

FORM NO. 21
(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH HYDERABAD

OA / FA / RA / CP / MA / PT 1225 of 1997

..... H. S. Nareshwar Rao Applicant(s)

VERSUS

..... The Secretary & D.L.R. Posts, Respondent(s)
M/o Communication, New Delhi & 2 other

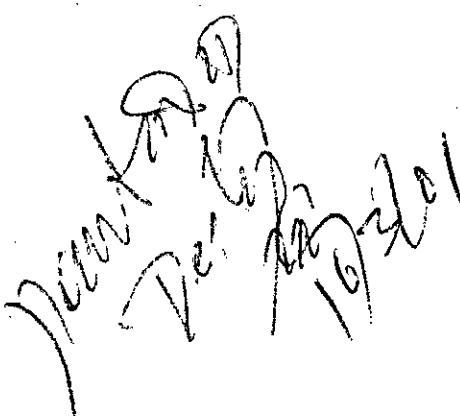
INDEX SHEET

Serial No.	Description of Documents	Pages
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Certified that the file is complete
in all respects.


Signature of
Dealing Hand
(In Record Section)

Signature of S.O.



Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C. A. No.

1225

of 1997.

V. Nagendra Rao Applicant(s).

V E R S U S.

The Secretary & D.G of Posts, Min. of Communications

New Delhi & 20th (Respondents).

Date	Office Note.	ORDER
		<p><u>17-09-97</u></p> <p>OH is ordered at the admission stage itself. Provide separate sheet. No costs.</p> <p>✓ <i>[Signature]</i></p> <p>HRSP <i>[Signature]</i> - HRRS <i>[Signature]</i> m (W) m (B)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDER

ORIGINAL APPLICATION NO. 1225 OF 1997.

YI Nogmara Red

(Applicants(s)

VERSUS.

Union of India, Repd. by.

Secretary & Dy. Portm, Min of Commnialation

All India Assm

Respondent(s).

The application has been submitted to the Tribunal by
Shri B&A Satyanarayana 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.

Ans
DEPUTY REGISTRAR(JUDL)

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

16/10/97
Scrutiny Assistant.

May be mentioned at

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

File No. 2866/97

Report in the Scrutiny of Application.

Presented by Sh BSA Satyanarayana Adv Date of Presentation.

Applicant(s) Y. Nagendra Rao (S-997)

Respondent(s) Secretary & Dy. Secy, min & Communications

Nature of grievance Fixation of Pay New Delhi & 2nd

No. of Applicants 1 No. of Respondents 3

CLASSIFICATION.

Subject Fixation of Pay No. 32 Department Railways (No.)

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

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

I N D E X S H E E T

O.R. NO. 1225 of 1997.

CAUSE TITLE Y. Nageswara Rao

V A R S U S

To Secretary & O/o Post, New Delhi & 20th

SL. NO.	Description of documents	Page No.
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3.	Vakalat	1
4.	Objection Sheet	—
5.	Spec. Copies 3. (Three)	
6.	Covers 3. A	

To direct the respondents to fix the day & the applicant under
for 22/10/97 from the date & amount of dues as above
AC Vijayawada with all consequential benefits etc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
HYDERABAD BENCH AT HYDERABAD

Deben

Fixation of day

O.A. No. 1225 of 1997

Between:

Y. Nageswara Rao ...

Applicant
BY AIR **POSTAL**

and

Union of India & 2 others ...

Respondents

CHRONOLOGICAL LIST OF EVENTS

Date	Particulars
19-4-1963	Applicant joined service as T/S Sorting Assistant in RMS 'Y' Division
4-11-1980	Applicant was appointed as Accountant
30-11-1983	Applicant was promoted as TBOP Accountant (LSG)
1-10-1991	Applicant was promoted under BCR Scheme as HSG-II
1-8-1995	Applicant was appointed and posted as AHRO A/cs, RMS, Vijayawada

Place: *Hyderabad*

Dated: *8.9.97*

SIGNATURE OF THE APPLICANT'S COUNSEL

*Received
By
8/9/97
R. N. R. Demy*



3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1225 of 1997

Between:

Y. Nageswara Rao ...

Applicant

And

Union of India & 2 others ...

