

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / TA / RA / CP / MA / DT 1224 of 1997

..... R. Gopal Rao Applicant(s)

Versus

..... The Secretary & D. G. posts
Min of Communications New Delhi 27 2 2007 Respondent(s)

INDEX SUMMARY

Serial No.	Description of Documents	Pages
.....
Docket Orders
Interim Orders
Orders in MA (s)
Orders in (Final Orders)	17.9.97	16/6/1997
.....

Certified that the file is complete
in all respects.

Signature of
Dealing Hand
(In Record Section)

Signature of S.O.

New Delhi
27/2/07

②

C.A. No. 1224 of 1997.

R. Gopala Rao Applicant(s).

V. E. R. S. U. S.

To Secretary & DG Posts, Min. of Communications, New

Julia & 20th (Respondents).

Date	Office Note.	ORDER
		<p>17-9-97</p> <p>OA is ordered at the admission stage itself. Order vide separate sheet. NO cost.</p> <p>HRSJP M(S)</p> <p>HRRN M(S)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1224 OF 1997.

R. Gopal Rao

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The Secretary & Director General

Min of Communications, P.O. Box 1, N. Delhi 110 002

Respondent(s).

The application has been submitted to the Tribunal by
Shri BSA S. Jayaraman Adv Advocate/party-in
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on _____

16/9/97
Scrutiny Asst.

Amthar
DEPUTY REGISTRAR(JUDL)

11. Have legible copies of the annexure duly attested been filed. *ey*
12. Has the applicant exhausted all available remedies. *ey*
13. Has the Index of documents been filed and pagination done properly. *ey*
14. Has the declaration as required by item No. 7 of Form. I been made. *ey*
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. *ey*
16. (a) Whether the relief sought for, arise out of single cause of action. *ey*
(b) Whether any interim relief is prayed for. *ey*
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. *ey*
18. Whether this cause be heard by single Bench. *no*
19. Any other points.
20. Result of the Scrutiny with initial of the scrutiny clerk.

2/9/92
Scrutiny Assistant.

maybe numbered fl

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Diary No. 286/97

Report in the Scrutiny of Application.

Presented by Sh BSA Satyanarayana Date of Presentation.

Applicant(s) R. Gopal Rao. 8.9.97

Respondent(s) Secretary & D.G. of P.W.D. & Comm. & Transport
New Delhi & 200

Nature of grievance Finalisation of Pay

No. of Applicants 1 No. of Respondents 3

CLASSIFICATION.

Subject Finalisation of Pay No. (b) Department Postal (No) (11)

1. Is the application in the proper form, (three complete sets in paper books form in two compliations). 44
2. Whether name description and address of all the parties been furnished in the cause title. 24
3. (a) Has the application been fully signed and verified. 47
(b) Has the copies been duly signed. 44
(c) Have sufficient number of copies of the application been filed.
4. Whether all the necessary parties are impleaded. 75
5. Whether English translation of documents in a language other than English or Hindi been filed. 47
6. Is the application on time, (See Section 21). 47
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. 47
8. Is the application maintainability. 47
(U/S 2, 14, 18, or U/R. 8 Etc.,)
9. Is the application accompanied IPO/DD, for Rs.50/- 44
10. Has the impugned order's original, duly attested legible copy been filed. 44

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD Bench, HYDERABAD

I N D E X

O.A.NO. 1224 of 1997.

CAUSE TITLE R. Gopala Rao

V E R S U S

The Secretary & D.G. Post, D/O Post, New
Delhi & 2 others

SL.NO.	Description of documents	Page No.
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4.	Objection Sheet	—
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6.	Covers 3. A	

Submitting a direction to settle the pay of the applicant with
PR 220001 w.e.f. 15.7.93 from the date he has assumed
duties of ASRO He was awarded with all consequential
benefits etc

Amey

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD
BENCH AT HYDERABAD

O.A.No. 1224 of 1997

Finalization of pay

Between:

R. Gopala Rao ...

Postal (11)

Applicant

A n d

~~Postal~~ / POSTAL

Union of India & 2 others ...

