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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1105/96

Date of Order : 7-10-97

BETWEEN :

K.S.Srinivasulu

.. Applicant.

AND

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

2. Chief Post Master General,
A.P.Circle, Hyderabad.

3. Senior Superintendent, RMS,
Hyderabad Sorting Office,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. B.S.A.Satyanarayana

Counsel for the Respondents

.. Mr. V.Vinod Kumar

CORAM:

HON'BLE SHRI R. RAJENDRA PRASAD : MEMBER (ADMN.)

J U D G E M E N T

X As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) X

The applicant in this case was appointed Time Scale
Sorter on 16.2.63, promoted AHRO (Accounts) from 8.9.80, to
HSG - II on 3.6.87, and HSG - I on 3.7.92. He progressed
from pay scales of Rs.425-640 (later revised to Rs.1400-2300)
to Rs.1200-2660 and finally to Rs.2000-3200. His pay on promotion



as AHRO (Accounts) was fixed at Rs. 470/- and at Rs.1750/- in HSG-II, and at Rs.2060/- in HSG-I under FR 22 (C).

2. The grievance of the applicant in this case is that one D.Raghurama Reddy, who was his junior and appointed Sorting Assistant on the same date as himself and drawing less pay (Rs.1800/-) on 1.9.90 than himself (Rs.1900/-) as AHRO (Accounts) came to be fixed at a higher stage in HSG-I, which is explained thus: While officiating as LSG cadre the applicant's pay was fixed at Rs.1,950/-, in HSG-II and on his promotion to HSG-I on 3.7.93 at Rs.2,060/-. Sri D.Raghurama Reddy was also in HSG-II w.e.f. 1.10.91 (a month later than the applicant). But on promotion to HSG-I his pay was fixed at Rs.2,100/- on 1.12.91. The fixation of pay in respect of Sri D.Raghurama Reddy was the result of a judgement delivered by this Tribunal in OA.481/92.

3. The applicant submitted representations and reminders for steppingup of his pay on par with said Sri D.Raghurama Reddy. There was no reply until 26.8.96 when his case was rejected by R-2. Hence this OA. The applicant prays for a direction to be issued to the respondents to step up his pay on par with his junior D.Raghurama Reddy and for a consequential direction to fix his pay at Rs.2000/- from 1.10.91.

4. The respondents in their counter-affidavit admit that D.Raghurama Reddy on promotion to HSG-II was drawing less pay

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(Rs.1900) on 1.10.91. However, as the Tribunal had ordered to refix the pay of the said D.Raghurama Reddy w.e.f. 30.11.90 his pay was fixed at Rs.1,950/- from 31.12.90 in compliance with the order of the Tribunal, and on promotion to HSG-II was fixed at Rs.2,100/- from 1.11.91. There is no provision for a second fixation in the same scale hence the applicant's request was rejected as not admissible.

5. From a perusal of the facts and details of the pay drawn by the applicant as well as D.Raghurama Reddy on their promotion to HSG-II cadre, it is obvious that the said D.Raghurama Reddy was drawing less pay at every stage. It is also not disputed that D.Raghurama Reddy was junior to the applicant. It is quite another matter that a refixation of pay was ordered for D.Raghurama Reddy for good and valid reasons. This has resulted in a different anomaly inasmuch as an official who was junior and promoted to higher selection grade later than the applicant is drawing more pay. Logic therefore demands that the pay of the applicant needs to be stepped up by refixing his pay at Rs.2,100/- from 1.10.91.

6. This needs to be done, and necessary action has to be taken to have the arrears of difference in the pay drawn by the applicant that and to be refixed now, shall be disbursed within 120 days from the date of receipt of a copy of this order. Thus the OA is disposed of. No costs.

H.RAJENDRA PRASAD
Member (Admn. &)

Dated: 07 October, 1997

Deputy Registrar

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O.A. 1105/96.

1. The Secretary, Ministry of Communications,
Dept.of Posts, Union of India, New Delhi.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad.
3. The Senior Superintendent , RMS,
Hyderabad Sorting Office, Hyderabad.
4. One copy to Mr.B.S.A.Satyanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.V.Vinod Kumar, Addngs GSC. CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

pvm

97/10/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)

DATED:- 21/10/97

~~ORDER/JUDGMENT.~~

M.A.,/RA.,/C-A.No..

in

O.A.No. 1105/96

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.

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
शेषण/DESPATCH

21 OCT 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH