the applicants have been assigned their correct seniority according to the respondents, or not entitled to the benefit of the decision of the Supreme Court and to the Pay and allowances as they have not actually worked in the post of L.S.G.

4. We have heard the arguments for and against the applications and have given our earnest consideration to the entire matter.

... we stated at the very outset that the controversy between the parties is no longer ~~in~~ ~~pendens~~. The same stands covered by a series of decisions rendered by us some of the decisions in this behalf:-

(Contd..., 2...)

* TA 178 of 1986 Madan Gopal Bhimani and others Vs. Union of India and others decided on 21-11-1986.

ii) Reshalal Vs. Union of India - 1986 (3) SL(CAT) 226.

iii) OA 519/88 Ramsingh Vs. Union of India decided on 21-6-89,

iv) O.A. 514/88 Gurudyal Singh Vs. Union of India and others decided on 21-6-89.

v) T.A. 675 - PB of 1987 Surjit Singh Vs. Union India and others decided on 2-8-89.

Applicants are also on ground putting in claiming the benefits of decisions of the Supreme Court on the ground that similarly situated colleagues of the applicants had been granted benefit on the basis of the decision of the tribunal and that non-grant of such benefit is infraction of articles 14 and 16 of the Constitution. The stand of the applicants is supported by the decision of the Principle Bench rendered in Akkanna and others Vs. Union of India (Supra)

6. In view of the foregoing applicants claim is well founded. Consequently, the impugned order 26-12-88 (Annexure A-2) is hereby quashed and the respondents are directed to grant L.S.C. Rs.425-640 to the applicants together with all consequential benefits with effect from 1-6-1974. Respondents are further directed to comply with this judgment within a period of 3 months of receipt of its copy. No order as to costs.

A.A. Rathur
A.M.
26-10-89

B.S. Sakher
V.S.
26-10-89.

1) O.A. 30/44/48/APTS, dated 22-6-1949.

2) 1989 - II ATC - 531 - CAT Calcutta. Arrears or pay resulting from retrospective promotion should be paid even though the employee had not worked in the past.

C.P.M.G. Tamilnadu M/s. No.ATA/62-608/88, dated 8-11-89

In pursuance of the pronouncement of judgment by the CAT MS bench in O.A. Nos. 752-87 xxx 426/88, filed by the LSG officials, it has been decided to allow the benefit of pay in respect of the officials shown in the Annexure nationally with effect from 1-6-74 in the cadre of L.S.C. However, the officials are entitled for the arrears of the increased rate of pay and allowances from the date of their actual promotion to LSG cadre as shown in Column 4 of the Annexure.

The fixation of pay in the cadre of LSG nationally with effect from 1-6-74 and actual benefit from the date of actual promotion in LSG may be drawn and paid by the drawing officers after the fixation is approved by the Divl. Supdt.

The pension cases of the retired may also be processed and finalised earliest after obtaining authority of Postal Accounts Madras.

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F.R. 27]

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Annexure A 161 page II

These orders do not affect the use of F.R. 27 where specifically allowed under special Government orders already in existence.

[G.I., M.F., O.M. No. F. 2 (46)-E. III (A)60, Pt. II of 1966, dated the 7th February, 1968.]

(7) Benefit of Notional fixation of pay in seniority revision case.—It has been decided that the pay of those Government employees who have been promoted after 4th January, 1972 pursuant to the instructions contained in this Department's O.M. No. 9/3/72-Estt. (D), dated the 22nd July, 1972 (determining seniority on length of service basis instead of with reference to date of confirmation in respect of those appointed prior to 22-12-1959), may be notionally fixed with effect from 4th January, 1972 and their pay on the date of actual promotion, fixed accordingly under F.R. 27, provided the administrative Ministries/Departments satisfy themselves that the Government employee in question would have been considered for promotion at the appropriate time, had they been assigned their rightful seniority *ab initio*. This benefit will, however, not be admissible if the Government employee concerned was not found suitable when he was considered for promotion on the first occasion after 4th January, 1972 but was promoted on consideration of his case on the second or subsequent occasions. The arrears arising out of such notional fixation of pay with effect from 4th January, 1972 would, however, be admissible from the actual date of promotion only. The benefit of this pay fixation will not entitle the employees to any further benefits such as seniority in the grade to which he is promoted, etc.

2. It is hereby clarified that in respect of such of the employees as had been promoted after 1st January, 1973, in pursuance of the instructions contained in O.M. referred to, the pay on the actual date of promotion shall be determined as if they had been promoted from 4th January, 1973.

[G.I., M.H.A., O.M. No. 20011/1/77-Est. (D), dated the 19th April, 1978.]

(8) Advance increments to stenographers in subordinate offices for acquiring higher speed in shorthand.—The Third Pay Commission has recommended in para. 50 in chapter 10 of its Report that Stenographers (Ordinary Grade) in Subordinate Offices in the pay scale of Rs. 330-560 may be granted one and two advance increments respectively on their qualifying at 100 or 120 words per minute in shorthand both at the recruitment stage and while in service. This recommendation of the Pay Commission has been accepted by the Government.

2. It has been decided that Administrative Ministries/Departments may grant such advance increments to Stenographers (Ordinary Grade) in accordance with the following guidelines—

(i) The recommendation of the Pay Commission would be applicable to Subordinate Offices having Stenographers (O.Gs) in the revised scale of Rs. 330-560 irrespective of whether the minimum recruitment speed is 80 words per minute or 100

F.R.-II

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From :-

K.Purushothama Rao,
P.R.I (P)-17,
KURNOOL H.O.

To

The Director of Postal Services,
A.P. Southern Region,
Kurnool 518 003.

Through Proper channel.

Sir,

Sub:- Stepping up of increment - Case of
Shri.K.Purushothama Rao, P.R.I(P)
Kurnool-Regarding.

I have been promoted to LSG against 2/3rds quota and I have been working in the said cadre since 14-5-1979. As per the gradation list prepared a fresh and ~~new~~ ~~new~~ ~~new~~ recruited during the period from 22-6-1949 to 21-12-1959, my seniority is fixed at serial 740 of Part II. S/Shri. S.M. Mansur SPM, Gopannapalem (West Bodavari Division) and Syed Gulam Afzal, SPM, Govindapet at sls. 800 and 991 of the said gradation list rank junior to me and having been promoted to LSG earlier to me, they are drawing more pay as shown

	<u>Pay drawn</u>	<u>D.K.I.</u>
1. S.M. Yousuf	Rs. 530/-	1-6-77
2. Syed Gulam Afzal.	Rs. 515/-	1-6-78.

Kindly therefore cause to issue necessary orders for stepping up of my increment on par with my junior Sri.S.M.Yousuf and oblige.

Yours faithfully,
S/o/-
(K. PURUSHOTHAMA RAO)

Dated at Kurnool.

the 26-4-1980.

T/c
S/o/- V

(Annexure b) 28

Page 13

D.Krishna Reddy
Superintendent of P.Os.

D.O.No.B3/187

Office of the Superintendent of
Post Offices, Kurnool Division.

