

.....E- Rajamma.....Applicant(s)

Versus
 The Secretary Dept of Ports & Maritime Development
 New Delhi 220136

Respondent(s)

Serial No.	Description of Documents	Pages
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Orders in (Final Orders)

2u-9.97 26 to 80

Signature of
Dealing Hand
(In Record Section)

Signature of S.O.

July 1970
D. S. C. (16) 3/2001

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1241 of 1997.
E. Rajamma. Applicants(s).

VERSUS.

The Secy. Dept. of Posts,

Min. Communication, New Delhi - 2 or vs.
(Respondents).

Date	Office Note	ORDER
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24/9/97

OA is ordered with
no cost vide orders on
separate sheet.

Per
HCSJP
N. J. Nair

HARN
N. (AS)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

DATE: - / - /
ORIGINAL APPLICATION NO. 1241 OF 1997.

B. Rajamma

(Applicants(s))

VERSUS

Union of India, Repd., By.

The Secretary, D.O. Rets,

Min of Communications New Delhi 1300

Respondent(s)

The Application has been submitted to the Tribunal by Shri N R Srinivasan 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

No. 1997

Scrutiny Asst.

Prabhu
DEPUTY REGISTRAR(JUDL).

18. Is the application accompanied IPO/DD, For Rs.50/-. *yy*
- 10.
11. Have Legible copies of the annexure duly attested been filed. *yy*
12. Has the applicant exhausted all available remedies. *yy*
13. Has the Index of documents been filed and pagination done properly. *yy*
14. Has the declaration as a required by item No. 7 of form, I been made. *yy*
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed. *yy*
16. (a) Whether the relief sought form arise out of single cause of action. *yy*
(b) Whether any interim relief is prayed for. *yy*
17. In case an Ma for connonation of delay in filed, it supported b an affidavit of the a, licant. *—*
18. Whether t is cause ben heard by a single bench. *—*
19. Any other points. *7*
20. Result of the scrutiny with initial of the scrutiny clerk. *May be number of*

19/9/99
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3024/97

Report in the Scrutiny of Application

Presented by SY MR Soumishan, Adv Date of presentation.

Applicant(s) E. Ragamma

Respondent(s) The Secretary, D/O Post, Min of Communication, New Delhi 837

Nature of grievance Fixation of Pay

No. of Applicants 1 No. of Respondents 4

CLASSIFICATION.

Subject... Fixation of Pay No. Department Post (No)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). yy
2. Whether name description and address of all the parties been furnished in the cause title. yy
3. (a) Has the application been fully signed and verified. yy
(b) Has the copies been duly signed. yy
(c) Have sufficient number of copies of the application been filed. yy
4. Whether all the necessary parties are impleaded. yy
5. Whether English translation of documents in a Language, other than English or Hindi been filed. yy
6. Is the application on time, (see section 21) yy
7. Has the Vakalatnama/Memo of appearance/Autorisation been filed. yy
8. Is the application maintainability. yy
(U/S 2, 14, 18, or U/R. 8 Etc.,)
9. Is the application accompanied, duly attested legible copy been filed. yy

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

I N D E X

O.A.NO. 1241 of 1997.

CAUSE TITLE

E. Rajamma.

V. R. S. U. S.

The Secretary, D/o-Psts.

Min. Communications, New Delhi & Bns.

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4.	Objection Sheet	1-
5.	Spere Copies	3+1
6.	Covers	- 3+1-

to direct the respondents to fix the pay of the applicant under
FR 22(1)(1) from the date of her assumption of duty as
APM (Accounting) Babulshamset, Vijayawada with all (2)
conferment benefits

U/S 19 of the A.T. Act, 1985
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Hyderabad Bench :: Hyderabad

Bench

O.A. No. 124 of 1997

BETWEEN

E. Rajamma

And

The Secretary, Department of Posts,
Min. of Communications (rep. UOI),
New Delhi and 3 ors.

Fixation of pay

Post-111

..... Applicant

पोस्टल/POSTAL

..... Respondents

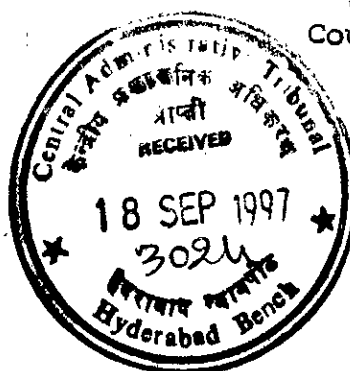
CHRONOLOGY-CUM-INDEX

Sl. No.	Date	Description of the document	Ann.	Page.
1.	11-6-84	App.'s appointment as Time Scale Accountant	A-1	7
2.	16-2-85	Orders promoting the app. to 425-640 scale under OTBP Scheme	A-2	8
3.	11-2-92	App.'s promotion to the next higher scale of Rs. 1600-2660 under BCR Scheme	A-3	9-10
4.	1-4-93	R-3's Memo. promoting the app. to the cadre of APM (A/cs)	A-4	11
5.	27-4-93	App. Relieved from Guntur to join as APM (A/cs) at Vijayawada	A-5	12
6.	4-6-97	App.'s rep. to R-3 for extending the benefit of pay fixation under FR 22-c	A-6	13-17
7.	5-5-95	Judgment and order in O.A. No. 1434/95	A-7	18-22
8.	8-7-97	R-4's letter communicating the decision of R-3 rejecting the applicant's request	A-8	23.

