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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA. 415/96

dt. 20-11-96

Between

A. Dayakar

: Applicant

and

1. Secretary
Dept. of Posts
Govt. of India
New Delhi

2. Chief Post Master General
AP Circle, Hyderabad

3. Director of Accounts (P)
AP Circle, Hyderabad

: Respondents

Counsel for the applicant

: K.S.R. Anjaneyulu
Advocate

Counsel for the respondents

: V. Bhimanna
Addl. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *9/11*

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OA.415/96

dt.20-11-1996

Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member (A)

Heard Sri D. Subramanyam for Sri K.S.R. Anjaneyulu on behalf of the applicant.

1. The respondents vide their letter of Respondent-3 Director of Accounts (P), Hyderabad, have intimated the applicant vide letter No.565/Pay group/SA.II/AD dated 19-2-1996 that the question of grant of special pay to him has been referred to V Pay Commission and that he will be apprised of the decision in due course.
2. The main grievance of the applicant is that even though he passed the JAO's Examination as far back as in November, 1979, and was duly promoted on adhoc basis as JAO in May, 1985, he has not been granted pay of Rs.20. and Rs.35, whereas the officials of the Indian Audit and Accounts Department, who passed Part II Examination, and awaiting promotion as Section Officers, have been given such special pay. Moreover, an official junior to the applicant, i.e. Abu Zaheer Mahaboop Alam, as per the Appendix-2 of Gradation list of Postal Accounts Departments Staff (as on 1-7-1984), has been extended the benefit of the said pay. This resulted in an obvious anomaly and has given rise to a cause of grievance. Prima-facie the complaint is justified and needs attention. The decision of the respondents to refer the matter to V Pay Commission does not seem to be called for or justified on the basis of the facts of the case since the terms for reference of the said Pay commission do not include ~~the~~ ^{past} settlement of minor anomalies in Pay scales. In this ~~case~~

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connection my attention was drawn to d.o. letter No. 50/4/94
 dated 17-1-1996 from the ^{Secretary,} V Pay Commission addressed to the
 Secretary ⁱⁿ the Ministry of Information and Broadcasting.

The letter reads as under :

"A number of references are being received by the Fifth Central Pay Commission both from the Administrative Ministries as well as various Judicial Authorities in which the underlying assumptions seems to be that the Fifth Central Pay Commission would also go into the past anomalies with a view to their rectification from past dates.

It is clarified that the Pay Commission has no intention of re-opening past cases or in making any recommendation with respect to rectification of past anomalies with retrospective effect. All our recommendations with regard to grant of pay scales, allowances, etc., will have prospective effect from our recommended date only.

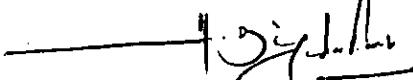
It is, therefore, requested that past cases may kindly be settled by the concerned Administrative Ministries at their level. The above restriction on the scope of the Commission's jurisdiction may also be clarified to the concerned judicial Authorities whenever such matters come up for hearing."

3. In view of the categorical clarification from the Pay Commission itself, it would seem necessary to direct the DAP, to cause the case to be re-examined on merits and to have a suitable decision taken in the matter. This may be done ~~be~~ within three months. It may be added that the contents of para-11.1 of the counter-affidavit do not appear to be satisfactory or acceptable since no invidious distinction can be introduced between the old SAS Part-I Examination, and the JAO Examination, specially when a composite group of all such successful candidates has been duly reflected in a common category as seen from the ^{when} Gradation list, and the nature of duties performed by them ^{stated to be} is also identical. This needs to be borne in mind.

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4. In the result, it is directed that the representation dated 24-1-1996 submitted by the applicant (vide Annexure-19) be examined on merits and decision communicated within 90 days. A copy of the OA may also be sent to Respondent-3 along with the copy of this orders.

5. The OA is disposed of.


(H. Rajendra Prasad)
Member (Admn.)

Dated : November 20, 96
Dictated in Open Court


M. A. M.
Deputy Registrar O.C.C.

sk

31/12/96 (62)

I COURT

TYPED BY

CHECHED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 20 -11 -1996

ORDER / JUDGMENT

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

in

O.A.No. 415/96.

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.m.

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| केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal प्रेषण/DESPATCH 23 DEC 1996 हैदराबाद आवाद HYDERABAD BENCH |
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