

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.612 of 1996

DATE OF ORDER: 10.6.96

BETWEEN:

P.CHANDRASENA CHARY

.. Applicant

and

1. The Superintendent of Post Offices,  
Hanamkonda Division, Hanamkonda.
2. The Post Master General,  
Hyderabad Region, Hyderabad,
3. The chief Post Master General,  
Andhra Circle, Hyderabad,
4. The Director General,  
Department of Posts,  
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANTS: Shri K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI V.RAJESWARA RAO

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

Heard Shri K.Venkateswara Rao, learned counsel for the applicant and Shri V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA was <sup>an</sup> Ex-Combatant Clerk released from Army Ordnance Corps on 17.2.79. He joined the Army Ordnance Corps on 28.4.63. Thus, he had put in about little less than 16 years of service in the Army as Combatant Clerk. After his release from Army where he

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worked as Combatant Clerk, he joined as Postal Clerk in the grade of Rs.260-480 prevailing at that time by Memo.No.B3-6/I dated 18.2.1980 on 26.1.1980. On his joining as Postal Clerk, his pay was fixed at the minimum of the scale ignoring his past service rendered by him in the Army Ordnance Corps. He has filed representation, last one being dated 2.9.95 at Page 17 of the OA. But it is stated that no reply has been given to him in regard to the fixation of pay in the grade of Rs.260-480 taking into account his past service in the Army Ordnance Corps.

3. Aggrieved by the above, he has filed this OA praying for a declaration that he is entitled to have his pay fixed in the post of Postal Clerk in the scale of pay of Rs.260-480 from 26.10.80 at the stage equivalent to the stage that would have been reached by putting in the post of Postal Clerk on the number of completed years of service rendered in the post of Hawaldar ignoring the entire pension of the applicant including the gratuity and other forms of retirement benefits as per the judgment of the Tribunal in OA No.790/95 decided on 20.7.95 read with O.M.NO.F6(a)-E.III/63 dated 11.4.63 of the Ministry of Finance with all consequential benefits such as pay and allowances and other attendant benefits.

4. The applicant relies on the O.M. of Govt. of India, Ministry of Finance No.F6(a)-E.III/63 dated 11.4.63 at Annexure A-I which states that

"It has been decided as a special case that service rendered as a Combatant Clerk (Sepoy and above and equivalent




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ranks in Navy and Air Force) may be treated as equivalent to service as LDCs/Junior Clerks in Civil departments irrespective of the pay drawn in the Armed Forces, and that when such persons are absorbed in posts of LDCs/Junior Clerks in civil departments after their release/retirement from the Armed Forces, their initial pay in the posts of LDCs/Junior Clerks may be fixed at a higher stage in the scale above the minimum equal to the number of completed years of service as Combatant Clerk."

He also relies on the letter No.2-102/87-PAP dated 14.2.93 (Annexure A-III) and submits that the Post Master General was instructed by the Assistant Director General (Estt.) (R4) that the applicant having been reemployed in the Department on 26.10.80 and being Ex-Combatant Clerk, he is entitled for pay fixation either under OM dated 19.7.78 or OM dated 11.4.63. He further amplifies that in view of the above direction given by R-4 to R-2, his pay has to be fixed taking into account the above service rendered by him in the Army Ordnance Corps. But as that was not done, he submitted a representation and as no reply was received by him so far in this connection, he is forced to file this OA.

5. In a similar OA viz., O.A.No.395/95 which was decided by this Tribunal on 20.5.95 wherein I was party to that OA, similar relief was granted.



6. In view of what is stated above, it is essential that R-3 should dispose of the representation of the applicant dated 2.9.95 in accordance with law keeping in view the above circulars and the judgement quoted above and take a final decision if required in consultation with R-4 within a period of two months from today. It is needless to say that in case the applicant is going to be aggrieved by the reply to be given to him, he is entitled for such remedies as available to him in accordance with law.

7. The OA is ordered accordingly at the admission stage itself. No costs.



(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated: 10th June, 1996  
Open court dictation.

vsn

*Arishin*  
*19.6.96*  
*Dy. Registrar (S)*

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Copy to:-

1. The Superintendent of Post Offices, Hanamkonda Division, Hanamkonda.
2. The Post Master General, Hyderabad Region, Hyderabad.
3. The Chief Post Master General, Andhra Circle, Hyderabad.
4. The Director General, Department of Posts, New Delhi.
5. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
6. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

8/24/6/92

DT: 6/12/46

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED:

10/8/46

~~ORDER JUDGEMENT~~

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

IN

B.A. NO.

6/12/46

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDERS AS TO COSTS~~

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No spare copy

Handwritten signature