Hyderabad,
14-9-1997

N. R. Srinivasan
(N.R.SRINIVASAN)
Counsel for the Applicant

Received
N.R. Dewaray
18/9/97



3

U/S 19 OF A.T. Act, 1985
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD

O.A.No. 1241 of 1997

BETWEEN

E.Rajamma, W/o of E.Ramakrishnaiah, aged about 53 years
Asst.Post Master (Accounts), Buckinghampet HRO,
Vijayawada

..... Applicant

AND

- 1) The Secretary, Department of Posts,
Ministry of Communications (Representing the
Union of India), Dak Bhavan, Asoka Road,
New Delhi 110001.
- 2) The Chief Post Master General,
A.P.Circle, Abids, Hyderabad 500001.
- 3) The Post Master General, Vijayawada Region,
Vijayawada 520002
- 4) The Sr.Superintendent of Post Offices,
Vijayawada Division, Vijayawada 520001.

..... Respondents

(The Address of the applicant for service of notice is that of her
Counsel, Mr.N.R.Srinivasan, Advocate, 6-1-132/54/G-3,
Karthikeya Apartments, Skandagiri, Padmaraonagar,
Secunderabad 500061)

DETAILS OF APPLICATION

1) Particulars of the order against which this application is being made:

This application is being made against 4th respondent's order No.
E1-22/Dlgs/97 Dated 8-7-97 (vide Annexures A-8) under which she was
communicated that the 3rd respondent has rejected her request for fixation

of pay under FR-22(I)(a)(i.) on promotion from the cadre of LSG Accountant to the cadre of APM (Accounts) on the plea that the orders of this Hon'ble Tribunal in O.A.No.1434/93 dated 5-5-95 are only applicable to the applicant therein.

2) Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the O.A. is covered under Section 14(1) of the A.T.Act, 1985.

3) Limitation

The applicant further declares that the impugned order Annexure A-8 was issued by the 4th respondent on 8-7-1997 and therefore the subject matter is within the limitation prescribed under Section 21 of the A.T.Act, 1985.

4) Facts of the case:

(4.1)(a) The applicant submits that she was appointed as a Postal Assistant in the ^{VIZAG R} Guntur Postal Division in 196⁴ ⁸ and has completed 19 ⁸ years of service as on 30/11/1983. She was posted to work as Time Scale Accountant with effect from 30/11/1983 with special pay of Rs.45/- per month which was granted in lieu of higher scale of pay for Accountant, under SSPOs, GunturMemo No.B-1/IV dated 11/6/84 (vide Annexure A-1).

(b) While so working she was promoted to LSG cadre under OTBP scheme with effect from 30/11/84 in the scale of Rs.425-640 (Revised scale of Rs.1400-2300) vide SSPOs Guntur Memo No.B.I/XIII 2300 dated 16/12/85 (vide Annexure A-2).

© On completion of 26 years of service, the applicant was promoted to HSG-II Scale of Rs.1600-2660 with effect from 1/10/1991 under the BCR Scheme vide SSPOs Guntur Memo No.B-I/XXIV/ dated 11/2/1992 (vide

C3

Annexure A- 3). The applicant submits that ever since her appointment as Accountant with effect from 30/11/1983 she continued to perform the same operative duties prescribed for the post of Accountant.

(4.2) Under 3rd Respondent's Memo No.ST-I/21-16/Genl./III dated 1/4/1993 (Annexure A-4) the applicant was promoted as Assistant Post Master (Accounts), Vijayawada Head Office and transferred to Vijayawada. Under Lr.No.B-I/XVI/G dated 21/4/1993 of SSPOs, Guntur Division, Guntur (vide Annexure A-5) she was relieved to join as Asst.Post Master (Accounts), Vijayawada. She joined at Vijayawada on 19/5/1993. In spite of the fact that the said post of APM(Accounts) is a supervisory post carrying higher responsibilities than that of the post of an Accountant, her pay was fixed at the same stage of Rs.1950/- in the scale of Rs.1600-2660 without giving the applicant the benefit of pay fixation under FR-22(I)(a)(i.) (old FR-22C).

(4.3) The applicant submits that on assumption of a post carrying higher responsibilities she is entitled to pay fixation under FR-22(I)(a)(i.) and the denial of the said benefit to her is arbitrary and violative of Art.14 and 16 of the Constitution and therefore the same is discriminatory and illegal

(4.4) The applicant submits that in her representation dated 4/6/1997 to the 3rd respondent (vide **Annexure A-6**) she referred to the orders of this Hon'ble Tribunal in the O.A. filed by Shri Raghurama Reddy and Smt.Nagamani (O.A.No.1434/93) under which the benefit of pay fixation under FR-22(I)(a)(i.) was extended to them and therefore requested the 3rd respondent to extend the same benefit to her. The judgment and order of this Hon'ble Tribunal in the said O.A. dated 15/5/1995 is **annexed** as A-7. But under the 4th respondent's Lr.No.E1-22/Dlgs/97 dated 8/7/1997, vide Annexure A-8 the applicant was informed that the 3rd respondent has under his letter No.AC/21/1/P1/96 /ER dated 4/7/1997 rejected her claim

on the plea that the posts of LSG Accountant and APM (Accounts) are identical and both the pay scales are also identical and further that the orders of this Tribunal dt. 5/5/95 in O.A.No.1434 are applicable only to the applicants therein.

(4.5) Under the circumstances, the applicant has no alternative or efficacious remedy except to approach this Hon'ble Tribunal in the exercise of its jurisdiction under Sec.19 and 22 of the A.T.Act, 1985.