Respondents

INDEX OF THE MATERIAL PAPERS

Annexure No.	Description of the documents relied upon	Page No.
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1	Memo. No. B-1/21 of Respondent No. 3, dated 14/17-7-1995	7
2	Representation of the applicant, dated 21-11-1996	8 - 9
3	Memo. No. J/Pay Fixation of Res- pondent No. 3, dated 28-4-1997 convey- ing Respondent No. 2 Memo No. AC/Pay Fixation/RMS/T, dated 25-4-97	10
4	Memo of Distribution of work spe- cifying the duties of AHRO	11

Place: Hyderabad

Dated: 09.07.1997

SIGNATURE OF THE COUNSEL FOR
THE APPLICANT

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD
BENCH AT HYDERABAD

APPLICATION UNDER SEC. 19 OF ADMINISTRATIVE
TRIBUNAL ACT, 1985

O.A.No. 1925 of 1997

Between:

Y. Nageswara Rao, S/o Mahankalajah,)
aged about 56 Yrs. AHR0 Accounts,)
RMS 'Y' Division, Vijayawada,)
R/o H.No. 54-14/4-11, Srinivasanagar)
Bank Colony, 4th Reed, Vijayawada-8)

Applicant

And

1. Union of India, rep. by its
Secretary & DG Posts,
Ministry of Communications,
Department of Posts,
New Delhi - 110 001)
2. Pest Master General,
Vijayawada Region,
Vijayawada - 520 002)
3. Senior Superintendent,
RMS 'Y' Division,
Vijayawada - 520 001)

Respondents

Address of the Applicant for)
service:)

B.S.A. SATYANARAYANA,
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

Memo.No. J/Pay Fixation, dated 28-4-1997 (A-3) Page 10 -

1.1 SUBJECT IN BRIEF

Pay fixation under FR. 22-1(a)1 on assumption of duties
of Higher Responsibilities.

2. JURISDICTION OF THE TRIBUNAL

The applicant submits that the subject matter of the

order against which he wants redressal is within the
jurisdiction of this Bench under Sec. 14 of Administrative Tribunals Act, 1985
Contd.

P. Yeraju

3. LIMITATION. - The application points out that the case is within the limitation period prescribed in Section-21 of the Administrative Tribunal Act, 1985, as the cause of action is recurring loss even to this day as the pay of the applicant is drawn less and the O.A. is being filed on the basis of the impugned order, dated 28-4-1997.

4. FACTS OF THE CASE: The applicant submits that:

4.1 The applicant was appointed as Time Scale Sorting Assistant in RMS 'Y' Division, Vijayawada with effect from 19-4-1963. On passing the examination, he was appointed as Accountant (Time Scale) with effect from 4-11-1980. The applicant was promoted as Lower Selection Grade Sorting Asst. under Time bound one promotion scheme 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-II under BCR Scheme with effect from 1-10-1991 and he was performing the same duties as that of time scale Accountant until he was further posted as AHRO (A/c) RMS 'Y' division, Vijayawada vide Memo. No. ST.1/16-13. Genl/RMS, dated 11-7-1995 of Respondent No.2 conveyed by Memo No. B-1/21, dated 14/17-7-95 of Respondent No.3 (Enclosed as A-1; page No. 7) and working as such with effect from 1-8-1995.

4.2 But the pay of the applicant was not fixed under (PR.22(C) FR.22-1 (a)1 on his posting as AHRO A/cs even though he assumed duties of Higher Responsibilities, and also even though FR.22-1(a)1 envisages it as under:

"Notwithstanding any thing contained in these Rules, where a Government 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 these attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay nationally 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)1 and this extend him the benefit of the judgements of OA Nos. 481/92 and 1434/93 from the date of his appointment as AHRO A/cs ie, 1-8-1995 (Copy of representation was 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 which was conveyed by 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 Hon'ble CAT Judgement as they are applicable to the officials who have filed the O.A".

From the above, it may kindly be seen that the Respondent No. 2 is not denying the benefit of

Contd.



fixation of pay, but in other words advising the applicant to get a similar order from CAT for the benefit of fixation of Pay.

4.5 The action of respondents in denying the benefit or pay fixation as per FR.22(1)(a)(1) on assumption of duties of higher responsibilities to the applicant is available on many a ground to be urged during 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 order granting the benefit of pay fixation under FR.22-1(a) to all time scale Accountants on assumption of duties of AHRO A/cs from the posts of TBCP/BCR HSG.II Accountants, because the duties of AHROs involve higher responsibilities than that of Accountants (Copy of Memorandum of distribution of work of AHRO A/c of RMS 'Y' Division was enclosed as A-4; Page No. 11) The need of approaching the Hon'ble Tribunal might have been avoided if the respondents implemented the existing Rules in its true spirit.