Dated at Kurnool the 3-6-1980

Dear Shri Paranjape,

Kindly refer to the Regional Office letter RDK/AC/PP/MISc. dt. 24-5-80 regarding the case relating to the stepping up of increment in respect of Sri K.Purushothama Rao, PRI (P), Kurnool.

The official has been working in LSG cadre since 14-5-79 continuously. The official is senior to S/Sri S.M.Yousuf, SPM, Gopannapalem S.O. A/W Tadepalligudem HO in Eluru Division and Syed Gulam Afzal, SPM, Govindapeta S.O. A/W Hanamkonda HO in Warangal Division recently in respect of officials who were recruited during the period from 22-6-49 to 21-12-59.

The gradation particulars of the two officials mentioned by the petitioner along with those of the petitioner along with those of the petitioner himself are furnished below for favour of kind information.

Sl.No.in Gradation list.	Name of the official	Pay drawn	D.L.I.
1. 800	Sri S.M.Yousuf (Eluru Division)	530/-	1-6-77
2. 991	Sri Syed Gulam Afzal (Warangal Div)	515/-	1-6-78
3. 740	Sri K.Purushothama Rao	515/-	1-2-80

It may kindly be ~~seen~~ seen that Sri K.Purushotham Rao, PRI(P), Kurnool HO is senior both to S.M Yousuf and Syed Gulam Afzal who are drawing more pay than him. The SPs Eluru and Warangal Divisions have been requested to forward the service books of the officials concerned directly to the Regional Office for favour of kind perusal and necessary action. The service book of Sri K.Purushotham Rao, petitioner is enclosed as desired. The case of the official is exactly similar to that of Sri E.Devappa, APM, Kurnool whose seniority has recently been fixed and orders issued for stepping up of his increment by the Regional Office (RD Office No. RDK/AC/PF dt. 26-9-79). I would be highly grateful if you would kindly examine the case of the petitioner sympathetically as per the instructions contained in D.G.P a T. Letter No. 45/1/7 SPB-II dt. 12-4-78 and early orders caused to be issued.

With regards.
Yours sincerely,

S.R. —
(D. KRISHNA REDDY)

To
Sri V.H.Paranjape,
Accounts Officer,
o/o R.D.P.O., A.P.S.R.,
KURNOOL.

J. H. S. R.

M. V.

fcg 14

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Copy to:-

1. The Sr. Superintendent of Post Offices, Eluru and Warangal for favour of kind information. They are requested kindly to cause despatch of the Service Books of S/Shri S.M.Yousuf, SPM Copannapalem (Eluru Division) and Syed Gulam Afzal, SPM Govindaraopet (Warangal division) directly to the Director of Postal Services, A.P.Southern Region, Kurnool for necessary action and early return.
2. Copy to the Postmasters, Tadepalligudem and Hanamkonda for information and necessary action.

(8d) —

(D.KRISHNA REDDY)
Superintendent of P.Os.,
Kurnool Division.

True copy

TC

mv

(25)

(Answered 7)

Page 15

Indian Posts and Telegraphs Department
Office of the Director of Postal Services, A.P.S. Region,
Kurnool 518003.

To
The Superintendent of Post Offices.

No. RDK/AC/Stepping Dated at Kurnool the 17.6.80.

Sub: - Stepping up cases consequent on revision of seniority in T/Scale Clerks Cadre based on Supreme Court decision.

A letter received from PMG, Andhra Circle, Hyderabad is reproduced below for your guidance... The stylings

A copy of PMG, Andhra Circle, Hyderabad letter No. AC I/6-41/79 dated 21.5.80 addressed to DPS AP Southern Region Kurnool.

Sub: - Pay - Steppin up of - Case of Sri R. Kotaiah, Nandyal Division.

It is seen that the anamoly has arisen due to refixation of seniority, consequent on the recent Supreme Court's judgement, the question as to from which date, the revised set of senior officials would have got promotion to the L.S.G. is separately under examination of the Staff branch of this office. When this is done and orders are issued, drawing officers themselves can refix the pay of the seniors and take further action. If anamoly persis, the case may then be referred to this office again, together with the authenticated seniority list in the respective cadres. The service books received with your letter are returned herewith.

DA: 2 Service Books.

Sd/-
for Postmaster-General,
Andhra Circle,
Hyderabad.

TRUE COPY

The Service Book received with your letter is returned.

Kindly acknowledge receipt.

Paranipe

(V.N. Paranipe) 16/80
Accounts Officer
of the Regional Director of
Postal Services A.P.S.R
Kurnool-518003.



(3)

Annexure-8

Page 16

From:

Kurnool,
24.11.1988.

K.Purushothama Rao,
Sub Postmaster,
N.R.Peta, Kurnool,
518 004.

To

The Superintendent of Post Offices,
Kurnool Division, Kurnool-518001.

THROUGH THE SUB POSTMASTER; N.R.PETA: KURNOOL.

Sir,

Sub:- Stepping upcase of Shri.K.Purushothama Rao,
SPM, Kurnool, N.R.Peta- Regarding.

Ref:- 1. Your Letter No.B3/187, dated 4.8.1980,
addressed to the Postmaster, Kurnool.

2. P.M.G. Hyderabad letter No.AC.1/6-41/79,
dated: 21.5.1980.

I request you kindly to refer to the reference
cited above and intimate me the stage at which the matter
stands.

An early reply is requested.

Thanking you Sir,

Yours faithfully,

Sd/-

(Purushothama Rao K)

ENDORSEMENT NO.455/NRP, DATED AT KNL, THE 24.11.1988.

Forwarded to the Superintendent of Post Offices, Kurnool-
Division, for favour of disposal.

Sd/-
SPM, KNL-NRPETA.

T
m

(Dated 9/11/81) page 17

BY REC'D A/D.

32

GOVERNMENT OF INDIA : DEPARTMENT OF POSTS.

From :-

The Supdt. of Post Offices,
Kurnool division,
Kurnool-518001.

To

Sri. A. Purushothama Rao,
SJM - N.R.Peta.
Kurnool-518004.

No. B3/187

dated at Kurnool-518001, the 24-1-1982.

Sub :- Fixation of seniority in LSG Cadre.

Ref :- Your representation at - - -

Your representation regarding fixation of seniority in LSG Cadre was forwarded to R.O. as your previous representation was submitted to R.O. for taking necessary action.

Now the R.O. directed to obtain a copy of your previous representation dated 2.12.80, which was submitted to R.O. previously.

As such please send the same for onward submission to R.O.

M. Chandram
(M.CHANDRA RAO)
Supdt. of Post Offices,
Kurnool division.

Tlc
mv

63

Annexure 10

Page 18

Kurnool,
Dt: 30.8. '91.

From
K. Purushothama Rao,
Retired L.S.G. S.P.M.,
N.R. Peta,
12/168, Sri Ramachandra Nagar,
K U R N O O L - 518 002.

To
The Chief Postmaster-General,
Andhra Circle,
H Y D E R A B A D - 500 001.

Sub:- Revision of seniority of
Sri.K.Purushothama Rao,
Kurnool division.

...