5) Grounds with legal provision, if any:

(5.1) As the post of Asst.Post Master involves assumption of duties with higher responsibilities as compared to the LSG Accountant, the applicant is entitled to the benefit of pay fixation under FR-22(I)(a)(i.) as per the principle of law established by this Hon'ble Tribunal in its order in O.A.No.1434 of 1993. The denial of the benefit to the applicant is arbitrary and discriminatory and violative of Art.14 and 16 of the Constitution of India.

(5.2) The denial of the benefit of pay fixation under FR-22(I)(a)(i.) by the 3rd respondent on the ground that the applicant is not a party to the O.A.No.1434/93 is illegal and arbitrary and the respondents ought to have implemented the principle of law established therein in the case of applicant also.

(5.3) The applicant may be permitted to urge other grounds at the time of final hearing.

6) Details of remedies exhausted:

The applicant submits that there are no statutory remedies available to her in respect of the matter except to approach this Hon'ble Tribunal.

However, she preferred a representation vide Annexure A-6 to the 3rd respondent, but the same was rejected by the 3rd respondent herein.

7) Matters not previously filed in or pending with any other Court:

The applicant declares that she has not previously filed any application, writ petition, or suit before any Court or authority or any other bench of this Hon'ble Tribunal regarding the matter in respect of which this application is made.

8) Reliefs sought:

In view of the facts and submissions made in Paras 4 and 5 supra, the applicant prays for the following reliefs :

- (1) To call for the records relating to the impugned order Annexure A-8 dated 8/7/1997 and declare that the action of the 3rd respondent denying her the benefit of pay fixation under FR-22(I)(a)(i.) on her promotion as Asst.Post Master (Accounts), Buckinghampet Post Office, Vijayawada as unconstitutional, arbitrary and illegal and consequently quash and set aside the impugned order contained in the 3rd respondent's letter No.Ac/21/1/P1/96/ER dated 4/7/97 communicated to the applicant through the 4th respondent's order No. E1-22/Dlgs/97 Dated 8-7-97 (vide Annexures A-8).
- (2) And consequently to direct the 3rd respondent to fix pay of the applicant under FR-22(I)(a)(i.) (old FR-22C) from the date of her assumption of duties as APM(Accounts), Buckinghampet HRO, Vijayawada .
- (3) And to pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9) Interim Order, if any:

In view of the judgement of this Hon'ble Tribunal in several O.As. including the O.A.No.1434/93 decided on 5/5/1995, she prays that this O.A. may be ordered in favour of the applicant at the admission ^{stage} itself.

10) Particulars of Postal Orders in respect of Application Fees:

I.P.O.No. 8-12-231733 Dated 10/9/97 for Rs.50/-

11) List of Enclosures:

- 1) Vakalat 2) I.P.O. as stated above 3) Annexures as per index

VERIFICATION

I, E.Rajamma, w/o E.Ramakrishnaiah, aged about 53 years, Asst.Post Master (Accounts), HPO, Buckinghampet Post Office, Vijayawada, temporarily come down to Hyderabad do hereby verify that the contents of paras 1 to 4, 6,7 and 11 are true to the best of her knowledge and belief and those of other paras are believed to be true on legal advice.

Hyderabad

Date: 4/9/97

E.Rajamma

Signature of the Applicant

N.R. Srinivasan

(N.R.Srinivasan)

Counsel for Applicant

Amount payable under Insurance Scheme, to cover the whole amount

*from Govt
N.R. Sastri
Counsel for Applicant*

SBC/11-33/69 IV Qd Dated 27-10-83 Somaswami, Vjn. 25,000 Rs.

(C.J. SASTRI)
Senior Superintendent

1. The Registrar, Guntur.
 2. P.R. of the official.
 3. P.R. of the official.
 4. P.R. of the official.
- 2) A copy of this memo, is issued to:-

From 10-11-1973 on regular basis in the place of Sub T. Subbarao who was promoted to the next higher grade under time-bound one promotion scheme.

Appointed as Time/Scale Accountant, Guntur H.O. the P.O. & R.M.S. Examination held in 1979, is

Post. R. Rajamma, Postal Asst., Guntur H.O. Accountant, Guntur H.O. who qualified in

the 11th June, 1984.

522 007

at Guntur --

the 11th June, 1984.

Office of the Senior Superintendent of P.O.s., Guntur Division.

INDIAN P. & T. DEPARTMENT

14-10-83

7

In pursuance of the orders contained in C.O. No. 21/6-1/85-86 dated 14.11.85 and in accordance with the orders contained in para 3 of the D.C.'s letter No. 6.28/84-CPB-II dated 21.11.85 communicated in C.O. letter No. 22/6/85-86, dt. 12.12.85, and in accordance with the time bound one promotion scheme and who declined promotion under the time bound one promotion scheme carried is promoted to the next higher scale of pay of Rs. 425-640 with effect from 30.11.1984 on officiating basis.

The pay in the basic grade in which the official is working will be deemed to have been upgraded to the next higher grade with effect from the date on which she has been promoted i.e., w.e.f. 30.11.84.

3. The attention of the official is drawn to the fact that the official is drawn to the post of DC P&T New Delhi at the stage of completion of 16 years of service before moving on to the next higher scale of pay of Rs. 425-640.

1) T.S.O. General Line, or
11) PO and NMS LEO Accountant.

The official once exercised is final. If such an official is promoted to the next higher scale of pay of Rs. 425-640 but without special pay which was being drawn hitherto. However, such officials would be eligible for promotion to H.C.II General Line in accordance with the rules. On the other hand, if such an official opt for the General Line, he shall be shifted to that line.

