

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL

7
A.P. HYDERABAD

O.A. No. 686 of 94

Between :

B. Gopala Rao,
s/o Hanumantha Rao, aged 52 years
working as Head Postman, Head Post Office,
Machilipatnam, Krishna Dist. A.P.

.. Applicant

And

1. The Supdt. of Post Offices,
Machilipatnam Head Post Office,
Krishna District - 521001
2. The Post Master General, ~~Vijayawada~~, ^{Chd} Ap circle, ^{Dak Bhavan} ~~Abids~~ ¹ ~~Hud-500001~~
3. The Director General, Deptt. of Posts,
Dak Bhavan, Parliament Street, New Delhi-1 ¹⁰⁰⁰¹ .. Respondents

The address for service of all notices is that of Counsel:

Advocate,
2-2-1108/172/3,
Tilak Nagar, Hyderabad 500 044.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The application is preferred against the ~~order~~ the Respondents in refixation of pay in the scale of Rs. 260-350 and hence unable to file any impugned order.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the present application is within the jurisdiction of this Hon'ble Tribunal under section 14 of the Administrative Tribunal Act, as the applicant is working as Head Postman in the jurisdiction of the Respondents.

3. LIMITATION :

The applicant declares that the application is within the period of limitation prescribed under Sec. 21 of Administrative ~~.....~~ the inaction of the Respondents on the claim submitted on 25-3-89.

4. BRIEF FACTS OF THE CASE:

a) The applicant was appointed as 'POSTMAN' in the Department of Posts on 14.5.1968 and later confirmed in that cadre on 1.3.1971. The applicant was promoted to the cadre of Mail Overseer/Head Postman/Sorting Postman on 11.4.1976 which carries a pay-scale of Rs.225-5-260-6-326-EB-8-350 and accordingly ~~xxx~~ the applicant was paid the pay and allowances.

b) In accordance with the Memo No.1-4/77-PAP, dt. 2.12.1988 to the Director General, Department of Posts, New Delhi, the pay-scales of the categories enumerated therein has been revised from :

225-5-260-6-326-EB-8-350

to

260-6-326-EB-8-350

with effect from 1.1.1975 notionally and from 1.1.1976 with actual benefits in compliance under an Award granted by the Board of Arbitration. Among those categories included in the said letter, the category of Head Postman, Sorting Postman and Head Mail Guards and Mail Overseers were included, accordingly, those Sorting Postmen who are working in the Machilipatnam Head Post Office have been granted with revised pay-scale notionally from 1.1.1975 and actually from 1.1.1978 with benefits. As the Director General orders were implemented only in the case of Sorting Postmen, those who are working as scales of such officials remained as same as prior to 1.1.1975. As the applicant herein was working as Head Postman from 11.4.1976, but the Respondents have not revised the pay-scale of the applicant to the pay-scale i.e., 260-350 in terms of the Director General letter dt. 3.6.1983 and also refixation scale of Rs.950-1400. Aggrieved by the discrimination meted out, the applicant has, in the representation dt. 25-3-89 & 4-4-89 claimed the revision of pay-scales from 11.4.1976. As no

response was forthcoming, the applicant has submitted a representation to the next higher authority i.e., Second Respondent on 29-9-93. Even this representation was not acted upon till this day. Therefore, the applicant is constrained to approach the Hon'ble Tribunal seeking justice.

The applicant is presently working as Head Postman in Machilipatnam Head Post Office and drawing Rs.1300 as Basic Pay in the pay-scale of Rs.950-1400.

5. GROUND FOR RELIEF :

a) Against the refusal of the Respondents to revise the scale of pay of the applicant in terms of the Director General letter dt. 3.6.1983, the applicant has submitted a representation to the Higher Authority i.e. Second Respondent on 29-9-93. Thus, it is clearly understood that the applicant has been discriminated amongst the similarly situated Cadres as mentioned in the Director General letter dt. 3.6.1983. Thus, the action of the Respondents in showing discrimination amounted to illegal and violative of Article 14 of the Constitution.

b) With reference to para 2 of the Circular dt. 3.6.1983, wherein the anomaly arising due to the differences in the pay of the Senior and the Junior due to the implementation of the revised scale of pay in terms of circular dt.7.6.1978 has been considered and ordered that the Pay of the Senior will be stepped up with that of the Junior whose pay has been enumerated as 1 and 2 in the Circular. This relief will not meet the claims of the applicant. Infact, the applicant sought for extension of the benefit given to the Sorting Postmen in terms of letter dt.7.6.1978 and 3.6.1983 may be

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extended to the applicant. But the order of the 3rd Respondent dt. 2nd December, 1988 is to the effect that the pay of the applicant will be stepped up with reference to the Juniors in the cadre of Sorting Postmen. The proposed relief offered by the 3rd Respondent on 2.12.1988 is nothing but deviating the issue involved in the grievance of the applicant. Thus, the Respondents have not applied their mind properly to the problem at issue.

- c) It is very clear that the applicant as Head Postman is entitled for the revision of pay-scale from 225-350 to that of 260-350 from the date he assumed the charge of Head Postman i.e., on 11.4.1976 and also the consequent change in the revised scale of pay i.e., Rs.950-1400 from 1.1.1986.
- d) It is submitted that the cadre of Head Postman is covered by the cadres as enumerated in the Director General letter dt. 2.12.1988, as the Cadre of Head Postman is, for all practical purposes, equivalent to the cadre of Sorting Postmen and the cadres are one and the same, but the posts are inter-changeable.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that the Departmental remedies have been exhausted before approaching the Hon'ble Tribunal on 15
Applicant has represented to the Second Respondent on 29-9-93 but all in vain

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other ~~and not any such application~~ writ petition or suit pending before any of them.

8. RELIEF SOUGHT FOR : MAIN RELIEF :

It is therefore prayed that the Hon'ble Tribunal may be pleased - ~~to accept the same~~

a) - to call for the records relating to the circular dt. 2.12.1988,

b) to declare that the applicant is entitled for the revision of pay-scale from :

225-5-260-6-326-EB-8-350

to

260-6-326-EB-8-350 ;

c) to direct the Respondents to re-fix the pay of the 1.1.1978 in the pay-scale of Rs. 260-350 and in the pay scale of Rs. 950-1400 from 1.1.1986,

d) to direct the Respondents to pay arrears consequent to such re-fixation, and

e) to direct the Respondents to implement the directions of the Tribunal within one month and pass such other

9. INTERIM RELIEF :

To fix an early date for hearing of the O.A.

10. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE

1. Name of the Post Office : New Nallakunta P.O. Hyderabad

2. Amount Date of Order : 50/- 23/3/94

3. No. of the Postal Order. 8 05 920470

11. List of Enclosures :

~~L.P.O. B.C.O.D. Removed~~

1. Vakalatnama

2. Postal Order

3. Material Papers

4. Covers pads and acknowledgements

VERIFICATION

I, the above named applicant do hereby verify that the contents of paras 1 to 7 are true to my personal knowledge and paras 8 to 10 are believed to be true on legal advice of my counsel and that I have not suppressed any material facts.

Hence verified on this the 23rd day of March, 1994 in my presence at Hyderabad.

Cecil
Signature of the Counsel

B. Jayalakshmi
Signature of the Applicant

Dated: 24/3/94