I, K.Purushothama Rao, retired L.S.G. S.P.M.
your kind consideration and favourable early favour.

2. I was recruited as T/S Clerk and joined as
T/S Clerk on 23.2.1953. Several officials who were
recruited along with me and some of the juniors got
L.S.G. promotion on 1.6.1974 whereas I got L.S.G.
promotion on 2.11.1976. I am herewith furnishing one
example.

Sl.No. in Gradation List.	Name of the Official. S/Shri.	Date of Birth.	Date of entry in substan- tive entry in the Grade.
420	K.Purushothama Rao	13-1-31.	23-2-53. 1-3-57.
469	S.M. Yusuf	27-12-32.	27-2-53. 1-3-55.

3. Perhaps the date of confirmation might have
been taken for L.S.G. Promotion. As per the Judgement
of C.A.T. Chandigarh, a copy of which is enclosed for
ready reference, it is granted all consequential benefits
with effect from 01-06-1974.

4. C.A.T. Calcutta in its Judgement copy of which
is enclosed, granted arrears of pay resulting from
retrospective promotion should be paid even though the
employee had not worked in the post.

(Contd.. page. 2)

(36)

Page 19

: Page 2 :

5. The Chief Postmaster-General, Madras in his memo No. A.PA/62-608/99, dated 8-11-1989 (copy enclosed) clearly stated as "The pension cases of the retired officials may also be processed and finalised earliest after obtaining authority of Postal Accounts, Madras".

6. I am herewith enclosing a photostat copy of page 309 and 310 of Swamy's Publication which reproduced the copy of Judgement A.T.R 1983 (2) S.L.J. C.A.T. 518 Chandigarh, says "Benefit of declaration of law obtained by an applicant must be extended to others similarly placed without the need for them to take recourse to court."

7. Hence, I request your goodness to consider my case sympathetically in fixing seniority and consequential benefits early.

Thanking you Sir,

Yours faithfully,

K. Purushotham Rao
(K. PURUSHOTHAMA RAO).

Copy forwarded for information and necessary action to :-

1. The Postmaster-General, A.P. Southern region, Kurnool - 518 005.
2. The Supdt. of Post Offices, Kurnool division, Kurnool - 518 001.

Tc
Om V

कोर-7/Corr-7

भारतीय डाक विभाग/ DEPARTMENT OF POSTS-INDIA

कार्यालय/Office of the

डाक विभाग;
भारत देश दिल्ली देश;
कोड 518 005
प्रमुख डाक विभाग
कार्यालय/GENERAL
A. P. SOUTHERN REGION
KURNOOL-518 005

Shri K. Purushothamma Rao,
Retd. Sub-Postmaster,
House No.12/168,
Ramachandra Nagar,
KURNOOL -518 002.

70

No. ST.II/F.S., Dated at: Kurnool-5, the 15.5.92.

Sub:- Revision of seniority in LSC cadre

Please intimate whether you have passed
the confirmation examinations within the
period and chances prescribed by the deptt,
and if so, such letter/memos if any availa-
ble with you may please be sent to this
office immediately for processing the case.

(S. Satyanarayana Murthy)

सहायक निदेशक / Asst. Director
डाक महाप्रबंध का सहायी
OFFICE OF THE POSTMASTER GENERAL
भारत देश दिल्ली देश,
A. P. SOUTHERN REGION.
कोड 518 005

माला भूमेश्वर/ MPP. BBER. P. O. No. 12/91-92, 5,75,000 Pad
PSD. BBSR. RFD/42/PPP/91-92 D: 25-2-91

Tlc

smv

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: 2 :

the department at that time, the Official who fails the confirmation examination within the period and chances prescribed will be terminated from service as I was directly recruited as clerk and not a promotee to be reverted as Postman or Class-IV.

sympathetically and issue favourable orders.

Thanking you Sir,

Yours faithfully,

Sd/-
(K. PURUSHOTHAMA RAO)

20/5/92.



Kurnool
20.5.92.4

From:

K. Purushothama Rao,
Retired S.P.M.
12/168, Sri Ramachandra Nagar,
KURNOOL -2.

To

The Postmaster General,
A.P.S.R., Kurnool-5.

Respected Sir,

Sub:- Revision of Seniority in L.S.G. Cadre.

Ref:- Your Letter No. ST.II/F.S./dt. 15.5.92.

With reference to your letter cited above, I beg to submit that, I have passed the confirmation examination within the period and chances prescribed by the Department. The confirmation examination was conducted during the 11/56.

I submit that, I was recruited and appointed as T/S Clerk on 23.2.1953. I have passed the Competative-examination held in 1952 under P.M.G. Madras Circle. Then the Divisional Office was at Bellary and my first appointment was at Guntakal L.S.G. S.O. During the year 1955, I was transferred at Kurnool H.O. By that time the Divisional Office was at Kurnool after bifurcation. There was delay in conducting the confermation examination because of bifurcation of Division.

The Department has conducted the confermation examination only during 11/56. Till such time no confirmation examination was conducted. As per the prevailing Rules of

(Annexure (3)). Page 22

INDIAN POSTS AND TELEGRAPH DEPARTMENT,
OFFICE OF THE SUPERINTENDENT OF POST OFFICES KURNOOL DIVISION.
MEMO NO. B3/Confirmx DATED AT KURNOOL THE: 19-11-1957.

PART I.

The following appointments are ordered with effect from the dates noted against each.

2. All the officials in Statement 'A' and the officials from 1 to 11 in statement 'B' having completed more than one year's satisfactory service on the date of appointment, the officiating service prior to the date of appointment has been taken against the limit of probation which is deemed to have been satisfactorily completed and hereby confirmed in the posts shown against each. The officials will continue to work in the present posts until ordered otherwise.

PART II.

3. The following officials items 1 to 9 in part II of Statement B have not passed the confirmation examination. They are placed on probation as shown against each.

4. The officials will continue to work in the present places unless otherwise ordered.

5. The change may be incorporated from 1-12-1957 and not from the date of issue of this memo to ensure uniformity.

A copy of this memo is issued to:— acknowledge.

1. The Postmaster, Kurnool, Please acknowledge.

2. to 52 officials.

3. to 102 personal files of officials.

103. B1/Liens file.

104. B1/GR.List file.

105. B3/Postings file.

K.M.J. 18.11.

SUPERINTENDENT.

P.S. C. —

STATEMENT 'B'

1.	Name of the official.	Present designation.	Post to which appointed.	Date of confirmation.
1.	P. Srinivasastry	TY L.R.C.	L.R.C.	1-3-1
2.	P. Soetharamayya	—do—	—do—	—do—
3.	M. Raja Rao	—do—	—do—	—do—
4.	T. Veera Raghavaiah	—do—	—do—	—do—
5.	A. D. Ramaiah	—do—	—do—	—do—
6.	C. Subbarayudu	—do—	—do—	—do—
7.	C. Satyanarayana	—do—	—do—	—do—
8.	H. K. Narasimhurthy	—do—	—do—	—do—
9.	M. Mahabbatapayya Rao	—do—	—do—	—do—
10.	A. Sethumadhava Rao	—do—	—do—	—do—

PART I.