4. A COPY OF THIS MEMO. IS ISSUED TO :

1. The Postmaster, Cuttack H.O. for information.

2. Official. She will furnish the option as required in para 3 above within 3 days.

3. Personal file of the official.

4. Post. Branch, Div. office. Details of posts in basic grade upgraded to the higher grade may be furnished to the Post. Branch, Div. office, Cuttack, under information to the D.C. 3. April, V.V.

5. Accountant, Div. office, Cuttack.

6. B.I. Branch, Div. office, Cuttack.

7. The Postmaster General, A.P. Circle, Hyderabad-500 001 for favour of information.

8. The Director of Postal Services, A.P. Eastern Region, Hyderabad-520 002 for favour of information.

9. Service Book of the official with Postmaster, Cuttack H.O.

(D.J. STAFF)
SECTION SUPERINTENDENT OF
POST OFFICES : GENERAL DIV.
CUTTACK : 522 007.

*True Copy
M.A. Guruswamy
Comm. Secy for Hyderabad*

P2 (P) Ann. A-3¹¹

DEPARTMENT OF POSTS - INDIA

OFFICE of the Senior Superintendent of Postoffices, Guntur Dn.
Memo No. B.I/XXIX dated at Guntur 522 007 the 11th Feb. 1992.

In pursuance of the orders contained in Director General, Department of Posts, New Delhi letter No. 22-1-89/PE.I dated 11-10-91 and Memo No. ST.I/15-13/GenI dated 29/30-12-91 of the Postmaster General, Vijayawada, the following officials in the cadre of Postal Assistants, who are approved for promotion to the next higher scale of pay of Rs.1600-2660 on completion of 25 years service in Pias cadre under Biennial Cadre Review, are hereby promoted to that cadre with effect from the dates noted against each.

The posts in the basic grade in which these officials are working are deemed to have been upgraded to that scale with effect from the date on which they have been promoted until further orders and there is no physical movement at present.

The attention of the officials is drawn to GIO No.15 below F.R.22(C) (now F.R.22(1)(a)(1)) in accordance with which officials who are promoted to the next higher scale of pay, have to exercise their options regarding the date from which they intend to come over to the higher scale pf-pay within one month from the date of issue of the promotion orders.

S.No. Name & designation of the official. Date of effect of promotion.

Sarvagshri.

- | | |
|--|---------|
| 1. J.Radhakrishna Murthy, APM, Guntur H.O. | 1-10-91 |
| 2. U.S.Vittal, SPM, Tobacco Colony. | -do- |
| 3. M.Krishnaiah, SPM, Chowdaripeta | -do- |
| 4. B.Suryanarayana Rao, SPM, Old Mangalagiri. | -do- |
| 5. K.Venkataram, PA, Chandramoulinagar | -do- |
| 6. M.Venkateswararao, SPM, Arundelpet Guntur. | -do- |
| 7. V.Radhakrishnamurthy, APM, Mangalagiri HO | -do- |
| 8. T.Kuchelidu, SPM, Old Guntur. | -do- |
| 9. S.V.Ramana Sastry, O.A. SSP's Office, Guntur. | -do- |
| 10. A.Eswaracharyulu, SPM, Pattabhipuram. | -do- |
| 11. J.Venkateswararao, SPM, Brodiepet- | -do- |
| 12. M.Bhushanam, SPM, A.T. Agraharam. | -do- |
| 13. V.Ramulu, PM, Mangalagiri. | -do- |
| 14. V.Rangaswamy, SPM, Pedavadlapudi. | -do- |
| 15. B.Venkatarao, SPM PA Guntur H.O. | -do- |
| 16. B.Chinnapareddi, APM Accounts, Guntur H.O. | -do- |
| 17. G.Veerabhantharao, SPM, Prathipadu. | -do- |
| 18. P.Raghavachari, SPM Etukuru Road. | -do- |
| 19. A.Venkateswarlu, SPM Etukuru. | -do- |
| 20. P.R. | -do- |

contd...

10

12

:2:

21. E.R.K.Reddy, SPM, Koritepadu.	1-10-91
22. P.Veerawamy, SPM, Industrial Estate.	-do-
23. P.Adinarayana Murthy, SPM, College Road.	-do-
24. V.Ramarao, Dy.SPM, Arundelpet.	-do-
25. M.R.Anjaneyulu, PA, Arundelpet.	-do-
26. A.Subbarao I, SPM, Raslpet Guntur.	-do-
27. Shaik Lal John, SPM, SKP Temple.	-do-
28. M.Pitchaiah, PA, Mangalagiri.	-do-
29. Shaik Mastan I, SPM Chandramoulinagar	-do-
30. K.Hymavathi, PA, Arundelpet Guntur	-do-
31. P.Mahaboob Khan, SPM, Lemalle.	-do-
32. P.Jayarama Sarma, PA, Guntur H.O.	-do-
33. D.V.S.Apparao, SPM, Donka Road.	-do-
34. P.Kasaiah, Accountant, Divisional Office.	-do-
35. E.Raghavendrudu, APM, Guntur H.O.	-do-
36. A.Gurunadhan, PA, Guntur Bazar.	-do-
37. K.Showraiah, SPM, L.W.Works.	-do-
38. S.A.Rahaman I, SPM, SVN Colony Guntur	-do-
39. Yenduri Venkateswararao, PA, Guntur Coll.	-do-
40. V.K.Bapaiah Sarma, SPM, Pedanandipadu	-do-
41. K.Seshaiah, SPM, Ch67utra	-do-
42. T.Bhaskararao, SPM, Amaravathi Road.	-do-
43. T.Srinari Rao, SPM, Medical College Guntur	-do-
44. P.V.Jayalakshmi, PA, Guntur Coll.	-do-
45. S.Lakshmaiah, PA, Pattabhipuram.	3-10-91.
46. E.Rajamma, Accountant, Guntur H.O.	1-10-91.
47. R.Prasadarao, PA, Arundelpet Guntur	1-10-91.