Respondents

CHRONOLOGICAL LIST OF EVENTS

Date	Particulars
24-3-1961	Applicant joined the service as T/W Sorting Assistant in RMS 'Y' Division
3-10-1980	Applicant was appointed as T/S Accountant in RMS 'Y' Division
30-11-1983	Applicant was promoted as TBOP LSG
1-10-1991	Applicant was promoted as HGS-II under B.C.R
1-7-1993	Applicant was promoted as Asst. Head Record Officer (A/cs) RMS 'Y' Division, Vijayawada

Place: *Hyd*

Dated: 8.9.97

SIGNATURE OF THE APPLICANT'S COUNSEL

*Recd
8/9/97
R. N. R. Damm
m*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. of 1997

Between:

R. Gopala Rao

...

Applicant

A n d

Union of India & 2 others ...

Respondents

INDEX OF MATERIAL PAPERS RELIED UPON

Annexure No.	Description of the Documents relied upon	Page Nos.
	O.A.	1 to 6
1	Memo.No. B-1/21 of Respondent No.3, dated 15-7-1993	7
2	Representation of applicant, dated 23-11-1996	8-9
3	Memo.No. J/Pay Fixation, dated 28-4-1997 conveying the Respon- dent No.2 Memo.No. AC/Pay Fixation/ RMS/1, dated 25-4-1997	10
4	Memo of Distribution of work spe- cifying the duties of AHRO A/cs	11

Place: 

Dated: 8-8-97


SIGNATURE OF THE COUNSEL FOR
THE APPLICANT

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1224 of 1997

Between:

R. Gopala Rao, S/o R. Appa Rao,)
aged about 57 Yrs. Working as) Applicant
Asst. Head Record Officer (A/cs))
in Head Record Office RMS 'Y' Dvn.)
Vijayawada)

A n d

1. Union of India, rep. by Secretary)
and DG Posts, Ministry of Communi-)
cations, Department of Posts,) Respondents
New Delhi - 110 001)
2. Post Master General, Vijayawada Region,)
A.P.Circle, Vijayawada - 520 002)
3. Senior Superintendent, RMS 'Y' Dvn.,)
Vijayawada - 520 001)

APPLICATION UNDER SEC. 19 OF ADMINISTRATIVE TRIBUNAL
ACT, 1985

Address of the Applicant for) B.S.A. SATYANARAYANA,
service of summons & Process) Advocate,
H.No. 2-2-1121/3/E,
New Nallakunta,
Hyderabad - 500 044

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION
IS MADE:

Memo.No. AC/Pay Fixation/RMS/1 of Respondent No.2,
dated 25-4-1997 conveyed through Respondent No. 3
A-3 Rec 10
Memo.No. J/Pay Fixation, dated 28-4-1997 (A-2/67)

a) Subject in brief:

Pay fixation under FR 22(1)(a) on assumption of
duties of higher responsibilities.

2. JURISDICTION

The applicant submits that the subject matter of
the order against which this application is made
is within the jurisdiction of this Hon'ble Tribunal,
under Sec. 14 of the Administrative Tribunals Act, 1985.

Contd.

P R. Gopala Rao

3. LIMITATION

The Applicant further submits that the O.A. is within the limitation period prescribed in Section-21 of the Administrative Tribunals Act, 1985, as the cause of action is recurring ^{loss} even to this day as the pay of the applicant is drawn ^{& p} and the O.A. is being filed on the basis of the impugned order which is dated 28-4-1997.

