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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.730/97.

DATE OF ORDER : 17-06-1997.

Between :-

Ramulu

... Applicant

And

1. The Sr.Postmaster,
Hyderabad GPO.
2. The Sr.Suptd. of Post Offices,
Hyderabad City Division,
Hyderabad.
3. The Chief Postmaster General,
AP Circle, Abids, Dak Sadan,
Hyderabad.

... Respondents

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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Vinod Kumar, CGSC

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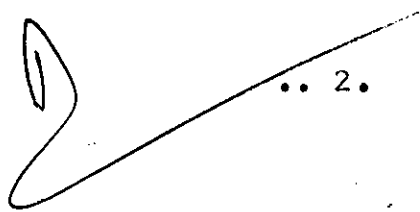
CORAM:

THE HON'BLE SHRI R.R ANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(B)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri Krishna Devan, counsel for the applicant and Shri V.Vinod Kumar, standing counsel for the respondents.

2. The applicant in this OA joined as a Postal Asst. (Time Scale) in the then composite Hyderabad Division on 10-8-1968. He qualified in P.O & R.M.S Accounts Exame^{-ination} held in the month of April, 1975 and joined as an Accountant. While working as Accountant at Kachiguda HPO, Hyderabad, he was promoted to next higher grade of Rs.425-640 under TBOP Scheme with effect from 10-8-84 and his pay on that promoted scale was fixed at Rs.455/-. Later the applicant was promoted as A.P.M. (Accounts), Mancherial HPO, Adilabad Division vide memo No.B1/3/43/111 dt.1-12-89 (Annexure-1 to OA). He assumed charge of that office on 13-2-90. Thereafter he was transferred to Hyderabad General Post Office, as APM (Accounts) on 5-1-91 and he is still working in that capacity.

3. The applicant submitted a representation dt.27-11-96 for fixing his pay under FR 22(a)(i) (Annexure-3 to OA) (old FR 22(c)) when he was promoted as APM (Accounts) in Mancherial. That representation was ^{rejected} disposed of by order dt.3-1-97 (Annexure-4 to OA) on the ground that the applicant is not a party ^{- to this -} in OA where such a prayer was granted.

4. This O.A. is filed for setting a-side the order dt.3-1-97 and for a consequential direction to the respondents to fix his pay in the scale of pay of Rs.1400-2300 on his elevation as APM (Accounts) to Mancherial under FR 22(c).


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5. In a similar case in OA 11/96, which was disposed of on 9-8-96 same relief was prayed by the applicant in that O.A. There also the applicant therein was promoted as APM and his pay was not fixed under FR 22(c). That OA was disposed of allowing that application. From the impugned reply we find that the case of the applicant was rejected as he was not a party in a similar OA. Thereby implying that the applicant will get the relief ^{only} if he approached the Tribunal. This, in our opinion, is not a correct way of approaching. Now the applicant has filed this OA, we see no reason to reject the relief as prayed for. Hence the OA is allowed and it is directed that the pay of the applicant should be fixed as per ~~FR 22(c)~~ FR 22(c) right from the day he assumed charge of APM (Accounts) and he should be continued to be paid on that basis. If he has been paid any special pay on his assumption as APM (Accounts), that special pay should be stopped forthwith and payment of special pay ^{is any} has to be recovered from the date the applicant has been given pay fixation under FR 22(c).

6. The Original Application is ordered accordingly at the admission stage itself. No costs.


 (B. S. JAI PARAMESHWAR)
 Member (J)


 (R. RANGARAJAN)
 Member (A)

17.6.97

Dated: 17th June, 1997.
 Dictated in Open Court.

Handwritten initials and date
 D-R (J) 23-6-97

Already paid them