A copy of this memo is issued to:-

- 1) The Postmasters - Guntur & Mangalagiri.
- 2) Officials concerned.
- 3) Personal files of officials.
- 4) Service Books of officials.
- 5) The ASPOs Mangalagiri, SDI(P)s Guntur North & Guntur South.
- 6) Accountant, BII and Est branches.
- 7) S p a r e.

(P. PARASURAM)
Senior Superintendent.

To
Smt. E. Rajamma,
Accountant,

On leave at

Guntur H.O. 529001
Postal colony. Guntur-2

*True Copy
N.A. P. V. S. R.
Circled for Applicant*

(11) Ann A 913
2.4

DEPARTMENT OF POSTS - INDIA

Office of the Postmaster-General, Vijayawada Region, Vijayawada-2.
Memo. No. ST.I/21-16/Genl/II, dtd at Vijayawada 520 002, the 1-4-93.

The following postings/transfers in the cadre of APM A/cs are ordered by the IMG, Vijayawada with immediate effect.

1. Sri D. Subba Rao, APM A/cs, Tadepalligudem HO is transferred and posted as APM A/cs, Bhimavaram HO vice post vacant.
2. Kum. Y. Padnavathi, APM A/cs, Narasaraopet HO has already been transferred and posted as APM A/cs, Tenali HO vice this office memo. No. ST.I/21-16/Genl/II, dtd. 23-1-91. The official may be relieved immediately. (First move)
3. Smt. E. Rajamma, qualified in PO & RMS Accounts and promoted to the next higher scale under Biennial cadre Review in Guntur Dn. is transferred and posted as APM A/cs, Vijayawada HO vice post vacant.
4. Sri P. Kasaiah, qualified in PO & RMS Accounts and promoted to the next higher scale under Biennial cadre Review, Guntur Dn. is transferred and posted as APM A/cs Gudivada HO vice post vacant.
5. Sri P. Radhakrishna Murthy, qualified in PO & RMS Accounts and promoted to the next higher scale under Biennial Review and presently working as APM A/cs, Tenali HO is transferred and posted as APM A/cs, Narasaraopet HO vice Kum. Y. Padmavathi transferred.
6. Sri T. Krishna Murthy, qualified in PO & RMS Accounts and promoted to the next higher scale under Biennial Cadre Review, in Tenali Dn. is transferred and posted as APM A/cs, Gudur HO vice post vacant and terminating the present Regional arrangement.

Necessary charge reports should be sent to all concerned.

A copy of this Memo. is issued to:-

1 - 6 : Officials.

- 14: The Sr. Supdt. of Post Offices, Tadepalligudem Ln/
Bhimavaram Ln/Narasaraopet Ln/Tenali Dn/Guntur Dn/
Vijayawada Ln/Gudivada Dn/Gudur Ln.

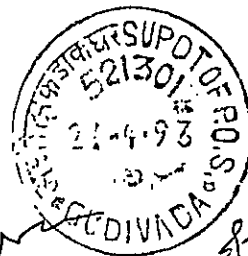
15 - 22: The Postmaster, Tadepalligudem HO/Bhimavaram HO/Narasaraopet HO/Tenali HO/Guntur HO/Vijayawada HO/
Gudivada HO/Gudur HO.

23. The Chief PMG, APCircle, Hyderabad - 500 001.

24. The LA(P), Hyderabad - 500 001.

25 - 30: Spare.

4. Yang
Assistant Director,
O/o the Postmaster-General,
Vijayawada-520 002.



*True Copy
Nid. Fin. W.
Counsel for Applicant*

By entry

DEPARTMENT OF POSTS, INDIA

From
The Sr. Superintendent of
Post Offices,
Guntur Dn., Guntur-522007.

To
The Postmaster,
Guntur H.O.
522001.

No. B.I/XVI/a dated at Gujrat-522007 the 27-4-93.

• • •

Subj: Postings and transfers in the cadre of
Asst. Postmaster (Accounts) -- Regarding.

செய்து கொடுக்கப்பட்டது

Please depute a suitable hand to join as Sub Postmaster, Donka Road(Guntur) S.O. immediately vice Smt. E. Rajamma, Sub Postmaster transferred as Asst.Postmaster(Accounts), Vijayawada H.O. vide Postmaster-General, Vijayawada Memo.no. ST.I/21-16/ Genl./III dated 1-4-'93.

(P. SATYANARAYANA)
SENIOR SUPERINTENDENT

COPY TO: -

1. The Postmaster, Guntur H.O. (Accounts Branch)
2. P.F. of the official.
3. Smt. E. Rajamma, Sub Postmaster, Donka Road-Guntur S.O. She will get herself relieved by handing over the full charge of the S.O. to the official deputed from Guntur H.O.
4. The Postmaster-General, Vijayawada-2 w.r.t. memo. No. ST/21-16/Genl./III dated 1-4-'93.
- 5 to 9. Steno./B.II branch/Est. Branch (Dealing Disp. matters)/Acctt., Divl. Office, Guntur.
10. The Sr. Superintendent of P.O.s., Vijayawada Dn., Vijayawada-520002.
11. The Postmaster, Vijayawada H.O.
12. Exr. B.C.R. dealing file.
13. The Chief Medical Officer In-charge, P & T Dispensary, Guntur-522007.
14. Service Book of the official.
- 15 to 20. Spare.