4. FACTS OF THE CASE

The applicant submits that:

(24-2-61)

4.1 The applicant was appointed as Time Scale Sorting Assistant in RMS 'Y' Division, Vijayawada, with effect from 24-3-1961; and on passing the examination, he was appointed as Accountant with effect from 4-11-1980 in Time Scale. The applicant was promoted as Lower Selection Grade (LSG) under Time Bound One Promotion (TBOP) with effect from 30-11-1983, and his pay was fixed under FR.22(c) on the promotion and he was promoted again as Higher Selection Grade (HSG)-II, under the scheme of Biennial Cadre Review (BCR) with effect from 1-10-1991 and he was performing the same duties as that of the Time Scale Accountant until he was further promoted as Asst. Head Record Officer (AHRO) Accounts, in RMS 'Y' Division, Vijayawada vide Memo.No. B-1/21, dated 15-7-1993 of R-3 (A-1) conveying the orders of Respondent No.2 Memo.No. STI/21-4/54, dated 13-7-1993, and the applicant is working as such with effect from 15-7-1993.

4.2 But the pay of the applicant was not fixed under FR.22 1(a) 1 (Old FR 22C) on his promotion as AHRO A/Cs even though he assumed duties of higher responsibilities, and also even though FR. ~~22(a) 1~~ 22-1(a) 1 envisages it as under:

Contd.

P R. Gopalakrishna

Notwithstanding anything contained in these Rules; while a Govt. Servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him his initial pay in the time scale of pay of the higher post shall be fixed at the stage next above the pay notionaly arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued".

Thus he is deprived of equal pay for equal work, which is violative of Article-39 and Article-14 and 16 of the Constitution of India.

4.3 Then the applicant preferred a representation to the respondent No.2 seeking the benefit of fixation of his pay under FR. 22-1(a) and thus extend him the benefit of the judgements of OA No. 481/92 and 1434/93 from the date of his appointment as AHRO A/cs ie, 15-7-1993 (Copy of representation enclosed as A-2; page No.8-9)

4.4 Then the Respondent No.2 disposed off the representation of the applicant vide his Memo.No. Ac/Pay Fixation/RMS/1, dated 25-4-1997 conveyed through Respondent No.3 vide his Memo.No. J/Pay fixation, dated 28-4-1997 (copy enclosed as A-3; page No.10) rejecting the claim of the applicant, stating that "the benefit of fixation of pay cannot be extended to the above mentioned official on the basis of the Hon'ble CAT Judgement as they are applicable to the officials who have filed the O.A.".

Contd.

P R. Gopal Rao

4.5 The action of the Respondents in denying the benefit of pay fixation under FR.22 1(a) 1 to the applicant on assumption of duties of higher responsibilities is assailable on many a ground to be urged during the arguments including the following grounds.

5. G R O U N D S The applicant submits that:

5.1 The Respondents ought to have passed a General (Rule) order granting the benefit of pay fixation under FR.22 1(a) 1 on assumption of duties to all Accountants on assumption of duties of AHRO A/cs from the posts of TBOP/BCR HSG.II Accountants because the duties of AHRO A/cs involve higher responsibilities than that of Accountants. (Copy of Memo of Distribution of work of AHRO A/Cs of RMS 'Y' Division, Vijayawada is enclosed as A-4 page No. 11) The need of approaching this Hon'ble Tribunal might have been avoided if the respondents implemented the existing the rules in its true spirit.

5.2 The action of respondents in denying the benefits of pay fixation under FR.22 1(a) 1 to the applicant on his posting as AHRO A/cs would amount to hostile discrimination and therefore violative of Article-14 of the Constitution of India.

6. DETAILS OF REMEDIES EXHAUSTED

The applicant submitted a representation to Respondent No.2 on 23-11-1996 and thus he availed of the remedy available to him. Now he is left with no other equally efficacious remedy except approaching this Hon'ble Tribunal.

Contd.

 R. Gopal Rao

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The applicant further declares that he had not previously filed any application, writ petition, or suit regarding the matter in respect of which this application is made, before any other court or authority or any other bench of this Hon'ble Tribunal nor any such application, W.P. or suit is pending before any of them.