1.	P. Srinivasastry	TY L.R.C.	L.R.C.	1-3-1
2.	P. Soetharamayya	Pro clerk Kurnool.	—do—	—do—
3.	Y. Venkateswarlu	Pro clerk Kurnool.	—do—	—do—
4.	P. Venkatesu (S.C)	Pro clerk Kurnool.	—do—	—do—
5.	D. Venkata Subbiah (SC)	Ty SPM Amarapur.	—do—	—do—
6.	K. Venkata Subbiah S.C.	T.C. Nandyal.	—do—	—do—
7.	S. Sambiah S.C.	T.C. Amarapur.	—do—	—do—
8.	V. Pallam Raju ST.	Ty SPM KNL Camp B.	—do—	—do—
9.	S. Achuturamiah S.T. ST.	Ty TSS Kurnool HO.	—do—	—do—
10.		Pro clerk Kurnool.	—do—	—do—

PART II.

1.	K. Ananda Gururao	Ty L.R.C.	Not confirmed but placed on probation from the 1-11-57 as probationary L.R.C.
2.	P. Sugusiva Sugtry	Pro clerk Kurnool.	Placed on probation as they have not passed the confirmation examination.
3.	Y. Venkateswarlu	Pro clerk Kurnool.	Placed on probation as they have not passed the confirmation examination.
4.	P. Venkatesu (S.C)	Ty SPM Amarapur.	Placed on probation as they have not passed the confirmation examination.
5.	D. Venkata Subbiah (SC)	T.C. Nandyal.	Placed on probation as they have not passed the confirmation examination.
6.	K. Venkata Subbiah S.C.	T.C. Amarapur.	Placed on probation as they have not passed the confirmation examination.
7.	S. Sambiah S.C.	Ty SPM KNL Camp B.	Placed on probation as they have not passed the confirmation examination.
8.	V. Pallam Raju ST.	Ty TSS Kurnool HO.	Placed on probation as they have not passed the confirmation examination.
9.	S. Achuturamiah S.T. ST.	Pro clerk Kurnool.	Placed on probation as they have not passed the confirmation examination.

Sl.	Name of Victim.	Present destg- Post to which	Date of	R E M A R K S .
1.	Arth Sarwada	Prob. SPM. Yadiki.	Clerk Talpatri.	1. 3.56 rice temp. post confirmed.
2.	S. Krishnamurthy.	LRC	Clerk Kurisool H.O.	-do-
3.	J. Venkateswari.	LRC	Clerk Kurisool H.O.	-do-
4.	N. Devi Prusti Pn. Ay.	LRC *	Clerk Kurisool H.O.	-do-
5.	H. Mustafa Syr.	LRC	Clerk Kurisool H.O.	-do-
6.	K. Rangaswami	LRC	Clerk Divl. Office.	-do-
7.	P. Eswara Na	LRC	Clerk Nanital.	-do-
8.	C. Vasudevamthy.	LRC	Clerk Nectyal.	-do-
9.	H. Nadar Sari.	LRC	Clerk Andhra Sectt.	-do-
10.	G. Sreeram.	LRC	Clerk Bangalore.	-do-
11.	A. Ibrahim.	LRC	Clerk Kozcoi Chckz.	-do-
12.	Syed Abdul Rahe.	LRC	Clerk Nendiyatka.	-do-
13.	Z. Zeneenur.	LRC	Clerk Divl. Office.	-do-
14.	T. Jeevan Pr.	LRC	Clerk Divl. Office.	-do-
15.	R. Greenivasa Rao.	TY.LRC.	Clerk Divl. Office.	-do-
16.	V. Sathyarao.	TY.LRC.	Clerk Divl. Office.	-do-
17.	S. Krishnamurthy.	TY.LRC.	Clerk Kurisool H.O.	-do-
18.	Z. Jayaramchett.	TY.LRC.	Clerk Divl. Office.	-do-
19.	M. Gururaj G.	TY.LRC.	Clerk Aizani.	-do-
20.	H. A. Thirumaran Chiamu.	TY.LRC.	Clerk Kurisool H.O.	-do-
21.	K. Augustine.	TY.LRC.	Clerk Panidi.	-do-
22.	C. Venkateswari.	TY.LRC.	Clerk Aizani.	-do-
23.	P. Veerababu.	TY.LRC.	S.P.M. Kadizhi.	-do-
24.	S. Sreenivasu. LT.	TY.LRC.	S.P.M. Kadizhi.	-do-
25.	Z. Narasimhath.	TY.LRC.	S.P.M. Kadizhi.	-do-
26.	S. Ratnashri.	TY.LRC.	S.P.M. Kadizhi.	-do-
27.	T. Jayayant Mthy.	TY.LRC.	S.P.M. Kadizhi.	-do-
28.	S. Subbaray.	TY.LRC.	S.P.M. Kadizhi.	-do-
29.	K. Putushikha Rao.	TY.LRC.	S.P.M. Kadizhi.	-do-
30.			S.P.M. Kadizhi.	-do-

* In Circle Office.

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(Annexure 14)

KURNOOL

Date: 9-10-1992.

From

K. PURUSHOTHAMA RAO,
Retired S.P.M.,
12/168 Sri Ramachandra Nagar,
K U R N O O L - 518 002.

File 23

To

The Chief Postmaster General,
Andhra Pradesh,
H Y D E R A B A D - 1.

"THROUGH THE SUPERINTENDENT OF POST OFFICES
KURNOOL".

Sir,

Sub:- Revision of seniority and promotion to L.S.G.
General line based on revised seniority.

* * *

I solicit a reference to my petition dated 30-8-91
regarding fixation of pay on par with my junior in L.S.G.
consequent upon ~~xxx~~ revision of seniority in T.S.Clerk
Cadre in pursuance of Judgement of Supreme Court and
request early orders.

In this connection I submit the following for your
consideration. I am one of the candidates recruited
between 1949 and 1959 in the composite Madras Circle
appointed as postal Assistant in Bellary Division on
23-2-1953. I came over to Kurnool Division of Andhra
circle formed out of Madras Circle on 1-11-53 and continued
in ~~xxx~~ enlarged A.P.Circle from 1-4-1960. My
seniority in the Time Scale P.A. Cadre was originally
fixed on the basis of date of confirmation in the P.A.
Cadre. Due to administrative reasons my confirmation
in Kurnool Division as P.A. was later than that of my
junior Sri S.M.Yousuff of, W.G. Division. Which was
also in composite Madras circle and later in A.P. Circle.
He was promoted to L.S.G. with effect from 1-6-74 based
on the original seniority in the P.A.Cadre. I was promoted
to L.S.G. with effect from 2-11-76 on the same basis.
In pursuance of Judgement of Supreme Court, our seniority
to him. According to the Govt. of India decision 8
under F.R.27 I am eligible for revised seniority and also
fixation of pay in L.S.G. Cadre atleast on par with my
junior as per revised seniority.

8/9/24

(U)

I understand that C.A.T Gujarat in an identical case ordered fixation of pay in the scale of 425/640 scale from the date of promotion on par with the junior and with back wages of increase of emoluments from time to time.