(P. SATYANARAYANA)
SENIOR SUPERINTENDENT

True Copy
N.D. Srinivasan
Counsel for Applicant

(12)

Ann. A-6 (15)

From

E. RAJAMMA,
A.P.M. (Accounts),
Vijayawada H.O. 520 001.

To

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

"Through Proper Channel"

Respected Sir,

Sub: Request for fixation of Pay under
FR. 22(a) (1) (earlier FR. 22c) on
promotion as A.P.M. (Accounts) - Reg.

. . .

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

I have been posted to work as T/S Accountant
with operative duties (not supervisory duties) in the
scale of Rs. 240-480 with special pay of Rs. 45/- per month
granted in lieu of higher scale of pay for Accountant
post with effect from 30-11-83. While so working as
time scale Accountant, I was promoted to LSG cadre under
TBOP scheme with effect from 30-11-84. In the scale of
pay Rs. 425-640/- on completion of 16 years of service in
my basic cadre and the scales was subsequently revised
to Rs. 1,400-2,300/- with effect from 1-1-86 under CCS(RP)
Rules 1986. Again I was promoted to HSG, II cadre w.e.f.
1-10-1991 in the scale of Rs. 1,600-2,300/- under the BCR
scheme on completion of 26 years of services vide 58PO's
Memo. B-1/XXIX, dt., at GTR57, the 11-2-92. 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
30-11-83.

While performing operative duties as Accountant I was promoted as A.P.M.(Accounts) w.e.f.19-5-93 which is a supervisory post. But on my promotion to A.P.M.(A/cs.) my pay was fixed at the same stage of that of the Accountant without giving any benefit of fixation of pay under FR.22 (1) (a) (1) (earlier FR.22c). Since the APM Accounts 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 A.P.M.(Accounts) would be fixed at the stage next above the notional pay arrived at by increasing my pay in respect of the lower post accrued as per the provisions of FR.22(1)(a)(1) earlier FR.22c.

As per the MDW of Accounts Branch will be mainly responsible for effective supervision of work relating to Accounts Branch ie., work of Accountant also along with all other PAs. APM(A/cs.) is responsible for prompt replies to the correspondence received from SSPOs, DA(P) and SOs. APM(A/cs.) is responsible for proper maintenance of service books and attest the entries in service books, leave accounts, and leave eligibility certificates on the leave applications. Supervision of retrenchment registers, adjustment of advances, checking of pay bills and all other bills before presentation for encashment every day. Further preparation of cash account which is one of the important work. From the above facts, it may kindly be seen that APM(A/cs.) post is carrying duties and responsibilities of greater importance than the Accountant post. But the Accountant post does not carry any such higher responsibility.

It is to bring to your kind notice that Hon'ble CAT, Hyderabad Bench ordered such benefit of fixation of pay in respect of two similar type of cases (Viz.(1) case of Sri B.Raghuramareddy APM(A/cs.) (2) Sri Nagamani.G APM(A/cs.)). Photostat copies of the said CAT judgement 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(1)(a)(1) by virtue of got posted in higher responsible post for which act of kindness, I shall be grateful to you.

Thanking you Sir,

Vijayawada,

Date: 4-6-97

Yours faithfully,

E. Rajamma
(E. RAJAMMA)

(16) (18)

A.P.M. ACCOUNTS II :

1. Custody of Service books and leave accounts of Part-II establishments and those relating to Divisional Office, SBCO, and MMMS. Attestation of entries in service books. Reattestation of first page entries in the service books. Signing of leave eligibility certificates.
2. Supervision over the drawal of pay and allowances in regard of Part-II establishment and ED establishment.
3. Supervision over the various bill deduction schedules, absentee statements, increment certificates.
4. Checking of claim cases, LPCS of Part-II establishment.
5. Fixation of pay Statements, CEA and ROTF claim cases of Part-II establishment including maintenance of registers.
6. Supervision over the records relating to profession tax in regard of staff.
7. Supervision over the drawal of OTA and OBA and Honoraria Bills including verification of emoluments.
8. Checking of particulars of balances etc., in regarding of applications for grant of advances and withdrawals from GPF in regarding the other than class-IV.
9. Supervision over the posting of entries relating to GPF subscriptions etc., in the class IV GPF Ledger accounts and registers. Checking calculation of interest on class-IV GPF Ledger accounts. Checking of GPF Class-IV Quarterly Statements to be submitted to circle office. Checking of particulars of balances etc., in regarding applications for grant of advances, withdrawals etc from GPF.
10. Supervision over the disposal of IR, VR, and AIR references on Part-II establishment and ED.
11. Supervision over the submission of superannuation statements in respect of Part II establishment.
12. Signing of routine correspondence and error extracts except those addressed to higher authorities.

- (16) (17) (19)
13. Supervision over the maintenance of security bonds and records of descriptive particulars relating to ED officials and departmental officials.
 14. Supervision over the maintenance of all RRS and submission of abstracts to DA (P), Hyderabad.
 15. Supervision over the submission of returns to DA (P) on prescribed dates.
 16. Supervision over the payments of pension (all kinds) and DCRG and commutation of pension and Supervision over the maintenance of pension registers.
 17. Supervision over the maintenance of contingent registers and submission of NPCS bills to the authorities concerned.
 18. Supervision over the T.A. bills received for verification of pay and advances.