8. RELIEF(S) SOUGHT

In view of the facts mentioned in para-4 and grounds in para-5 above, the applicant prays that the Hon'ble Tribunal may be pleased to call for the records, after perusal, declare the action of the respondents in denying the benefit of pay fixation to the applicant under FR.22 1(a) 1 on his promotion to the post of AHRO A/cs RMS 'Y' Division, Vijayawada with effect from 15-7-1993, as illegal, arbitrary, and while setting aside the impugned order contained in Memo. No. AC/Pay Fixation/RMS/1, dated 25-4-1997 of Respondent No.2 as conveyed through Respondent No.3 Memo.No. J/Pay Fixation, dated 28-4-1997 and in consequence direct the Respondents to fix the pay of the applicant under FR.22 1(a) 1 from the date of his assumption of duties of AHRO A/cs Vijayawada and pass such other order or orders, as deemed fit and proper in the circumstances of the case.

9. INTERIM ORDER IF ANY PRAYED FOR

As this O.A. covered by a catena of judgements delivered by this Hon'ble Tribunal on the same subject, the applicant prays that the O.A. may be ordered in favour of the applicant at the admission stage itself, and pass such other order or orders, as deemed fit

Contd.

P R. Gopal Rao

and proper in the circumstances of the case.

10. PARTICULARS OF THE INDIAN POSTAL ORDER FILED IN RESPECT OF COURT FEE

- a) Number and date of I.P.O.: 8-08-362667 of 11/11/91-597
- b) Name of the Post Office,)
which issued the I.P.O.) *Hydrabad*
- c) Name of the Post Office at)
which payable:) *Hydrabad*

11. LIST OF ENCLOSURES

16-801-A
U.P.O. B.C. ID. B. Remover

- a) Vakalat with I.P.O.
- b) O.A. with material papers
- c) 3 Covers with Acknowledgements

VERIFICATION

I, R. Gopala Rao, S/o R. Appa Rao, aged about 57 Yrs. working as Asst. Head Record Officer, Accounts, in RMS 'Y' Division, Vijayawada, R/o Vijayawada, do hereby verify the contents of this O.A. from para 1 to para-11 and declare that the contents of the O.A. are true to the best of my knowledge and belief and also on legal advice. I did not suppress any material facts.

Place: *Hydrabad*
Dated: 8-9-97

R. Gopala Rao
SIGNATURE OF THE APPLICANT

[Signature]
SIGNATURE OF COUNSEL FOR
THE APPLICANT

A-1
Page 7



DEPARTMENT OF POSTS
Office of the Senior Superintendent RMS 'Y' Dn., Vijayawada-1.

...

Mem No: B-1/21 dtd. at VJA-1 the 15.07.93.

In pursuance of the orders contained in CPMG, A.P. Circle, Hyderabad memo No.St/4/91 dtd.30.06.93, and Post Master General, VJA Region, Vijayawada memo No. ST I/21-4/54 dtd. 13.07.93, the following posting/transfer in the cadre of AHRO (A/Cs) is ordered with immediate effect.

Sri R.Gopala Rao HSG II ECR SA RMS 'Y' Dn., Vijayawada on allotment to Vijayawada Region, to be AHRO (A/Cs), RMS 'Y' Dn.; Vijayawada vice post vacant.

Necessary charge reports should be sent to all concerned.

A COPY OF THIS MEMO IS ISSUED TO

1. The official through HRO Vijayawada.
2. The HRO RMS 'Y' Dn., Vijayawada.
- 3-4. The HRO (A/Cs) RMS 'Y' Dn., Vijayawada.
5. The SRM (stg) VJA RMS for information.
6. The PMG VJA Region, Vijayawada-520 002 w.r.t. memo cited above.
7. The CPMG, A.P.Circle, Hyderabad w.r.t. memo cited above.
8. The DAP Hyderabad -500 001.
- 9-14. All ASRMS/IRMS 'Y' Dn., Vijayawada.
- 15.20. All R.Os in 'Y' Dn., Vijayawada.
- 21-23. Spare.

SENIOR SUPERINTENDENT RMS
Y.DN.VIJAYAWADA-520 001

15/7

16

17

From

H. GEFALA RAO
AHRO (A/C) HRO
RMS - Y - Dn.,
VIJAYAWADA-1.

To

The Postmaster General,
A.P. Eastern Region,
VIJAYAWADA-520 002.

