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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. 777/94.

Dt. of Decision : 04-01-95.

Y.L.S. Sastry

.. Applicant.

vs

1. The Director of Accounts (Postal),  
O/o Dak Sadan, Abids, Hyderabad-1.

2. The Supdt. of Post Offices,  
Hindupur Division-515 201.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

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

CORAM:

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

D.A. 777/94.

Dt. of Decision : 04-01-1995.

ORDER

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

The short prayer of the applicant is for a direction to the respondents to take into consideration his special pay of Rs.45/- that he was drawing before he was promoted to LSG Postal Assistant in fixing his pay in the promotional post.

2. The applicant ~~was~~ was working as a Postal Assistant in the scale of pay of Rs. 260-480. He was directed to officiate as Accountant/Assistant Accountant for the period from 7.2.1974 till 19.1.1982 as per details shown in the rejoinder, para 4. ~~Whenever he was officiating~~ as an Assistant Accountant, he was given special pay at the rate of Rs. 35/- p.m., whereas for the periods he officiated as an Accountant, he was given special pay of Rs. 45/- p.m.

3. The respondents in their reply affidavit have stated that as per extant rules the applicant ~~could~~ be entitled to pay fixation in the promotional post by taking into consideration the ~~lower~~ of the two special pays, that is, Rs. 35/- p.m.

4. Heard learned counsel for both the parties. Shri Krishna Devan, learned counsel for the applicant has drawn my attention to Govt. of India, Ministry of Finance O.M.No. F.6(1)-E.III(B)/68, dated 12th December, 1974, it reads as under:

"In cases where the special pay in respect of the same post has been enhanced during the

preceding three years of the date of promotion, the rate of special pay to be taken into account for purpose of fixation of pay in the higher post, should be the one drawn immediately before the date of promotion, subject to the fulfilment of other conditions governing fixation of pay in the higher post, as laid down in various orders issued from time to time."

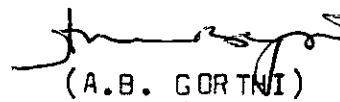
5. In view of the above note, the applicant's counsel contends that as the applicant was drawing the higher rate of special pay (Rs.45/- p.m.) immediately before his promotion the same should be taken into account for the purpose of fixation of pay in the higher post.

6. The respondents in their counter affidavit have stated that the applicant did officiate as Accountant/ Assistant Accountant for various spells during the period 1976-82. During the said period the applicant drew Rs. 45/-p.m. whenever he officiated as an Accountant and Rs. 35/-p.m. whenever he officiated as an Assistant Accountant as a special pay. The contention of the respondents is <sup>that</sup> in terms of Govt. of India, Ministry of Finance O.M. No.F.6(1)-E.III(8)/68, dated 8th January 1968, where the quantum of special pay <sup>varies</sup> ~~was~~ as in different posts, the least of the special pay drawn in different posts should be taken <sup>into</sup> account for the purpose of fixation of pay in the higher post.

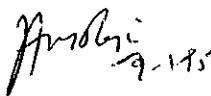
7. The applicant in his reply affidavit has stated that he was officiating as an Accountant even prior to 1976 and that in fact he was initially directed to officiate as an Accountant on 07-02-1974.

8. Admittedly, the applicant had officiated as an Accountant/Assistant Accountant for a long period in various spells upto 19.1.1982. Immediately thereafter, he was promoted to LSG. On the date preceding his promotion he was drawing special pay of Rs. 45/- p.m. The fact also remains that for various spells that the applicant officiated as an Assistant Accountant he was given special pay at the ~~rate~~ of lower rate of Rs. 35/-p.m. only. In view of the categorical contention of the respondents that in accordance with the O.M.No.F.6(1)-E.III(8)/68, dated 8th January 1968, ~~in~~ a case of this nature, the least of the special pay drawn in different posts should be taken into account for the purpose of fixation of pay in the higher post, the decision of the respondents ~~in~~ taking into account only this special pay of Rs. 35/- and not Rs.45/- cannot be challenged as ~~unproper~~ <sup>unproper</sup>.

9. In view of what is stated above, I find no merit in this OA and the same is dismissed. No order as to costs.

  
(A.B. GORTWI)  
MEMBER (ADMN.)

Dated : The 4th January 1995.  
(Dictated in Open Court)

  
DEPUTY REGISTRAR (J)

Contd...

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

~~THE HON'BLE MR. A. V. HARIDASAN : MEMBER (P)~~

AND

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

DATED : 04.1.95

ORDER/JUDGEMENT.

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

in  
D.A. No. 777/94

Admitted and Interim directions  
issued

Allowed

Disposed of with Directions

Dismissed

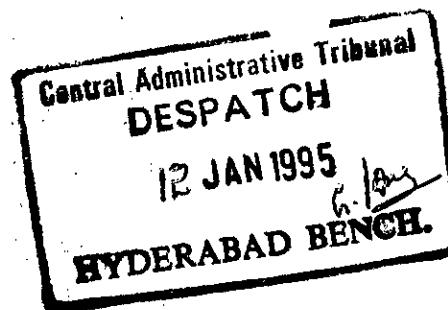
~~Dismissed as withdrawn~~

~~Dismissed for Default.~~

~~Rejected/Ordered~~

~~No order as to costs.~~

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