*To be copy
N. K. Srinivasan
Counsel for Official*

19

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Ann-A-7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

O.A.NO. 1434/93

Between:

Date of Order: 5.5.95.

Kum. G. Magamani.

Sri J. Varahalu.

... Applicant.

And

1. The Director General,
Dept. of Posts, Dak Bhavan,
Sansad Marg, New Delhi-1.
2. The Chief Post Master General,
A.P. Circle, Dak Sadan, Abids,
Hyderabad - 1.
3. The Post Master General,
Northern Region,
Visakhapatnam-3.

... Respondents.

Counsel for the Applicants :

Mr. Krishna Davan

Counsel for the Respondents :

Mr. V. Bhimanna, Addl. GSC.

CORAM:

THE HON'BLE SHRI A. B. GORTHY :

MEMBER (A)

contd...

O.A. 1434/93.

Dt. of Decision : 05-05-1995.

ORDER

As per Hon'ble Shri A.S. Gorthi, Member (Admn.)

Both the applicants who were promoted from the post of LSG Accountant to that of APM Accounts claim by means of this DA for a direction to the respondents to fix their pay in the scale of Rs. 1400-2300/- by giving them the benefit of pay fixation under FR 22-C from the dates of their respective promotions.

2. The applicants were promoted as LSG Accountants under the DTBP Scheme with effect from 30-11-1983 in the scale of pay of Rs. 425-640/-. The said scale was revised to 1400-2300/- with effect from 01-01-1986. Subsequently, they were promoted on 07-03-1989/08-04-1989 to the post of APM Accounts which too carried the same scale of pay, that is, Rs. 1400-2300/-. On their promotions as APM Accounts their pay was fixed at the same stage without giving them the benefit of fixation under FR 22-C. Relevant portion of FR 22-C as it ^{then} ~~was~~ existed reads as under:-

"Notwithstanding anything 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 those 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 notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued".

-3-

3. The rule position thus clearly indicates that when a Government servant is promoted or appointed to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the higher post has to be fixed in terms of FR 22-C, that is, at the stage next above pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.

4. The respondents in their reply affidavit refuted the claim of the applicant mainly on the ground that there was hardly any difference in the nature of duties performed by LSG Accountant and APM Accounts. In support of their contention, they referred to the fact that both the posts carried one and the same scale of pay namely 1400-2300/-. They also state that the post of APM Accounts is offered to the seniormost official in the LSG Grade in Accounts cadre. Accordingly it is only a placement from one Supervisory post to another Supervisory post, both of which carry the same scale of pay and that it is not a promotion.

5. Learned counsel for the applicant has shown me a copy of the memo of distribution of work in the Accounts Branch, Hyderabad GPO which would show that the duties of APM Accounts are of greater importance than those of Accountants. Learned standing counsel for the respondents also furnished to me today similar memorandum of the distribution of work of the Accounts Branch at Rajamundry HO and Anakapalle HO and the same is taken on record. A casual perusal of the said memos of distribution of work would clearly indicate that the APM Accounts is responsible for the

proper functioning of the entire Accounts branch and that he is also saddled with the function of supervision over the PAs and Accountants of the Branch. Clearly therefore the provisions FR 22-C would be attracted in this case. It will be important to know that FR 22-C does not refer to appointment to a post carrying a higher scale of pay but only, to promotion or appointment "to another post carrying duties and responsibilities of greater importance". Accordingly the pay of the applicants will have to be fixed on their promotion to the post of APM Accounts by giving them the benefit of FR 22-C. In coming to the conclusion I am also supported by the judgement of the Tribunal in OA.No.481/92 dated 24-02-1995. In that case the applicant was promoted from the post of LSG Accountant to that of AHRO carrying the same scale of pay. From the record however it was seen that the nature of duties of AHRO are of higher degree of importance than those of LSG Accountant. Accordingly the said OA was allowed with a direction to the respondents to fix the pay of the applicant by giving him the benefit of FR 22-C.

6. In view of what is stated above, I am of the considered view that the applicants' case has merit. Accordingly the OA is allowed and the respondents are directed to restore the pay of the applicants by giving them the benefit of fixation of pay under FR 22-C with effect from the respective dates of their promotion. Amounts recovered if any shall be refunded within a period of three months from the date of communication of this order. Similarly arrears of pay, if any, accruing to the applicants shall also be paid to them within three months.

7. No order as to costs.

CERTIFIED TO BE TRUE COPY

Signature
Date: 24/02/95

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

22

-5-

To

1. The Director General, Dept. of Posts,
Dak Bhavan, Sansad Marg, New Delhi -1.
2. The Chief Post Master General,
A.P. Circle, Dak Sadan, Abids,
Hyderabad -1.
3. The Post Master General,
Northern Region,
Visakhapatnam, -3.
4. One copy to Mr. Krishna Devan, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

To

Kum. G. Nagamani

Apm Alcs

Walter R.S.

Vizag

For copy
N. Q. S. M. L. M.
General for Applicant

22

Ann. A-8 (25)

DEPARTMENT OF POST -INDIA

REGD.

From: Senior Supdt. of Post Offices
Vijayawada Division
Vijayawada-520 001

To: The Post Master
Buckinghampet HPO
Vijayawada-520 002

No:E1-22/Dlgs/97 dated at VJA-520 001 the 8-7-97

Sub: Fixation of pay under FR 22 I (a)(i) on promotion as APM(Accounts)-Case of Smt. E.Rajamma, APM(Accounts), Buckinghampet HPO -Regarding.