I also understand that the P.M.G. Tamilnadu Circle was kind enough to orders such fixation of pay etc., for over 80 officials ~~similarly~~ similarly placed in Tamil Nadu Circle. I also understand that Supreme Court in a recent judgement in the ~~rit~~ petition between Sri K.V. Janakiraman and union of India had observed that the condition of actual working in the promotional cadre for payment of wages in that cadre does not arise in the case of an official who was not enabled to work in the promotional cadre ~~for payment of wages in that cadre does not arise in the case of an official who was not enabled to work in the promotional cadre by issue of orders and to this extent provision of F.R.17-1 are not be applied in such cases.~~ I also understand that the C.A.T. has observed that when a judgement in an individual case is given, the benefits given in the individual case should be extended ~~ment~~ in each case.

I submit that my case is one of continuing grievance that my junior S.M.Yousuff continued to draw more emoluments and more pension than myself and I continue to be discriminated contrary to article 14 and 16 of the constitution.

I request you to consider the above aspects also and issue necessary orders for refixation of my pay in L.S.G. atleast on par with my junior Sri S.M.Yousuff from time to time and consequent revision of pension, D.C.R.G. and payment of cash equivalent of E.L. at credit on the date of my retirement atleast with in a month from the date of this petition. Failing which I submit I have no other

Thanking You Sir,

Copy submitted:-to:-

Yours faithfully,

1) Sri G.B.Prabhu,M.A.I.P.S.,Chief Postmaster General, Andhra Pradesh Hyderabad-1 to save delay for necessary action.

K.Purushotham Rao
9/10/52
(K.PURUSHOTHAMA RAO).

2) Postmaster General, A.P.S.R. Kurmool for information and necessary action.

The

Om V

From:

K.Purushothama Rao,
Retired S.P.M.L.S.G.,
12/168 Sri Ramachandra Nagar,
KURNOOL - 518 002.

KURNOOL,

Date: 16-1-93.

To

The Secretary to Government
Department of Postal Board,
NEW DELHI.

RL NO. 3625
16/1/93
of Kurnool P.O. K.M.

Respected Sir,

Sub:-Fixation of pay in L.S.G. on revision
of seniority as per orders in D.G.P&T
letter 45-1-74 S-P.B.II dt. 12-4-78
and as promotion to L.S.G.Cadre from
1-6-74.

* * *

I humbly submit that I am retired from L.S.G.S.P.M.
cadre from N.R.Peta P.O. or Kurnool. I
division in Andhra Circle. I humbly state that I am recruit-
ed as postal Assistant in Bellary division on 23-2-1953
while it was in erstwhile Madras Circle. On 1-11-53 I was
drafted to Andhra Circle on formation of a new circle.

I humbly state that due to formation of new circle
and change in jurisdiction of the division my seniority
has not been properly fixed. This has resulted in oppre-
ssion causing loss in seniority for no fault in my part
and it has ultimately resulted in a loss of pensionary

It is submitted that the seniority in the T/S P.A.Cadre
was originally fixed on the basis of date of confirmation.
Due to ~~partition~~ ^{formation} of Circle and formation of new Division
which is surely an administrative acts an official like ~~me~~
me in Kurnool Division could not get confirmation earlier
than my counter part who is my junior in neibouring division.
S.M. Yousuff who was junior to me in P.A.Cadre in the ~~same~~
comport Madras Circle got his promotion to L.S.G. w.e.f.
1-6-74 on the basis of his earlier confirmation as P.A.
on 1-3-55. Where as I was confirmed as P.A. on 1-3-57.
The date of entry of Sri S.M.yousuff in service is 27-2-1953
while my entry in service is 23-2-1953. I submit that due
to fortuitous circumstances of Sri S.M.Yousuff continuing
in the same W.G. Division he was given L.S.G. on 1-6-74

Page 26

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based upon his date of confirmation ignoring me. I was promoted as L.S.G. w.e.f. 2-11-76. It is submitted that in pursuance of judgement of Supreme Court that seniority in clerical grade was later revised based upon the date of appointment and I was declared senior to him I was shown senior to him in gradation list at serial 420 and he was shown at serial at 469. This is shown in the gradation list dated 1-7-80. The same is continued even in the gradation list of L.S.G. circulated on 1-7-87. A comparative statement of my position and that of Sri S.M. Yousuff as it prevail in the gradation list on 1-7-75, 1-7-80 and 1-7-87 is furnished in the enclosed statement. A glance at it would show that my seniority has been upheld based upon the judgement of the supreme Court while revising the seniority on the basis of date of appointment. While restoring my seniority and correcting the mistake I am not given the benefit of higher pay on par with my junior. It is needless to state that myself and Sri S.M. Yousuff were appointed in the same cadre of postal Assistants and also promoted to L.S.G. with effect from 1-6-74, but I have been given promotion only with effect from 2-11-76 without any basis and the same is incorrect. I have been declared senior to him in the postal Asst. Cadre and also in the L.S.G. Cadre. By no stretch of imagination and rules of service jurisprudence no junior can draw more pay than his senior. Where the seniority has been ~~received~~ ^{awarded} the benefit of higher pay on a par with his junior should also be confirmed.

On revision of seniority in similar such cases in Tamilnadu circle the pay of the senior officials has been fixed on par with juniors w.e.f. 1-6-74 vide Chief Postmaster General Tamilnadu circle Madras Letter No.ATA/62-608/88, dt. 8-11-89. A copy of the same is enclosed. It may kindly be seen that the officials mentioned there in were similarly placed ~~with~~ like me were given notional pay benefits w.e.f. 1-6-74. By applying the same yardstick and principle I too should get the benefit of notional pay in L.S.G. w.e.f 1-6-74 on a par with my junior.

I have submitted my representation to the Chief Post master General, Hyderabad in 1981 and followed by several representations on 24-11-88, 9-3-89, 21-4-89, 24-6-89 and 29-9-89. At last I was given ~~me~~ a reply on 23-2-90 vide S.P.O, Kurnool endorsement No.B3/187, dt. 23-2-90 based upon the Regional Director Order. It was merely stated in the said order that S.M. Yousuff got L.S.G. promotion on 1-6-74

: 3 :

while I got promotion to L.S.G. on 11-11-76. Therefore I am junior to S.M.Yusuff in L.S.G. Cadre and anomaly is not under P.R.22-C and the request was rejected.

I submit that my grievance was not examined in the right perspective and the decision was erroneous and untenable. What I sought in my representation was that on my revision of seniority in the time scale and also in the L.S.G. should be on a par with my junior giving me promotion w.e.f. 1-6-74 as has been done in the Tamilnadu circle vide instances enclosed.