"THROUGH PROPER CHANNEL"

Respected Sir,

Sub: Request for fixation of pay under FR 22(1)
(a) (1) (Earlier FR 22C) on promotion as
AHRO (A/C) - Reg.

I submit the following lines for favour of your kind consideration and favourable orders.

I was posted to work as Time scale accountant with operative duties (not supervisory duties) in the scale of Rs.240/-480 with special pay of Rs.45/- P.M. granted in lieu of higher scale of pay for Accountant post w.e.f. 03-10-1980 vide SSRM-Y-Dn., VJA Memo No.B-14/PWt II/111, dt.23-09-80. While so working as time scale Accountant, I was promoted to LSG cadre under TBOP scheme w.e.f. 30-11-1983 on completion of 16 years of service in my basic cadre vide SSRM-Y-Dn., VJA Memo No.B-64/RGR, dt.02-09-1986 in the scale of Rs.425-640/- and the scale was subsequently revised to Rs.1400-2300/- w.e.f. 1-1-86 under CCS (RP) Rules 1986. Again I was promoted to HSG-II cadre w.e.f. 01-10-1991 in the scale of Rs.1600-2300/- under the BCR scheme on completion of 26 years of service vide SSRM-Y-Dn., VJA Memo No.B-1/4-1/BCR dt.13-03-92. Both the above said higher scales were granted to me based on my length of qualifying service applicable to all officials in General under TBOP and BCR schemes. But I worked as Accountant as usual performing the same operative duties as existed at the time of my first appointment as Accountant on 03-10-1980.

While performing operative duties as Accountant, I was promoted as AHRO (A/C) w.e.f. 01-07-1993 which is supervisory post vide CPMG, HYD. Memo No.ST/8-4/91, dt.30-06-1993 communicated in SSRM-Y-Dn., VJA. Memo No.B1/21, dt.15-07-1993. But on my promotion to AHRO (A/C), my pay was fixed at the same stage of that of the Accountant without giving any benefit of fixation of pay under FR 22(I) (a) (1) (Earlier FR 22C). Since the AHRO (A/C) post is a supervisory post carrying duties and responsibilities of greater importance than those attached to the post of Accountant BCR HSG-II with operative duties, my initial pay on promotion to AHRO (A/C) should be fixed at the stage next above the notional pay arrived at by increasing my pay in respect of the lower post by one increment at the stage at which such pay has accrued as per the provisions of FR 22(I) (a) (1) (earlier FR 22C)

As per the MDW of HRO (A/C) RMS-Y-Dn., VJA the AHRO (A/C) will be mainly responsible for effective supervision of work relating to entire Accounts Branch and for this purpose he will supervise the work of Accountants also along with all other OAS. He will

Contd...2

9
13

responsible for prompt replies to the correspondence received from X Divisional Office/Audit Office and he will sign the all routine correspondence to all offices except DVL Office/Audit Office/Circle Office. He is responsible for the proper maintenance of service books and attest the entries in service books, Leave Accounts and Leave eligibility certificates on the leave applications. He will carry out necessary checks at the end of the each financial year on the closing balance of all (Advances) retrenchment registers. He will counter check all the bills before presented for encashment every day. He will check the entries of remittance memos, cash book GPF A/cs, Memorandum of disbursement state of classification of expenditure, and budget estimates etc., prepared by accountants.

From the above MDW it may kindly be seen that the AHRO (A/C) post is carrying duties and responsibilities of greater importance than the accountant post. But the accountant post does not carry any such higher responsibilities, but it carries operative duties only limited to his seat. Hence I am entitled to for fixation of pay under FR 22(I) (a) (1) (earlier FR-22C). I have to get some additional benefit for my higher responsibilities.