Ref: Official's representation dated 4-6-97

W.R.T above cited letter on the above subject the copy of PMG,VJ-2 Lr.No:AC/21/1/P1/96/ER dated 4-7-97 is reproduced below for information and necessary action.

"The request of the official to allow the benefit of fixation of pay under FR 22(I)(a)(i) when she was promoted from LSG Accountant to APM(A/Cs) cannot be allowed when both the LSG Accountant and APM(A/Cs) posts are identical and both the pay scales are also identical.

The Hon CAT Hyderabad orders in OA.No:1434/93 dated 5.5.95 are applicable to those who have filed the OA. Unless rules are amended, the benefit cannot be extended in the case of Smt.E.Rajamma, APM(A/Cs), Vijayawada HPO.

The official may be informed accordingly.

2. In the case of preponement of increment in respect of Smt.E.Rajamma with that of her Junior Smt.G.Nagamani, the case along with the service books of both the officials have been sent to Circle Office vide this office letter of even no. dtd.7.3.97. The decision of the C.O. will be conveyed as and when received.

Sd/As
Accounts Officer & I.A
% the PMG, VJA-520 002

Senior Supdt. of Post Offices
Vijayawada Division
Vijayawada-520 001.

True copy
N.2 Division
Forwarded for Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1241/97

Date of Order: 24.9.97

BETWEEN :

E.Rajamma

.. Applicant.

AND

1. The Secretary, Department of Posts, Ministry of Communications, (Representing the Union of India), Dak Bhavan, Ashoka Road, New Delhi.
2. The Chief Post Master General, A.P.Circle, Abids, Hyderabad.
3. The Post Master General, Vijayawada Region, Vijayawada.
4. The Sr. Superintendent of Post Offices, Vijayawada Division, Vijayawada.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.N.R.Srinivasan

Counsel for the Respondents

.. Mr.J.R.Gopala Rao

- - -

CORAM:

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

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

- - -

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.N.R.Srinivasan, learned counsel for the applicant and Mr.Phalguna Rao for Mr.J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant in this OA while working as LSG cadre under OTBP Scheme w.e.f. 30.11.84 in the scale of pay of Rs.425-640 was promoted as APM (Accounts) (1400-2300 RSRP)/in the scale of pay of Rs.1600-2660 as she had

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completed 26 years of service for promotion under BCR Scheme. When she posted as APM (Accounts) though in the higher scale her pay in the higher scale was not fixed under FR 22(1)(a)(i) (old FR 22(C)). She had represented her case for fixation as above by her representation dated 4.6.97 which was rejected by impugned order No. E1-22/Dlgs/97 dated 8.7.97 (A-8).

3. Aggrieved by the above she has filed this OA for setting aside the impugned order No. E1-22/Dlgs/97, dated 8.7.97 (A-8) and for a consequential direction to R-3 to fix her ^{pay} ~~case~~ when posted as APM (Accounts) under FR 22(1)(a)(i) (old FR 22(C)) ~~when she promoted as APM (Accounts).~~

4. The applicant was promoted as APM (Accounts) on 19.5.93. Her pay was also fixed at the same stage as she was drawing in the lower scale. But the applicant did not represent for fixation as prayed for in this OA till 4.6.97. It is not understood why she waited for 3 years to represent her case. She approached this Tribunal only by filing this OA on 18.9.97. Hence it has to be held that she had approached this Tribunal late. However fixation of pay and grant increments being ^a continuous process, the applicant is entitled for arrears, if any, only from one year prior to filing of this OA. || The applicant relied on the judgement in OA.1434/93 dated 5.5.97 to fix her pay under FR 22(C). In number of cases when the applicants in the APM ^{was} asked to discharge the duties as APM (Accounts) we have given the orders to fix their pay under FR 22(C). As this case is similar and similar direction was also given in OA.1434/93 also this OA is to be allowed subject to the condition that the arrears if any due to her on the basis of ^{above} fixation of pay, ^{to be disbursed} ~~is ordered to form~~ one year prior to filing of this OA.

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

The pay of the applicant when promoted and posted as APM (Accounts) in the scale of Rs.1600-2660 should be fixed following the FR 22(1)(a)(i) notionally. She is entitled for arrears on that basis only from 18.9.96 i.e. one year prior to filing of this OA. (This OA is filed on 18.9.97).

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


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

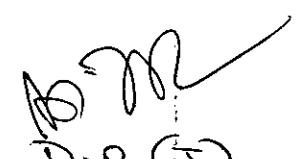
24.9.97


(R.RANGARAJAN)
Member (Admn.)

Dated: 24th September, 1997

(Dictated in Open Court)

sd


D.R (S)

..4..

Copy to:

1. The Secretary, Dept. of ~~Expt~~ Posts, Ministry of Communications, Dak Bhavan, Ashoka Road, New Delhi.
2. The Chief Post Master General, A.P.Circle, Abids, Hyderabad.
3. The Post Master General, Vijayawada Region, Vijayawada.
4. The Senior Superintendent of Post Offices, Vijayawada Division, Vijayawada.
5. One copy to Mr.N.R.Srinivasan, Advocate, CAT, Hyderabad.
6. One copy to Mr.J.R.Gopal Rao, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

14/10/97
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: 24/9/97

ORDER/JUDGMENT

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

in

O.A.NO. 1241/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