As the decision was on a wrong premise I have submitted a representation on 30-8-91 follow by another representation on 9-10-92 to the Chief Postmaster General, Hyderabad a copy of which is enclosed to revise my pay on a par with my junior and give me all the consequential benefits including revision in pension. I have even submitted in my representation various decisions of Tribunals wherein it was held that the benefit of the judgements ~~km~~ should be extended to the similarly placed persons and not to extend ~~similarly~~

I further submit that a similar case is also decided by Chandigarh bench O.A. 249-PB dated 26-10-89 where in it is clearly held that the applicants are also ~~are~~ sound ~~putting in~~ claiming the benefits of decision on the basis were given the benefit of scale of pay of Rs.425-640 with all consequential benefits with effect from 1-6-74. My case is similar in all respects. While it was implemented in Tamilnadu Circle and Punjab Circle, there is no ~~is~~ justification to deny the benefit of judgement to me. I should also and also consequential benefit of revision of pension. It may be submitted that pension cases of all the retired officials in Tamil nadu Circle were revised and finalised. It was held by the Supreme Court in Indeppal Yadav Case (1985 SCC 256). That those who had not approached the Court need not be at disadvantage as compared to those who rushed to Court and if they are otherwise similarly placed they are entitled to ~~similar~~

In view of the aforesaid circumstances I humbly pray that orders my kindly be issued to fix my pay in L.S.G. 425-640 w.e.f. 1-6-74 on a par with my junior Yusuff with

all consequential benefits including revision of pension and arrears on account thereof.

If my case is not decided ^{fairly} and justly within a month, I will be compelled to resort to CAT for redressal of my grievance. As I am a retired official having retired in January, '89 I request that my case be decided with sympathy and benefit of judgement OA. 249-PB dt. 26-10-89 of Chandigarh Bench extended to me.

Yours faithfully,

K. Purushothama Rao

(K. PURUSHOTHAMA RAO).

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KURNOL,

DATED 5-7-1993.

From

K. Purushothama Rao,
 Retired Sub-Postmaster (L.S.G.)
 12/168, Sri Rama Chandra Nagar,
KURNOL - 518 002.

To

Shri A. V. Rao,
 Chief Post Master-General,
 A.P. Circle,
HYDERABAD - 500 001.

Respected Sir,

Sub:- Irregular fixation of seniority - Pay
 and Pension - Regarding.
 --:::00:::--

With much pain and constraint I am bringing it to
 your benign notice about my slight due to irregular fixa-
 tion of seniority, resultant loss in pay and pension.

I represented my case to your office many a time
 without any reply or consideration. As I did not hear
 anything, I represented to Dak Adalat held at Hyderabad
~~This was~~ ⁱⁿ ~~presented to the~~ Dak Adalat held at Tirupathi held on 18-6-93. Here instead
 of considering my case, I was replied that my case do not
 come under the purview of Dak/Pension adalat. As I am not
 able to know the way to get my grievance redressed, I am
 bringing these facts to your kind
 intervention.

I joined the department as a clerk in Kurnool Postal
 Division on 23-2-53. I was confirmed as Postal Assistant
 from 1-3-57. As the rule existed then my seniority was
 fixed at Serial 1027 in the Circle Gradation List issued
 on 1-7-75. Similarly Sri S. M. Yousuff of Elur Division who
 was confirmed from 1-8-55 was placed at serial 742 though
 he has joined as Clerk on 27-2-1953.

As it was instructed in D.G., P.A.T. New Delhi
 letter No.45-1/74-SPB.II dated 12-1-78 to revise the
 seniority of the officials who entered the department
 between 26-6-49 and 21-4-59, according to the date of
 entry but not according to the date of confirmation.
 Accordingly, my seniority was revised. My name was shown at
 Serial 420 and the name of Sri S. M. Yousuf quoted by me above

(Contd..., 2...)

It was shown at serial 469 in the Gradation List issued on 1-7-80. Similarly, it was 95 and 214 respectively in the Gradation List issued on 1-7-87.

The O.G., P.&T. in his letter No.45/3/81-SPB.II dated 16-12-81 has instructed to revise the seniority in LSC also based on the revised seniority in Clerical Cadre. Consequently, the C.O. in its Memo. No.51/6-34 Dt.17-4-85. In that Memo. also my seniority was revised from Serial 510 to 420 and of the said Sri S.M.Yousuf from 642 to 469. Thus also Sri S.M.Yousuff was Junior to me.

The said Sri S.M.Yousuff was promoted to L.S.G. Cadre from 1-6-74 and I was promoted with effect from 3/79. When the C.O. has undertaken a review of promotions consequent on the revision of seniority in clerical cadre, my date of national promotion was given w.e.f. 2-11-76 in C.O. Memo. No. ST/6-27/II Dated 30-10-80 instead of from 1-6-74 the representing my cause without any fruitful results.

My case was first represented on 3-6-80 to the then R.D.P.S., Kurnool, but to step up my pay with my juniors who were promoted earlier than me. As far as my knowledge goes, I never received any adverse remarks which would have stood in my way in getting promotion earlier than my junior. At the same time I received appreciations both oral and writing from my superiors. To quote one of such occasion, I received an appreciation letter No.DPS/Con., Dated 27-7-80 for assisting the administration in a longest agitation by the staff of Kurnool Division from 24-5-74 to 17-7-84.

Again when C.O. called for representations from the aggrieved officials in the case of similar type in C.O. letter No. SP/6-27/III Dated 23-1-81, I submitted a representation on 5-4-81, since then I am representing my cause untiringly. To my utter dismay, I could not get the justice done in my case.

After representing my case repeatedly and before getting solved, I retired from ~~service~~ on superannuation on 31-1-1989. As such this injustice was carried over to my retired life also as my pension was also fixed at a lesser rate due to the above irregularity and this loss is life long.

(Contd., 3...)

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48

-: 3 :-

Though I was advised by many to approach the Hon'ble C.A.T. in the case, I could not do it firstly because I never worked against the administration secondly due to financial constraints.

I hope the benign Chief P.M.G. would understand my plight and my cause in a sympathetic and patient way and order my national promotion w.e.f. 1-6-74 atleast now so that I can load my retired life with contention.

I earnestly hope that the C.P.M.G. will not drive me to the Hon'ble C.A.T. to redress my grievance and also save me financially.

Yours faithfully,

K. Purushothama Rao
(K. Purushothama Rao)

Copy to Shri S.K. Partha Sarathi, O.G. (Postal) Dak Bhawan
Parliament Street, New Delhi 110 001 with a request to cause
justice to me.

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page 32
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DEPARTMENT OF POSTS - INDIA

O/of The Postmaster General
A.P. Southern Region,
Kurnool-518005.

To

Shri. K.Purushothama Rao,
Retd.LSGSPM.,
No.12/168, Sri Ramachandra Nagar,
KURNOOL-518 002.

No. S.T.II/PF/II, Dated: at Kurnool-5, the 19.7.1993.

Sub:- Irregular fixation of seniority in
LSG Cadre.

Ref:- Your representation a/t CPMG, Hyderabad-

Your representation cited above on the subject
has been referred to us, we will be
taking necessary action, as they are competent to take a
decision in this matter and/further communication in
this regard may kindly be awaited from Circle-Office,
Hyderabad.