5.2 The action of the respondents in denying the benefit of pay fixation under FR.22 1(a)1 to the applicant on his posting as AHRO would amount to hostile discrimination and therefore violative of Articles 14 and 16 of the Constitution of India.

6 DETAILS OF REMEDIES EXHAUSTED

The applicant submitted a representation to the Respondent No. 2 on 21-11-1996 and thus he had

Contd.

availed the remedy available to him. Now he is left with no other equally efficacious remedy except approaching this Hon'ble Tribunal.

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 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 this Hon'ble Tribunal may be pleased to call for 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 1-8-1995 as illegal, arbitrary and while setting aside the impugned order as contained in Memo.No. AC/Pay Fixation/RMS/1, dated 25-4-1997 of Respondent No.2 conveyed by Respondent No.3 vide his 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 assumption of duties of AHRO, 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. is covered by a catera of judgement, delivered by the Hon'ble Tribunal on the same subjects, the applicant prays that the OA may be ordered in favour of the applicant at the admission stage itself, and pass such other order or orders, as deemed fit and proper, in the circumstances of the case.

10. PARTICULARS OF THE I.P.O. FILED IN RESPECT OF COURT FEE

a) Number & date of I.P.O: 8-12-229769 A 87
b) Name of the Post Office,) 8m Bangalore
which issued:)
c) Name of the Post Office) 164/107 (Rs. 50/-) A
at which payable:)
I.P.O. B.C.D.O. Removals,

11. LIST OF ENCLOSURES

a) Vakalat with I.P.O.:
b) OA with material papers:
c) 3 covers with acknowledgements

VERIFICATION

I, Y. Nageswara Rao, S/o Mahankalajah, aged about 56 years, AHRO A/cs RMS 'Y' Division, Vijayawada, R/o Vijayawada, do hereby verify the contents of the OA from paras 1 to 11 and declare that the contents of the OA are true to the best of my knowledge and belief and also on legal advice. I did not suppress any material facts.

Place: *Hyderabad*

Dated: 8-12-97

Y. Nageswara Rao
SIGNATURE OF THE APPLICANT

SIGNATURE OF THE COUNSEL
FOR THE APPLICANT

A-1
File 7
10

Department of Post-India
Office of the Sr.Superintendent, RMS Y.Dn.,Vijayawada- 520001.

+++

Mem No. B-1/21. Dtd at Vija-1, the 14.07.95. 11

In pursuance of the orders contained in Postmaster General, Vijayawada Lr.No. ST-I/16-13/Genl/RMS dtd. 11.7.95, the following posting/ transfer in the Cadre of AHRO (A/Cs) & Accountants are ordered with effect from the dates specified against.

Sri Y.Nageswara Rao HSG.II(BCR) Accountant, is posted as AHRO (Accounts) in the retirement Vacancy of Sri M.V.Prasada-Rao, whose retirement on superannuation is due on 31.7.95 A/N.

Sri D.L.Narayana HSG.II (BCR) SA is posted in the post of Accountant vice the resultant vacant post of Sri Y.Nageswara-Rao, Acctt. W.e.f. 01.8.95.

Necessary charge reports should be sent to all concerned.

A Copy of this memo is issued to:

- 1 - 2) The officials through HRO Vijayawada.
- 3) The HRO 'Y' Dn.,Vijayawada- 520001.
- 4 - 5) The HRO(A/Cs) Y.Dn.,Vijayawada- 520001.
- 6) The SRM (Stg) VJA RMS,Vija- 520001.
- 7) The Postmaster General, VJA Region, Vijayawada- 520002 w.r.t. his letter referred to above.
- 8) The DA (P) Hyderabad- 500 001.
- 9 -14) All SROs Y.Dn- for information.
- 15-20) All ASRMs/IRMs Y.Dn. 21) File.
- 22-24) Spare.

(M.NAGAIAH)
Sr.Superintendent,
RMS Y- Division,
Vijayawada-520 001.

T1

, V

A. 2
face 8 (IV)

10

Y. N. S. Swara Rao,
AHO, IES, Y Dn.
ERC, Vijayawada - 520 001.

The Postmaster General,
Vijayawada Region,
Vijayawada - 520 002.

Sub: Request for fixation of pay under F R 22-1 (a) (1)
(FR 22 C) on posting as AHRO - Reg.