Incidentally it is bring to your kind notice that CAT, Hyd., bench ordered such benefit of fixation of pay in respect of two similar type of cases Viz., (1) case of Sri D. Raghurama Reddy, AHRO (A/C) RMS. (2) Case of Kum. G.Nagamani, APM (A/c). Photostat copies of the said CAT Judgements are submitted herewith for favour of perusal.

I, therefore, request you to kindly issue necessary favourable orders for fixation of pay allowing the benefit of increase in pay as admissible under FR 22(I) (a) (1) by virtue of got posted in higher responsible post for which act of kindness I shall be grateful to you.

Thanking you,

Yours faithfully,

Vijayawada,
Dt.23-11-'96.

R. Gopala Rao
(R. GOPALA RAO)

1/c
✓

4.57/139 VJ Data Room
Dated: 24.09.97

सं. - 22
Corr. - 22

भारतीय डाक विभाग
Department of Post, India

उपर दते समय
निम्न संदर्भ में
In reply
please quote.

8. SUPERINTENDENT, R. M. S.
VJ DN. VIJAYAWADA-520001

The HRO - Accounts for S.Y. DN
VJ DN. VIJAYAWADA-520001

कम संख्या / No. J/Pay Fixation

USA 520001/1004-97

विषय / Subject: Fixation of Payband

FR 22(1)(a)(i) - Representation dt 21.11.96
and 23.11.96 of S/S Yangarxana Rao AHRO I
and R. Gopal Rao AHRO II of HRO y dn
Vi Jayawada.

Ref: your letter no Accts/CCSRP/1986/CWII
dt 21.11.96 and 26.11.96

Please refer to your letter cited under reference. The
Post Master General, USA Region, Vi Jayawada, LMD Ac/Pay Fixation/1013/1
dt 25.4.97 on the above subject is reproduced here under.
The officials may please be informed accordingly and acknowledge.

Copy of PPG USA letter dt 25.4.97:

P. N. S.
8. SUPERINTENDENT, R. M. S.
VJ DN. VIJAYAWADA-520001

Please refer to your letter cited under reference. In this
connection, it is to inform that the benefits of fixation of pay
cannot be extended to above mentioned officials on the basis of
Honorable C.A.T. Judgements as they are applicable to the officials
who have filed the O.A.

The officials may please be informed suitably.

R.L.
28/11

(SD) - - - -

Accounts Officer/SJFA
of the Post Master General
Vi Jayawada 520002

A-4 Page 11

of Distribution of Work of Asstt. Head Record Officer(A/C)
Dn. Vijayawada-520001.

HEAD RECORD OFFICER(A/Cs).II-(Part-II Estt):

- He will be mainly responsible for the effective supervision of work relating to Part-II Establishment. For this purpose, he will supervise the work of Accountants (1) & (4) and OAS 6, 7, 8 Cashier. He will give necessary instructions for encashment of bills without delay. He will also give necessary instructions and guidance to them and ensure that the work entrusted to them is properly discharged, strictly in accordance with the rules and that the prescribed registers are maintained properly, and that the prescribed statements are submitted promptly. He will be responsible for the prompt replies to the correspondence received from the Divisional Office/Audit office relating to Part-II Establishment. He will sign the routine correspondence to all the offices except Divisional Office, Regional office, Regional office/C.O. which should be routed through the Head record officer.
2. He will suggest to the HRO regarding any special arrangements to be made in the expeditious disposal of work, especially in connection with revised Pay scales, Pay & allowances, drawal of arrears of Pay & DA and drawal of PL Bonus etc.
 3. He will be responsible for the proper maintenance of Service Books of Part-II Establishment. He will sign the entries in the Service Books, leave accounts and leave eligibility certificates on the leave applications relating to Part-II officials.
 4. He will ensure that the nominations/declarations etc. pertaining to Part-II establishment are obtained, scrutinised and entered in the relevant registers/Service books and forwarded to the Divisional office where necessary for countersignature or for safe custody.
 5. He will carryout necessary checks at the end of each financial year on the closing balance of all retrenchment Registers of Part-II establishment and initial them in token of having carried out the necessary checks. He will pay special attention to authenticate the entries made in LTC/Retrenchment Registers to the extent prescribed to Accountant No.(1) and (3).
 6. He will counter check the OTA bills of HRO Vijayawada and SRO Tenali before submission to D.O.
 7. He will receive all papers/correspondence from AHRO-I pass on such dak to the concerned OA for entry and final distribution.
 8. He will attend to any other work entrusted to him by H.R.O.

