

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 1065/94

Date of decision: April, 1997

Between:

M. Rama Rao. .. Applicant.

and

1. Union of India represented by:

1. The Chief Post Master General,
Andhra Pradesh Circle, Hyderabad.

2. The Director of Postal Accounts,
Hyderabad. .. Respondents.

Name of the Counsel for the Applicant: Sri K.S.R. Anjaneyulu &
Sri D. Subrahmanyam.

Name of the Counsel for the respondents: Sri V. Bhimanna.

J U D G M E N T.

(By Hon'ble Shri H. Rajendra Prasad)

Heard Sri K.S.R. Anjaneyulu for the applicant
and Shri V. Bhimanna for the respondents.

The applicant was promoted and posted as
Post Master in HSG Gr. I in June, 1990, while he was
working as Assistant Superintendent of Post Offices,
Kovvur Sub-Division. The relevant Order states that
the promotion was purely temporary and ad hoc. The
scale of pay of his previous appointment i.e.,
Assistant Superintendent of Post Offices, was
Rs. 1,640-- 2,900 whereas that of the Higher Selection
Grade to which he was promoted is Rs. 2,000-^{Rs. 3,200.} The
applicant was drawing Rs. 2,240/- as Assistant Super-
intendent of Post Offices at the time of his

purely on adhoc arrangement.

Similar were the facts and circumstances in O.A.842/91 which was disposed of by this Bench on 24-2-1994. The entire issue was examined in great detail by this Bench with reference to F.R.22(1)(i) and F.R.35. It was held therein that there was no justification for taking the pay of the applicant in the Grade of ASP as the basis for fixation of pay in PSS Grade B when he had been working in a higher Grade at the time of his promotion. It was further held that since the applicant had been promoted from ASP to Dy. Post Master and was duly granted pay and allowances and increments applicable to the latter post, the same should constitute the basis for fixation of his pay on promotion to the next higher post in PSS Group B.

The same ratio would be applicable in its entirety to the present applicant as well, which in turn would lead to the same findings.

In the circumstances, the O.A., is allowed with a direction to the respondents to fix the pay of the applicant in PSS Group B by treating his promotion to HSG Grade I as on regular basis, taking into consideration the pay that he was drawing in the post of Post Master, Machilipatnam, prior

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of Accounts (Postal), Tamil Nadu, in November, 1990 and also to allow him further increments due on 1-7-1992, 1-7-1993 and 1-7-1994.

The contention of the applicant is, that: He was the senior most eligible ASP to be appointed to HSG Grade I; the post to which he was appointed viz., Post Master, Machilipatnam, in HSG I was a clear vacancy; and there was no break in the period of his officiation in HSG I until he joined PSS Group B post in Tamilnadu on regular promotion.

The respondents on their part concede that he was the seniormost official to be promoted to HSG Gr.I. It is also agreed by them that the post to which he was promoted on adhoc basis, was a clear vacancy. However, they state that his request to declare his posting to HSG Grade I as regular promotion cannot be acceded to since there was a ban during 1990 against making regular arrangements in the higher cadre. It is for this reason alone that the Regional/Divisional arrangements were resorted by the concerned Regional Post Masters General/ Divisional Heads on adhoc basis. They maintain that the applicant is not entitled for the benefit of pay fixation in PSS Group B on the basis of pay drawn in HSG I cadre which was

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