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

I am working as Accountant with operative duties in the scale of Rs.240-480 with special pay of Rs.45/- in lieue of higher scale of pay for Accountant post w.e.f. 4-11-80. While working I was promoted to LSG under TBOP Scheme wef 30-11-83 in the scale of Rs.425-640 on completion of 16 years of service in my basic cadre. The said scale of Rs.425-640 revised to Rs.1400 - 2300 wef 1-1-86. Similarly again I was promoted to HSG II W E F 1-10-91 under BIR Scheme in the scale of Rs.1600-2660 on completion of 26 years of Service as per the orders in vogue. On both the above promotions I worked as accountant with operative duties as exists as on 4-11-80 ie commencement of my working as Accountant.

While working as such I was appointed as AHRO (Accounts) w.e.f 1-8-95 vide PMG VJA Lr. No. St-1/16-13/Genl/RMS dated 11-7-95 communicated in SSRM Y Dn., Vja, Memo No. B-1/21, dated 14/17-7-95 in Head Record Office, Vja, which is a supervisory post. On my posting as AHRO (A/Cs) my pay fixed at same stage without giving the benefit of fixation of pay under FR 22-1-(a) (1) (FR22C). Since the AHRO (A/Cs) post is a supervisory post carrying duties and responsibilities of greater importance than those attached to the post held by me (Accountant BCR HSG I~~IP~~ with operative Duties) my initial pay on posting as AHRO (A/Cs) shall be fixed at the stage next above the pay notionally 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 22-1-(A) (1) (FR 22C).

As per the MDW of HRO (A/Cs) RMS Y Dn. Vja , also the AHRO (A/Cs) will be mainly responsible for effective supervision of work relating to entire Accounts Branch, and for this purpose he will ~~the~~ supervise the work of Accountants also along with all other OA s. He is responsible for prompt replies to the correspondence received from DVL Office/Audit Office and he will sign the all routine correspondence to all offices except DVL Office/Audit Office/Regional 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 balances of all (Advances) retrenchment regis. He will counter check all the bills before presented for encashment every day.

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

Incidentally it is to bring to your kind notice that when the Department deprived such benefit to one AHRO (A/cs) RMS and two APM (A/cs) Post office, The CAT Hyd. Bench allowed benefit of fixation of pay under FR-22-1 (a) (1) (FR-22-C) in those cases vide OA No. 481/92 dated 24-2-95 and OA No. 1434/93 respectively. Photostat copies of the above two judgements are submitted herewith for favour of perusal.

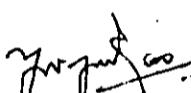
In view of the foregoing I humbly request that my case may kindly be considered favourably and issue orders for fixation of pay under FR-22-1 (a) (1) (FR-22-C) wef 1.8.95 as AHRO A/cs for which act of kindness I shall be ever grateful to you sir.

Thanking you sir.

Yours faithfully,

Vijayawada.

Dt: 21-11-96.


(Y. NAGESWARA RAO)
AHRO, RMS Y Div.
HRO, Vijayawada.

पत्र-स्पर्शहार - 23
तोप्प - 22

Cont. - 22

एसर दते समय
निम्न संदर्भ में
In reply
please quote

भारतीय डॉप विभाग
Department of Posts, India

**Govt
Prod** **Dr. SUPERINTENDENT, R. & C.**
Dr. VIJAYARAJA-526 001

प्रमाणन्तरा / Range 3 | Ray Fixation

Yasawa 510001
REPO Date 11

VSA 520001 (008-4-97)

1971, 82-357: Fixation of Payander

FR 22 (1) (a) (1) - Representation dated 21.11.96
and 23.11.96 of S/S Y. Nagaywada RAJ, AIRCII
and R. Gopalakrishna, AIRCII of HRO, y on
Vi Jayawardha.

Ref: your letter to Accts (cc SCCR) 1986 (cont'd)
dt 21.11.96 and 26.11.96

Please refer to your letters and understandance. The Post Master General, NSA Region 11 Jayapura LNU Ac/Pay Fixation/Peris/1 dt-25.4.97 on the above Second- in the reproduced hereunder. The officials may please be informed accordingly and acquitance. P.M.G.

Cafeteria Poeg vs A kletteralt 25.4.97:

8r. SUPERETTE A/T, R. M. S.
DN. VIJAYAWADA-520 001

Please refer to your letter cited under reference. In this connection, it is to inform that the benefit of fixation of Pay cannot be extended to above mentioned Officials on the basis of Honorable C.A.T. Judgments as they are not liable to be Officials who have filed the O.A.

The officials may please be informed suitably.