(H.S.Sastry)
Assistant Director.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL BENCH

AT HYDERABAD

O.A. NO.1591 OF 1993

Between:

K.Purushotham Rao

Applicant

And

Chief Postmaster General
A.P.Circle, Hyderabad
and 2 others

Respondents

COUNTER AFFIDAVIT

I, P.Parasuram, son of late Sri P.Chandraiah, Hindu
aged about 57 years, Occupation: Government service, resident of
Hyderabad do hereby solemnly affirm and sincerely state on oath
as under:

1. I am the Assistant Postmaster General (S&V) in the Office of the Chief Postmaster General, A.P.Circle, Hyderabad, as such I am well acquainted with the facts of the case on behalf of all the respondents. I am authorised to give this affidavit.
2. I have read the original application filed by the above named applicant and deny all the statements and contentions except those that are specifically admitted herein.
3. In reply to paras 1 to 5 - Need no comments.
4. It is submitted that the original application is barred by limitation, as the applicant is aggrieved by the orders of Postmaster General, A.P.Circle, Hyderabad vide Memo. ST/6-27/II/1 dated 30-10-80, by which

Attestor

एकाउंट लेला अधिकारी (बजट)
Assistant Accounts Officer (Budget)
भारत पोस्टमार्टर जनरल का फार्मालिय
of the Chief Postmaster General,
A.P. Circle, Hyderabad - 500 001,
CIRCLE, HYDERABAD - 500 001.

Deponent

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad - 500 001,

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applicant to LSG was revised from March, 1979 to 2-11-76. It is further submitted that according to Sec. 21 of the Administrative Tribunal Act, the Tribunal shall not entertain the grievances in respect of which application is made has arisen by reason of any order made of any time during the period of three years. Immediately preceding the date on which the jurisdiction powers and authority of the Tribunals excerciseable under the Act. It is submitted that the applicant claims to have made representations dated 26-4-80 to the Director of Postal Services, Kurnool which is not received. In any case, when the applicant was aggrieved by the order dated 30-10-1980, there cannot be any representation much before i.e., dated 26-4-80 against the said order. The O.A. is therefore barred by limitation.

It is to be noted that the rule in letter No. 45/1/74 SPB/II, dated 12-4-78, prescribed that seniority of all persons appointed during the period from 22-6-49 to 21-12-59 may be revised on the basis of length of continuous service in their respective cadres. However, in para 40/1 of the said rule it was provided that person failed to pass confirmation examination within the prescribed period and within the prescribed number of chances may be fixed from the date of passing the confirmation examination in the said chances. It is submitted that the applicant failed to pass the confirmation examination within the prescribed period, and therefore, the date of his passing confirmation examination was taken as the basis and his seniority was revised accordingly.

6. In view of the facts stated above, the applicant has not made out any case for consideration. It is, therefore, prayed that this Hon'ble Tribunal may be pleased to dismiss the original application with costs.

Sworn and signed before me on this the 26th day of October, 1994, at Hyderabad.

Asst. Postmaster General (S. & V.)
DEPONENT
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

BEFORE ME
सहायक लेखा अधिकारी (बजट)
Assistant Accountant Officer (Budget)
कार्यालय
Office

(52)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDAL. BENCH AT HYDERABAD

O.A. NO. 1591 OF 1993

Between:

K.Purushotham Rao ... Applicant

And

Chief Postmaster General
A.P.Circle, Hyderabad
and 2 others ... Respondents



Filed on:

Filed by: M.V. Raghava Rao

Adm. CS 82

Received
Date 27/11/94
(BSP Serial No. 1080)

File No. 111194
May be filed
on 27/11/94

YLKR

..*

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

II COURT

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

ORIGINAL APPLICATION NO. 1591/93 OF 199

TRANSFER APPLICATION NO.

OLD PETN. NO.

CERTIFIED

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

Dated:

Counter Signed:

Court Officer/Section Officer

Signature of the Dealing Asst.

(54)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABADD BENCH:
AT HYDERABAD

A.O. No.1591/93

Date of Decision: 27.11.1996

BETWEEN:

K. Purushottama Rao

.. Applicant

and

1. Chief Post Master General,
Andhra Pradesh Circle,
Dak Sadan, Hyderabad-500 001.
2. Post Master General,
A.P. Southern Region,
Kurnool-518001.
3. Superintendent of Post Offices,
Kurnool Division,
Kurnool - 518001.

.....

Counsel for the applicant: Mr. P. Rathaiah

Counsel for the Respondents: Mr. N.N. Raghava Reddy

CORAM

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

.....

JUDGEMENT

..... said by hon'ble Shri B.S. Jai Parameshwar: Member (JUDL.)

Heard Sri Rathaiah for the applicant and Sri Satya-Narayana for Raghava Reddy.

In this OA the applicant has prayed this Tribunal to call for the records and after perusal to give him the benefit of seniority, refixation of pay with effect from 1.6.74. junior Shri S.M. Yousuf and consequential direction to revise his seniority and to refix his pay with effect from the said date.

The respondents have filed reply affidavit stating that the promotion of the applicant to LSG was revised from March, 79 to 2.11.76 that the applicant is barred by time, that the DGP (P&T) in letter No.45/1/74/SPB/II Dt.12.4.78 prescribed the seniority of all persons appointed between 22.4.69 to 21.12.59 revised on the basis of length of continuous service in time scale/cadre. However in Para-2(B) it was provided that a person who failed to pass confirmation examination within ~~.....~~ period and within the number of chances may be fixed from the date of passing the confirmation examination, that the applicant failed to pass the confirmation examination

(36)

within the prescribed period. Therefore from the date of passing the examination, as the basis of his seniority, was revised accordingly. Thus they^y prayed for the dismissal of the original application.

During the course of arguments, it is declined that the applicant had submitted application Dt.5.7.93. to CPMG, AP Circle, Hyderabad (Annexure 16 at page 29). For the said representation the Asstt. Director of the office of the PMG, AP Southern Region, Kurnool intimated the applicant that the said representation has been forwarded to CPMG, Hyderabad as they are the competent authorities to take decision on the matter. It is now seen that the representation Dt.5.7.93 of ~~-----~~ is ~~-----~~. Therefore, we feel it proper ~~for~~ ^{to direct} the CPMG, AP Circle, Hyderabad to consider and take a suitable decision on the representation Dt.5.7.93 within a period of 3 months from the date of receipt of this order, ^{with} ~~with~~ a reply on the basis of ~~decision~~ taken explaining the reasons for fixing seniority as stated in the reply.

The OA is ordered accordingly.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

27.11.96

KSM



(R. RANGARAJAN)
MEMBER (ADMN.)

morning
7.12.96
D.R.(J)

57

..4..

O.A.NO.1591/93

Copy to:

1. Chief Post Master General, Andhra Pradesh Circle, Dak Sadan, Hyderabad.
2. Post Master General, A.P.Southern Region, Kurnool - 518 001.
3. Superintendent of Post Offices, Kurnool Division, Kurnool - 518 001.
4. One copy to Mr.P.Rathaiah, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC,CAT,Hyderabad.
6. One copy to Library,CAT Hyderabad
7. One duplicate copy.