1/2

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Consolidated to papers

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1224/97.

Dt.of Decision : 17-09-97.

R. Gopala Rao

.. Applicant.

Vs

1. The Union of India rep.by
Secretary and DG Posts,
Min.of Communications,
Dept.of Posts, New Delhi-1.
2. The Postmaster General,
Vijayawada Region, AP Circle,
Vijayawada-2.
3. The Sr. Superintendent, ~~xxxx~~
RMS 'Y' Division,
Vijayawada-1.

.. Respondents.

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

Counsel for the respondents : Mr.J.R.Gopala Rao, Addl.CGSC.

CORAM:-

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

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

ORDER

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

Heard Mr.B.S.A.Satyanarayana, learned counsel for the applicant and Mr.J.R.Gopala Rao, learned counsel for the respondents.

2. The applicant in this OA was promoted as Lower Selection Grade official under Time Bound One Promotion w.e.f., 30-11-83. His pay was fixed under FR.22(c) on his promotion. He was further promoted as Assistant Head Record Officer (AHRO) Accounts in RMS 'Y' Division, Vijayawada vide memo No.B-1/21 dated 15-07-93 (Annexure-1). He took over the charge of that post of AHRO from 15-07-93. The applicant submitted a representation dated 23-11-96 (Annexure-2) for fixation of his pay on his posting as AHRO under FR 22(c) though he was earlier working in the same scale of pay as LSG official. That was turned down by the impugned letter No.J/Pay fixation dt.28-4-97 (Annexure-3).

1

3. This OA is filed for setting aside the impugned order No.J/Pay Fixation dated 28-04-97 (Annexure-3) and for a consequential direction to the respondents to fix his pay under FR.22(1)(a)(1) from the date of his assumption of duties as AHRO A/cs Vijayawada.

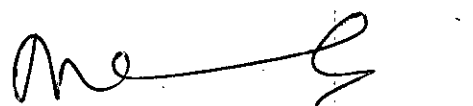
4. This OA is similar to the OA.1219/97 which was disposed of today. Hence similar direction has to be passed in this OA also. However it is to be noted that the applicant is still in service. He filed this OA on 8-9-97 though he assumed charge as AHRO on 15-07-93. ^{As} Hence the fixation of pay and drawal of pay on that basis being a continuous process, he has to be given the relief only from one year prior to filing this OA in view of the filing of the ~~the~~ petition ~~is~~ belatedly.

5. In the result, the following direction is given:-


The pay of the applicant when he was promoted as AHRO on 15-07-93 should be fixed in accordance with FR.22 (1)(a)(1) (FR.22(c)) notionally. He is entitled for actual pay and allowances on that basis from 08-09-96 i.e., one year earlier to filing of this OA. (This OA was filed on 08-09-97).

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


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


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 17th Sept. 1997.
(Dictated in the Open Court)


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JNCI.

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Copy to:

1. The Secretary, and DG Posts, Min.of Communications,
Dept. of Posts, New Delhi.
2. The Postmaster General, Vijayawada Region,
A.P.Circle, Vijayawada.
3. The Senior Superintendent, ~~MR~~ RMS 'Y' Division,
Vijayawada.
4. One copy to Mr.B.S.A.Satyanarayana, Advocate, CAT, Hyderabad.
5. One copy to Mr.J.R.Gopala Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

882
6/10/97
TYPED BY
Compared By

Checked by
Approved By

In the Central Administrative Tribunal
Hyderabad

The Hon'ble Shri R. Rangarajan: M(A)

And

The Hon'ble Shri B.S. Jai Parameshwar
M(J)

