

(40)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT

HYDERABAD

O.A.No.315 OF 1995.

Date of Order:2-3-1998.

Between:

1. M.Varalakshmi.
2. S.Hemalatha Devi.

.. Applicant

a n d

1. The Union of India, represented by the Director-General, Department of Posts, Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster-General, Andhra Pradesh,
3. The Postmaster General, Hyderabad Region, Hyderabad-500 001.

.. Respondents

COUNSEL FOR APPLICANTS :: Mr.T.V.V.S.Murthy

COUNSEL FOR RESPONDENTS : Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGA RAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

(AS PER HON'BLE SRI R.RANGA RAJAN, MEMBER (A) )

Heard Mr.T.V.V.S.Murthy, learned Counsel for the Applicants and Mr.V.Bhimanna, learned Counsel for the Respondents.

2. There are two applicants in this O.A. The learned Counsel for the Applicant submits that the O.A. as far as Applicant no.2 is concerned, <sup>he has</sup> become infructuous and has got relief. Hence he submits that the O.A. is to be disposed of only in the case of Applicant No.1.

3. The contention of the applicant in this O.A. is that on her promotion to LSG Grade with effect from 26-6-1993 <sup>under</sup> and TBOP/BCR scheme, her pay has to be fixed placing her in LSG scale as shown by the Telecom Department in respect of similarly situated employees and that the special pay of Rs.70/- should be taken into account for the purpose of fixation of pay. The claim is also clear in her representation and in the present O.A. that her pay should have been fixed at Rs.1950/- as HSG-II as on 26-6-1993 in her case.

4. She represented her case to the Respondent no.1 by her representation dated:13-1-1994 and 25-1-1994, (vide Annexures A.5 and A.6) respectively. However, it is stated that her representation is not yet disposed of by the Respondent no.1. But her request has been turned down. Though the applicant submitted <sup>even</sup> that her case has been turned down/by the C.P.M.G. but no reply has been issued by Respondent no.2. The learned Counsel further submitted that the applicant no.1 has not made any representation to the C.P.M.G.

5. This O.A. is filed for impugning Paras 3.7 and 3.11 of the D.G.P.NDS Post Delhi(R-1) Memo.No.4-12/88-P.E.I(Pt), dated: ~~22~~ 22-7-1993(Annexure A1) to the extent that "the UDCs who are drawing pay more than the maximum of the time scale pay(Rs.975-1660) and who opt for Postal Assistants' Cadre(C.O.) to get the benefit of TBOP scheme, will have their pay fixed at the maximum of the time scale of pay without any protection of the loss of pay already drawn"(vide para 3.7 thereof) and that "the special pay of Rs.70/- per month being paid to UDCs will stand withdrawn from the date of introducing the scheme", (vide para 3.11 thereof) as illegal and void, and for a consequential direction to the

respondents to directly place the applicant in the scale of Rs.1400-2300 on her promotion to LSG Cadre with effect from 26-6-1993, as was done in the Telecom Department without bringing them down to the maximum of the time scale of pay(Rs.975-1660), and that her pay may be fixed under FR-22 treating the promotions to LSG and HSG-II cadres as involving assumption of higher responsibility, and also for a further direction to the respondents to take the special pay of Rs.70/- drawn by the Applicant No.1 for the purpose of fixation of pay or promotion to the LSG cadre with effect from 26-6-1993 with <sup>all</sup> consequential monetary benefits.

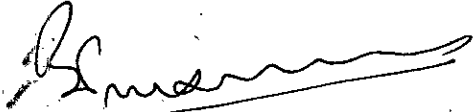
6. First of all the applicant has not represented her case to R.2 who is the over <sup>charge</sup> all of the Department. It is not understood <sup>why</sup> ~~that~~ she has not made any representation to Respondent no.2. She has made two representations to Respondent No.1. Those two representations are yet to be disposed of. In the meanwhile, though this O.A. was filed by two applicants, as per Learned Counsel for the Applicants' <sup>submission</sup> ~~request~~, the case has already been decided in the case of Applicant no.2 and hence this O.A. ~~is~~ survives only in the case of Applicant No.1. It is possible some decision could have been taken in the case of Applicant no.2 which resulted in withdrawing her case in this Application.

7. In view of the above, we are of the opinion that Respondent no.2 in consultation with Respondent no.1 may decide issue of fixation of pay in accordance with Law and also taking note of the disposal of the pay fixation of Applicant no.2 also.

8. With the above direction, the O.A. is disposed of. The

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time for compliance is three months from the receipt of  
copy of this Order.



( B.S. JAI PARAMESHWAR )

MEMBER (J)

2/3/98



( R. RANGA RAJAN )

MEMBER (A)

Dated: 2nd March, 1998

Dictated in Open Court



D.R.

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DSN

11/3/98  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 5/3/98

ORDER/JUDGMENT

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

in

O.A.NO. 315/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