Re
2281m

(SD) - - - -

Accounts office N.S.I.F.A
of the Post Master General
Visakhapatnam 520002

7-4
Feb 11
14

✓ MEMORANDUM OF DISTRIBUTION OF WORK OF ASSTT. HEAD RECORD OFFICER (A/C)

RMS Y-DIVISION - VIJAYAWADA-520 001

He will be mainly responsible for the effective supervision of the work relating to Part-I Establishment. For this purpose, he will supervise the work of Accountants No. (2) and (3) and C.As.1,2,3,4,5 and 10. He will 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 statements are submitted promptly. He will be responsible for prompt replies to the correspondence received from the Divisional Office/Audit Office relating to Part-I Establishment. He will sign the routine correspondence to all offices except to the Divisional Office/Audit Office and 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 interest of expeditious disposal of work, especially in connection with revision of Pay Scales, dawal of arrears of DA, Pay & Allowances, Bonus etc..
- 3) He will be responsible for the proper maintenance of service books of Part-I Establishment. He will attest the entries in the service books, leave accounts, and leave eligibility certificates on the leave applications.
- 4) He will ensure that nominations, declarations etc., pertaining to Part-I Establishment are obtained, scrutinized 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 of balance of all Retrenchment Registers of Part-I establishment and initial them in token of having carried out the checks. He will pay special attention to authenticate the entries made in the LTC Register relating to Part-I establishment.
- 6) He will receive all the papers/correspondence from HRO including those from Divisional Office. He will pass on such dak to AMRC-II also for perusal and handling over to the concerned O.A. for entry and final distribution.
- 7) He will supervise the prescribed priority Register of DTA Bills received and ensure that the bills are submitted to Divisional office, strictly in order ~~as~~ of receipt of the bills in the Accounts Branch. He will also counter check the OTA bills of SRO Gngole, Khammam, Guntur and SRO Chirala before submission to Divisional Office.
- 8) He will attend to any other work entrusted to him by the H.R.O.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 1225/97.

Dt. of Decision : 17-09-97.

Y. Nageswara Rao

.. Applicant.

Vs

1. The Union of India, rep. by
its Secretary & DG Posts,
Min. of Communications,
Dept. of Posts, New Delhi-1.

2. The Postmaster General,
Vijayawada Region,
Vijayawada - 520 002.

3. The Sr. Superintendent,
RMS 'Y' Division,
Vijayawada-520 001.

.. 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 (AUDL.)

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 Sorting Assistant w.e.f., 30-11-83 under Time Bound One Promotion scheme. He was posted as AHRO in the same scale of pay in RMS 'Y' Division, Vijayawada vide letter No. B-1/21 dated 14/17-7-95 (Annexure-4). He is working in that capacity w.e.f., 1-8-95. The applicant submits that his pay on his posting as AHRO should be fixed under FR.22(1)(a)(1) [FR.22(C)] from the date of taking over the charge of AHRO i.e., from 1-8-95 and fixation of his pay in the

Br

A

..2

-2-

same stage as he was drawing earlier while working as Lower Selection Grade Sorting Assistant is irregular. To that the applicant filed representation dated 21-11-96 (Annexure-2) and that representation was rejected by the order No.J/Pay fixation dated 28-04-97 (Annexure-3).

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 when promoted as AHRO under FR.22(1)(a)(1) [FR.22(c)] and payment of arrears on that basis.

4. The present application is similar to the OA.1219/97 which was disposed of today. For the reasons stated therein this OA is also disposed of as under:-

The pay of the applicant should be notionally fixed under FR.22(1)(a)(1) [FR.22(c)] from 1-8-95 when he was posted as AHRO. On that basis his pay one year prior to filing of this OA has to be decided. The applicant is entitled for the pay on that basis from 8-9-96 i.e., one year earlier to filing of this OA (This OA was filed on 8-9-97). Arrears on that basis should be paid to him.

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

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

17.9.97

(R. RANGARAJAN)
MEMBER(ADMN.)

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

D.R.(J)

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YLKR

28/9/97
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In the Central Administrative Tribunal
Hyderabad

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

And

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

Dated: 17/9/97

ORDER/JUDGMENT

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

In
O.A. NO. 1225/97

~~ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPARED OF WITH DIRECTION
DISMISSED
ALLOWED
DISMISSED AS WITHDRAWN
DISMISSED FOR DEFAULT
ORI. R.D./REJECTED
NO ORDER AS TO COSTS.~~

YEAR

II COURT

