

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

OA No. 261/97

Date of Decision: 2.4.1997

BETWEEN:

1. K. Nagabhushanam

2. S. Narasing Rao

.. Applicants

AND

1. Union of India represented by  
Secretary, Ministry of Communications,  
Department of posts,  
New Delhi - 110001.

2. The Chief Post Master General,  
A.P. Circle,  
Dak Sadan,  
Hyderabad - 500 001.

3. Senior Superintendent, R.M.S.,  
Hyderabad Sorting Division,  
Hyderabad - 500 027.

.. Respondents

Counsel for the Applicant: Mr. B.S.A. Satyanarayana

Counsel for the Respondents: Mr. V. Vinod Kumar

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.) *8/24*

.."

39

ORDER

(PER HON'BLE SRI H. RAJENDRA PRASAD; MEMBER (ADMN.) <sup>Q</sup>/<sub>24</sub>)

Heard Sri B.S.A. Satyanarayana for the applicant and Sri V. Vinod Kumar for the respondents.

2. When the case came up for admission on 6.3.1997 a notice was served on the respondents with a direction and a clear understanding that a reply shall be filed before the next date of hearing, which was fixed <sup>for</sup> today. No reply has, however, been filed so far. Sri Vinod Kumar strongly pleaded for the grant of extension of time by atleast 2 weeks to enable him to file their reply. The request was not found acceptable for the reason recorded in the following paragraph.

3. The facts and circumstances arising from this case have been examined on diverse occasions in the past and OAs identical to the present case have been disposed of with directions that the pay of the applicants in all those earlier cases should be fixed under FR 22(1)(a)(i) on the ground that promotions from LSG Supervisor/Accountant (to officials covered by TBOP scheme) to APM (Accounts)/AHRO in <sup>their</sup> normal turn, decidedly involve assumption of higher responsibilities. The first case of this type was OA 481/92 which was disposed of with such direction on 24.2.1995. Subsequently a number of OAs have been disposed of along similar lines. In every such case the respondents had taken the plea that the fixation of pay of the applicant(s) cannot be under FR 22(C) since the said FR lays down that mere identity of pay scale do not amount to assumption of higher duties and responsibilities. This aspect of the matter was thoroughly examined with reference to actual work required to be done by APMs (A/c)/AHRO

<sup>Q</sup>/<sub>24</sub>

40

as reflected in the approved Memos of Distribution of Work of connected offices. It was held only after such scrutiny that all promotions from TBOP LSG to regular Supervisory LSG result in assumption of higher responsibilities. The matter, therefore, has acquired finality and there is hardly anything remaining to be adjudicated any more as far as this particular aspects is concerned.

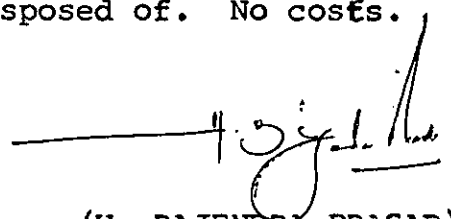
4. It is also stated that this view was accepted for implementation by the department in many earlier instances, and the issue was never taken at any stage on appeal.

5. Under the circumstances it is considered unnecessary to delay the disposal of a matter which stands settled by a series of earlier judgements.

6. In the light of the facts contained in the proceeding paragraphs, the respondents<sup>are</sup> directed to fix the pay of the present applicant under provision of FR 22 (1)(a)(i). Consequential monetary benefits, if any, from such fixation shall be calculated, drawn and disbursed to the applicant within 90 days of the date of receipt of the copy of this order.

7. In issuing this direction the principles laid down in OA 481/92 and reiterated in OA No.686/96 etc. have been fully kept in view.

8. Thus the OA is disposed of. No costs.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMN.)

Date: 2nd April, 1997

KSM

  
by Rajendra (3)