VI VO

20/12/86 (55)

TYPED BY
COMPIRED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 27/11/86

ORDER/JUDGEMENT

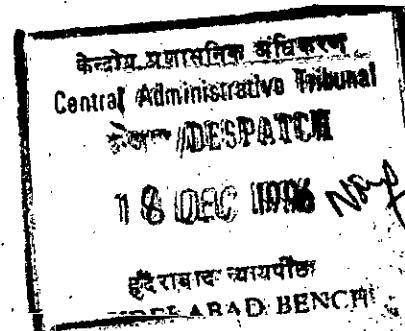
R.A./C.P/M.A. No.

R.A. No. 1584/83 ⁱⁿ

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

YLKR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

A.O. No.1591/93

Date of Decision: 27.11.1996

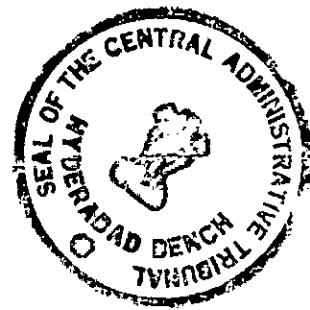
BETWEEN:

K. Purushottama Rao

.. Applicant

and

1. Chief Post Master General,
Andhra Pradesh Circle,
Dak Sadan, Hyderabad-500 001.
2. Post Master General,
A.P. Southern Region,
Kurnool-518001.
3. Superintendent of Post Offices,
Kurnool Division,
Kurnool - 518001.



.....

Mr. R. Rathaiah

Counsel for the Respondents: Mr. N.N. Raghava Reddy

.....

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

JUDGEMENT

(Oral order per Hon'ble Shri B.S. Jai Parameshwar: Member (JUDL.)

Heard Sri Rathaiah for the applicant and Sri Satya-Narayana for Raghava Reddy.

In this OA the applicant has.....
..... the records and after perusal to give him the
benefit of seniority, refixation of pay with effect from 1.6.74
at par with his immediate junior Shri S.M. Yousuf and conse-
quential direction to revise his seniority and to refix his pay
with effect from the said date.

that the promotion of the applicant to LSG was revised from March, 79 to 2.11.76 that the applicant is barred by time, that the DGP (P&T) in letter No.45/1/74/SPB/II Dt.12.4.78 prescribed the seniority of all persons appointed between 22.4.69 to 21.12.59 revised on the basis of length of continuous service in time scale/cadre. However in Para-2(B) it was provided that a person who failed to pass the examination within the prescribed period and within the number of chances may be fixed from the date of passing the confirmation examination, that the applicant failed to pass the confirmation examination

J. H.

within the prescribed period. Therefore from the date of passing the examination, as the basis of his seniority, was revised accordingly. Thus they~~p~~ prayed for the dismissal of the original application.

During the course of arguments, it is declined that the applicant ^{had} submitted application Dt.5.7.93. to CPMG, AP Circle, Hyderabad (Annexure 16 at page 29). For the said representation the Asstt. Director of the office of the PMG, AP Southern Region, Kurnool intimated the applicant that the said representation has been forwarded to CPMG, Hyderabad as they are the competent authorities to take decision on the matter. It is now seen that the representation Dt.5.7.93 of the applicant is pending consideration. Therefore, we feel it proper ^{to direct} for the CPMG, AP Circle, Hyderabad to consider and take a suitable decision on the representation Dt.5.7.93 within a period of 3 months from the date of receipt of this order, ^{with} a reply on the basis of ^{the} decision taken explaining the reasons for fixing seniority as stated in the reply.

The OA is ordered accordingly.

प्राप्ति प्राप्ति
CERTIFIED TO BE TRUE
[Signature]
न्यायालय प्रतिकारी
COURT OFFICER
केंद्रीय न्यायालय नियंत्रण
Central Administrative Tribunal
हैदराबाद बैठक
HYDERABAD BENCH

ANNEXURE - L

FORM OF INDEX

List of papers in MP/SP/RA/NO. 439 /95 in O.A. NO 1591 /1993

Serial NO. of papers in record part I part II part III	Date of paper or Date of filing	Description of papers	Remarks
27/1/95 Petition 3. S. copying			

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.A. No. 439 of 1995

In O.A. No. 1591/93 of 1993

BETWEEN :

K. Purushothama Rao,

AND

1. The Chief Postmaster General, A.P.
Dak Bhavan, HYDERABAD
2. The Postmaster General, A.P.S.R.,
Kurnool Region, KURNOOL
3. Superintendent of Post Offices,
Kurnool Division, KURNOOL - 1.

Brief facts leading to the Application :

1. I humbly submit that I have filed O.A. No. 1591/93 in December, 1993 praying for the benefit of seniority, and refixation of pay with effect from 01-06-74 on par with my immediate senior.

I further submit that I am aged about 64 years and I am not keeping good health, therefore, there is an urgency in the matter in view of my failing health.

2. The O.A. was filed on 24-12-93 and initially notice before admission was given on the date of filing and it ~~has not been~~ the countersofar.

PRAYER :

In view of the facts mentioned above the Honourable ~~-----~~ order positing of the O.A. for orders early.

Contd..2..,

... : 2 : ...

VERIFICATION

I, K. PURUSHOTHAMA RAO, S/o. Late K. Vasantha Rao, aged 64 years, retired L.S.G. Postmaster, N.R. Peta, Post-office, Kurnool Town, Kurnool District and resident of H.No.12-168, Sri Ramachandra Nagar, Kurnool do hereby verify that the contents of above paras are true to my personal knowledge and I have not suppressed any material facts.

K. Purushothama Rao
SIGNATURE OF THE APPLICANT

PLACE : *Hyderabad*

DATE : ~

SIGNATURE OF THE COUNSEL

FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH.
AT HYDERABAD.

M.A. NO. OF 1995

IN

O.A. NO. 1591 of 1995.

Between

K. Lankotter Am
And

Applicant

Union of India vs. N. S. Reddy

APPLICATION UNDER RULE 8 (3)

of CAT (PROCEDURE) RULES;

EXPEDITE PETITION.

Filed On: 27-4-95

Received: 27-4-95
AC65C
27/4/95

Filed By:

B.S.A. SATYANARAYANA
2-1-561, Nallakunta,
HYDERABAD- 500 044.

COUNSEL FOR THE APPLICANT.



Recd
Smt. A. A. A.

ORIGINAL

8.5.95

77A 439/95

~~REGD. MAIL~~

POSTAL

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD BENCH
HYDERABAD.

Heard. In the circumstances
referred to, post the OA for
final hearing on 3-6-95.
MA is ordered accordingly.

X
H.W.R.T

VC

M.A. No. 439/1995 P.O

IN
O.A. No. 1591/1993

~~PETITION FOR SEEKING PERMISSION
TO ADD ADDITIONAL APPLICANT
A SINGLE ORIGINAL APPLICANT~~

Expedite Petition

Mr. B.S.A. Satyanarayana
COUNSEL FOR THE APPLICANTS.

AND

Mr. N.V. Raghava Reddy
SR. ADDL. STANDING COUNSEL
FOR C.G. RLYS.