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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

* AT HYDERABAD

O.A.247/27.

Dt. of Decision : 24-2-99.

A. Balaram

.. Applicant.

Vs

1. The Union of India rep. by
The Secretary, Govt. of India,
Dept. of Posts, Ex. Officio
Director General, Dept. of Posts,
New Delhi.
2. The Chief Postmaster General,
A.P. Postal Circle, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.K.S.R.Anjaneyulu

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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

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ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.D.Subramanyam for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.B.N.Sharma, learned counsel for the respondents.

2. The applicant herein while working as Assistant Postmaster General in the office of the Chief Postmaster General, Hyderabad proceeded on leave upto 2-1-86. By order No.7/18/78-Disc.I/Vg.II dated 24-12-85 he was removed from service. Since the applicant was on leave the punishment of removal from service was implemented w.e.f., 3-1-86. However, the said punishment came to be set aside by this Tribunal ^{by} ~~in~~ order dated 12-8-86. Afterwards the applicant was placed under deemed suspension w.e.f., 3-1-86 till the date of his retirement i.e., i.e., 31-10-87.

3. The Recommendation of the IV Pay Commission was implemented w.e.f., 1-1-86. The grievance of the applicant is that the subsistence allowance for the period from 3-1-86 to 31-10-87 was calculated on the basis of his earlier pay as per III Pay Commission scales of pay. Further his pay was not fixed as on 1-1-86 as per the IV Pay Commission Scales of pay. On that basis his pension has to be given when he superannuated on 31-10-87.

4. The applicant submitted his representation dated 12-2-87 (Annexure-5 to the OA). The applicant has quoted his previous representations starting from 24-8-92 to 6-8-93.

5. The applicant has filed this OA to call for the records relating to the matter and to declare the rejection of the request of the applicant to refix his pay in the revised

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pay scales w.e.f., 1-1-86 and to revise the subsistence allowance for the period from 3-1-86 to 31-10-87 and consequently revise his pensionary benefits communicated by the CPMG vide his letter bearing No.AC/Per/3-2/90-91 dated 20-10-92 as arbitrary, illegal and untenable and to set aside the ^{same} ~~same~~. He further prays that the respondents may be ~~directed~~ directed to refix the pay of the applicant with reference to the IVth Pay Commission Recommendation w.e.f., 1-1-86 and to revise the subsistence allowance paid for the period from 3-1-86 to 31-10-87 and also revise his pensionary and retiral benefits w.e.f., 1-11-87.

6. The representation of the applicant dated 24-8-92 has been replied by the order No.AC/Per/3-2/90-92 dated 20-10-92. It is stated in the reply that as per the provisions contained in Directorate letter No.1-15/87-PAP dated 24-10-88, there is no provision for fixation of his pay with reference to the IVth Pay Commission Report. He has submitted a representation subsequent to 24-8-92 stating that the reply given is not in order and the letter of the Directorate dated 24-10-88 is not applicable to him. The letter dated 24-10-88 is enclosed as Annexure-III to the OA. For this he relies on the Apex Court judgement reported in AIR 1963 SC 687 (Kemchand Vs. UOI), 1989 (10) ATC 808 (Rehitashwa Kumar Vs. State of Rajasthan) and 1994 (28) ATC 671 (B.P.Lakshmanan Vs. UOI & Another). The applicant submitted that he will be satisfied if his representation protesting against the dismissal of his case vide letter dated 20-10-92 is given considering the above citations.

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7. In view of the above submission, the respondents are directed to dispose of his latest representation dated 12-2-97 (Annexure-5) considering the contention raised in that representation as well as the contention raised in this OA taking due note of the judgements referred to above within a period of 2 months from the date of receipt of a copy of this order.

8. The OA is disposed of. No costs.

B.S.JAI PARAMESHWAR
(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)
26.2.99.

R. RANGARAJAN
(R. RANGARAJAN)
MEMBER (ADMN.)

apr

Dated : The 24th Feb. 1999.
(Dictated in the Open Court)

B.M.
26/2/99.

9/3/99

1st and IIInd Court.

Copy to:

1. HDH NJ
2. HHRP M(A)
3. HSSP M(D)
4. C.R. (A)
5. SPARE

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA ARASAD
MEMBER (A)

THE HON'BLE R. RANGARAJAN
MEMBER (A)

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

DATED: 24/2/99

ORDER/JUDGMENT

M.A./R.A/C.P. NO.

IN

R.A.NC : 947/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