Dated: 17/9/97

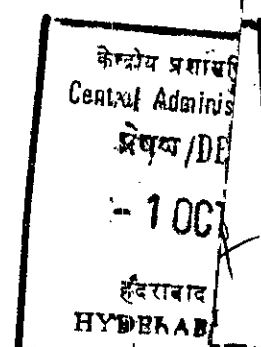
ORDER/JUDGMENT

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

O.A.NO. 1224/97 in

ADMITTED AND INTERIM DIRECT
ALLOWED
DISPOSED OF WITH DIRECTION
DISMISSED
ALLOWED
DISMISSED AS WITHDRAWN
DISMISSED FOR DEFAULT
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR



High Court File No. 96/98

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

WRIT PETITION NO. 20433 of 1998

Petition was filed in the High Court of Andhra Pradesh
by ~~secy.~~ min. of Communication, N. Delhi & Ors Against R. Gopala Rao

~~Department~~ against the Order/Judgment of this Hon'ble Tribunal
dated 17-9-97 and made in O.A.No. 1224/97

The High Court was pleased to ~~disallow~~ ^{accept} the petition/
~~stay the operation of judgment on~~ 22-7-98.

The Judgment of the Tribunal in O.A.No. 1224/97
and the letter/order of the High Court of Andhra Pradesh
enclosed herewith for perusal.

Submitted.

Deputy Registrar (J)

Hon'ble Vice-Chairman

Hon'ble Member (A) I

Hon'ble Member (A) II

Hon'ble Member

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IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT HYDERABAD.

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY THE TWENTY SECOND DAY OF JULY
ONE THOUSAND NINE HUNDRED AND NINETY EIGHT.

PRESENT

THE HONOURABLE MR. JUSTICE: B. SUBHASHAN REDDY.

AND

THE HONOURABLE MR. JUSTICE: VAMAN RAO.

WRIT PETITION NO. 20433 OF 1998.

Between:-

1. The Union of India represented
by Secretary & DG posts,
Min. of Communications,
Department of Posts, New Delhi-11.
2. The Post Master General
Vijayawada Region, A.P. Circle,
Vijayawada-2.
3. The Sr. Superintendent,
BMS 'Y' Division,
Vijayawada-1.

....Petitioners.

and

1. R. Gopala Rao
2. The Central Administrative Tribunal
Hyderabad Bench, Hyderabad.

....Respondents.

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DM

Petition under Article 226 of the Constitution of India
praying that in the circumstances stated in the Affidavit filed
herein the High Court will be pleased to call for the records in
O.A.No.1224/97 on the file of Central Administrative Tribunal,
Hyderabad Bench, dated 17-8-97 and quash the same by issuing a
writ of Certiorari or any other appropriate writ order or direc-
tion.

For the Petitioners: Mr. D. Krishna Murthy, Advocate.

For the Respondent No. 1: None.

For the Respondent No. 2: Mr. B. Adinarayana Rao, S.C. for Central Govt.

The Court at the admission stage-
made the following:- Order:-

ORAL ORDER : (Per B. SUBHASHAN REDDY, J)

Several cases raising the same point were decided against the
petitioners, i.e., the Central Government and its authorities, and
they ~~are~~ have also become final. The learned Standing Counsel for
Central Government does not dispute this fact; but, submits that
such cases which have been decided are going to be reviewed.

In the circumstances, we dismiss this Writ Petition. But, we
make it clear that should the petitioners resort to review the cases
of the similarly situated, this order will not come in their way of
doing so.

Accordingly, this Writ Petition is disposed of. No costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

21 AUG 1998

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TRUE COPY //

Sd/- A.D. KELKER.
ASST. REGISTRAR.

SECTION OFFICER.

// . 2 //

To

- 1) The Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
- 2) + Two C.D.Copies.
- 3) 1 CC to Mr.D.Krishna Murthy Advocate.(O.P.U.C?)-5-22 .50

ORDER

W.O. 30423 of 1998.

Without Costs. W.O. Disposing