

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

C.A.No. 665/96; 972/96; & 1248/96
T.A.No.

DATE OF DECISION: 21-11-96

K. Babu & 3 others

PETITIONER(S)

B.S.A Satyanarayana

ADVOCATE FOR THE PETITIONER(S)

VERSUS

Union of India, rep. by Secy. M/o Comm.
D/o Posts, New Delhi & DGP, New Delhi
and two others

RESPONDENT (S)

V. Rajeswara Rao, K. Ramuloo, &
N.V. Raghava Reddy

ADVOCATE FOR THE
RESPONDENT (S)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgement ?
4. Whether the Judgement is to be circulated to the other Benches ?

Judgement delivered by Hon'ble Mr. H. Rajendra Prasad, M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.665/96; 972/96; & 1248/96

dt.21-11-96

Between

1. K. Babu Rao
2. N. Sathyanarayana (OA.665/96)
3. K. Rangaswamy (OA.972/96)
4. R. Narsing Naik (OA.1248/96) .. Applicants

and

1. Union of India, rep. by
Secretary
Ministry of Communications
Dept. of Posts
New Delhi 110001 (OA.665/96 & 1248/96)

Director General of Posts
New Delhi 110 001 (OA.972/96)

2. Chief Post Master General
AP Circle, Dak Sadan
Hyderabad 500001 (in all OAs)

3. Senior Superintendent
RMA Hyderabad Sorting Division
Hyderabad 500027 (in all OAs) .. Respondents

Counsel for the applicants
(in all OAs)

: B.S. A. Satyanarayana
Advocate

Counsel for the respondents

: V. Rajeswara Rao
Addl. CGSC (OA.665/96)

K. Ramuloo, Addl. CGSC
(OA.972/96)

N.V. Raghava Reddy
Addl. CGSC (OA.1248/96)

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

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

Heard Sri B.S.A. Satyanarayana for the applicants in all the above three OAs, and Sri V. Rajeswara Rao for the respondents in OA.665/96, Sri N.V. Raghava Reddy in OA. 1248/96 and Sri Subramanyam for Sri K. Ramuloo in OA.972/96.

1. The short point in all these three cases is as to whether or not the TBOP promoted officials on assumption of supervisory duties, and consequent higher responsibility, are entitled to fixation of pay under FR 22(1) (a)(1).

2. The basic facts were examined in detail in OA.481/92 disposed of by this Tribunal on 24-2-1995 (Raghuram Reddy vs. UOI). The provisions of FR 22(C) (since revised as 22(1) a(1)) as applicable to such cases were duly examined in great detail and it was held that the applicant therein was entitled to the relief claimed, i.e., fixation of pay under the said FR. Subsequently, the respondents took the stand that :

- i) The relief allowed in OA.481/92 was available only to the parties therein; and
- ii) That the said relief would be admissible only to the Accounts line official and not to the General line officials. Sri V. Rajeswara Rao reiterated the same stand during the hearing today.

3. We do not consider either of these two stands tenable for the simple reason that FR 22(C), since renumbered FR 22(1) a(1), does not refer to any particular line i.e., Accounts or General. Moreover, the instructions contained in the Department of Posts letter No.44/60/96-SPB-II dated 24-9-96 which was brought to my notice today

unambiguously confirm that the no distinction is to be made between the General line officials and Accountants for the purpose of fixation of pay.

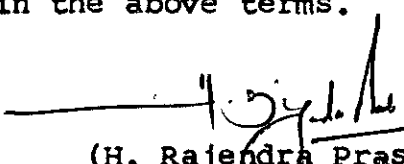
4. As regards the first contention that the reliefs earlier granted were applicable only to the applicants therein, ^{the same} is rejected.

5. In the result it is directed that the orders passed in OA.481/92 be implemented in respect of the present applicants in all the three OAs. This may be done within three months, ^{the} on clear understanding that no extension of time for implementation shall either be asked for or granted. It is also clarified that the monetary benefits arising out of all these orders in all the three cases shall be confined to a period of one year prior to the date of filing of the respective OAs.

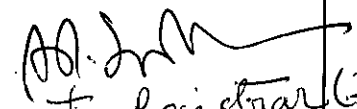
6. It was further brought to my notice that the applicants in OA.972/96 and 1248/96 have since retired on superannuation. In their case the pension shall have to be refixed, if necessary, in the light of the relief now granted to them in the said OAs. For the facility of reference and further action the date of filing of each cases is as under :

OA.665/96 is filed on 16-4-1996,
OA.972/96 is filed on 6-8-1996, and
OA.1248/96 is filed on 19-9-1996.

7. The OAs are disposed of in the above terms.


(H. Rajendra Prasad)
Member (Admn.)

Dated : 21st Nov., 96
Dictated in Open Court


Deputy Registrar (Dec)