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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1214/96

Date of Order, 24.4.97

BETWEEN :

K.Radhakrishna Murthy

.. Applicant.

AND

1. Union of India rep. by
Secretary, Ministry of
Communications, Dept.
of Posts, New Delhi-1.

2. Chief Post Master General,
A.P.Circle, Dak Sadan,
Hyderabad-1.

3. Postmaster General,
Visakhapatnam Region,
Visakhapatnam-3.

4. Director of Account (Posts),
AP Circle, Hyderabad-1.

5. Supdt. R.M.S. 'V' Division,
Visakhapatnam.

6. Head Record Officer (HRO),
RMS 'V' Division,
Visakhapatnam -4.

.. Respondents.

Counsel for the Applicant

.. Mr.B.S.A.Satyanarayana

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)



J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.B.S.A.Satyanarayana, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant while working as Accountant in the scale of pay of Rs.1400-2300 was posted as AHRO (Accounts) Visakhapatna





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by memorandum No. B16/AHROS, dt. 6.7.87 (A-1). That promotion was regularised vide memo No. B16/AHROS, dt. 7.10.87 (A-2). It is stated that his pay was fixed under FR 22(c). However the same was revised and his pay was fixed at the stage which he was drawing as Accountant ^{when} ~~then~~ he was posted as AHRO. The applicant submitted representations for fixing his pay when posted as AHRO under FR 22(c). But that was not agreed to.

3. The applicant filed this OA on 5.9.96 praying for a direction to the respondents to fix his pay under FR 22 (c), the present FR 22(i)(a)(i) from the date of his posting as AHRO and ^{payment of} for further consequential arrears on that basis.

4. The applicant has retired from service on 30.6.94. This OA was filed 2 years after his retirement.

5. The applicant relies on the judgement of this Tribunal dt. 24.2.95 in OA.481/92 (D.Raghuram Reddy vs. The Director General Department of Posts, and others) to state that he is entitled for fixation of pay when he was posted as AHRO (Accounts) from the post of Accountant in the scale of pay of Rs.1400-2300 following FR 22(c) i.e. the present FR 22(i)(a)(i).

6. Recently we have disposed of number of similar cases. ^{all} In those cases we have given the direction following the direction given in OA.481/92. However, in cases where the OA was filed belatedly the consequential benefits were restricted to one year before filing of that OA. In the present case also the cause of action arose when he was promoted as AHRO way back in 1987. He has not even joined hands with the applicants in OA.481/92 for the prayer made in this OA. He has filed this OA after retirement that too ^{after} ~~one year~~ ^{after} the pronouncement of the judgement in OA.481/92. Hence he is entitled for the consequential benefits only from one year prior to filing of this OA i.e. w.e.f. 5.9.95 (on that day he was a retired employee.)

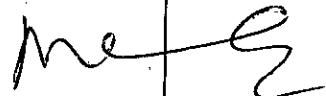
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7. In the result the following direction is given:-

The pay of the applicant is to be fixed notionally following) the Rule FR 22(c) (FR 22(i)(a)(i)) from the date he was promoted as AHRO. His pension has to be fixed on that basis. He is entitled for arrears of pension on the basis of above fixation of pension w.e.f. 5.9.95. He is not entitled for arrears of DCRG or commutation as they are one time payments.

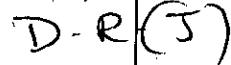
8. The OA is ordered accordingly. No costs.



(R. RANGARAJAN)
Member (Admn.)

Dated: 24th April, 1997.

(Dictated in Open Court).


D. R. (S)

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Copy to:

1. The Secretary, Min. of Communications, Dept. of Posts, New Delhi.
2. The Chief Post Master General, A.P.Circle, Dak Sadan, Hyderabad.
3. Postmaster General, Visakhapatnam Region, Visakhapatnam.
4. Director of Accounts(Posts), A.P.Circle, Hyderabad.
5. Superintendent, R.M.S., 'W' Division, Visakhapatnam.
6. Head Record Officer (HRO), RMS 'W' Division, Visakhapatnam.
7. One copy to Mr.B.S.A.Satyanarayana, Advocate, CAT, Hyderabad.
8. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
9. One copy to D.R(A), CAT, Hyderabad.
- 10; One duplicate copy.

YLKR

22/6/97
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PRAMESHWAR:
M(J)

DATED: 24/4/97

ORDER/JUDGEMENT

R.A/C.P/M.A. No.

in
D.A. No. 1214/86

~~ADMITTED INTERIM DIRECTIONS ISSUED~~
~~ALLOWED~~

~~DISPENSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

3 JUN 1997

HYDERABAD BENCH