

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / ~~Writ~~ / MA / PT ..... 1285 ..... of 1997

..... T. S. Ratarajan ..... Applicant(s)

Versus


..... The Secretary, A.P.G. Min. of Communication ..... Respondent(s)

Dept- of post New Delhi & ors

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders		
Interim Orders		
Orders in MA (s)		
Orders in (Final Orders)	30-9-97,	12 to 15
	1-10-93	

Certified that the file is complete  
in all respects.

  
27/10/97  
Signature of  
Dealing Head  
(In Record Section)

Signature of S.O.

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1285 of 1997.

T.S. Natarajan Applicants(s).

VERSUS

The Secy. & DG, Min. of Communication  
Postal, New Delhi & Co.  
(Respondents).

Date

Office Note

ORDER

30/9/97

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

HBSTP  
H(J)

HRRM  
H(A)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

ORIGINAL APPLICATION NO. 1285 OF 1997.

T. S. Natarajan

(Applicants(sS))

VERSUS

Union of India, Repd., By.

Secy & D.G., Post. New Delhi  
& 2 others

Respondents(sS(S))

The Application has been Submitted to the Tribunal by Shri

Shri B.A. Setyanarayana 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.-----

Scutiny Post.

24/9/97

Deputy Registrar  
DEPUTY REGISTRAR(JUDL).

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3045

Report in the Scrutiny of Application.

Presented by BSA S Narayana Date of presentation.

Applicant(s) TSN Regon 18.9.97

Respondent(s) Secy (Dg) Pote, Delhi & Co.

Nature of grivenance Pay fixation

No. of Applicants 1 No. of Prespondents 3

CLASSIFICATION:

Subject Pay Fixation No. 9 Department Pote (No. 11)

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

10. Is the application accompanied IPO/DD, for Rs.50/-. 8
11. Have Legible copies of the annexure duly attested been filed. 8
12. Has the applicant exhausted all available remedies. 8
13. Has the Index of documents been filed and pagination done properly. 8
14. Has the declaration as a required by item No. 7 of form, I been made. 8
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed. 8
16. (a) Whether the relief sought form arise out of single cause of action. 8
- (b) Whether any interim relief is prayed for, 8
17. In case an Ma for condonation of delay in filed, it supported b an affidavit of the a plicant. —
18. Whether t is cause ben heard by a single bench. NO
19. Any other points. —
20. Result of the scrutiny with initial of the scrutiny clerk. 8

Scrutiny Assistant

Section Officer.

Deputy Registrar.

Registrar.

8  
run bend

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH, HYDERABAD

INDEX

ORDER. \_\_\_\_\_ 1285 of 1997.

CAUSE TITLE \_\_\_\_\_

T. S. Natarajan.

V E R S U S

The Secy. DG. Min. of  
Communication, Postal, & Tele. Eng

SL.NO.	Description of documents	Page No.
1.	Original Application	1-6
2.	Material Papers	7-8
3.	Vakalat	1
4.	Objection Sheet	
5.	Spere Copies	-3-
6.	Covers	-3-

5 Reg:- To direct the respondents to fix the pay of the applicant under 2  
FR 22(1) (a) (i) from the date of his assumption of duties of  
LSG Supervisor.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
HYDERABAD BENCH AT HYDERABAD

Bench Case

O.A.No. 1285 of 1997

9 Fixation of Pay  
Postal (c)

11

POSTAL

Between:

T.S. Natarajan ...

Applicant

A n d

Union of India & 2 others ...

Respondents

CHRONOLOGICAL LIST OF EVENTS

Date	Particulars
11-7-1962	Applicant joined the Service as T/W Sorting Assistant in RMS 'Y' Division
30-11-1983	Applicant was promoted as TBOP LSG
5-9-1991	Applicant was promoted as LSG Supervisor
1-10-1991	Applicant was promoted as HGS-II under BCR
28-11-1995	Applicant submitted first representation to Respondent No. 2
13-3-1996	Applicant submitted another representation to Respondent No. 2

Place: Hyderabad

Dated: 18-9-97

SIGNATURE OF THE APPLICANT

RECEIVED COPY

N.R. Devaraj  
Sr. CGSG

Allotted to:



2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1285 of 1997

**Between:**

**T.S.Natarajan**

...

**Applicant**

**A n d**

**Union of India & 2 others** ...

**Respondents**

**INDEX OF MATERIAL PAPERS RELIED UPON**

<b>Annexure No.</b>	<b>Description of the Documents relied upon</b>	<b>Page Nos.</b>
<b>k</b>	<b>O.A.</b>	<b>1 to 6</b>
<b>1</b>	<b>Memo.No. B-1/LSG/Prem./Col.VI of Respondent No.3 dated 3-6-1991</b>	<b>7</b>
<b>2</b>	<b>Representation of the appli- cant dated 13-3-1996</b>	<b>8</b>

**Place:**

*Hyderabad*

**Dated:**

*18.2.97*

  
**SIGNATURE OF THE COUNSEL FOR  
THE APPLICANT**



4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1285 of 1997

**Between:**

T.S.Natarajan, S/o Sankara Sambasiva  
Iyyer, aged about 55 Years, Working  
as HSG-II Supervisor, RMS Hyderabad  
Air Unit, Hyderabad Sorting Division,  
Hyderabad - 500 016

**Applicant**

A n d

1. Union of India, rep. by Secretary  
and DG Posts, Ministry of Communi-  
cations, Department of Posts,  
New Delhi - 110 001
2. Chief Post Master General,  
A.P.Circle, Hyderabad - 500 001
3. Senior Superintendent,  
RMS, Hyderabad Sorting Division,  
Hyderabad - 500 027

**Respondents**

**APPLICATION UNDER SEC. 19 OF ADMINISTRATIVE TRIBUNAL**

**ACT, 1985**

Address of the Applicant )  
for service of summons & )  
Process )

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:**

There is no impugned order in this O.A. Applicant  
is seeking the (Pay fixation) Extention of the benefit  
of judgement in O.A.No. 481/92 decided by this Hon'ble  
Tribunal. He filed the O.A. basing on his represen-  
tation dated 13-3-1996 (A-2; Page No. 8)

**a) Subject in brief:**

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

2. JURISDICTION

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

3. LIMITATION

The Applicant further submits that the O.A. is within the limitation period prescribed in Sec. 21 of the Administrative Tribunals Act, 1985, as though the cause of action is recurring even to this day as the pay of the applicant is drawn less and the O.A. is being filed on the basis of his representation dated 13-3-1996.

4. FACTS OF THE CASE

The applicant submits that:

4.1 The Applicant was appointed as Time Scale Sorting Assistant in RMS 'Z' Division, Hyderabad, with effect from 11-7-1962. The applicant was promoted as Lower Selection Grade (LSG) Sorting AML 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 performing the same duty. He was promoted as LSG Supervisor vide Memo.No. B1/LSG/Prom.Col.IV, dated 30-8-1991 of Respondent No.3 with Rs. 40/- special pay per month. (Copy enclosed as A-1; Page No.7) with effect from 5-9-1991 and he was performing the duties of greater importance of supervision. But his pay was not fixed under FR. 22(1) (a) (1) as per the Rules on his assumption of duties of greater importance.

4.2 That the pay of the Applicant was not fixed under FR. 22(1) (a) (1) (Old FR.22C) on his promotion as

LSG Supervisor though he assumed duties of higher responsibilities, and also even though FR.22(1)(a)(1) envisages it as under:

"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 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".

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

4.3 Then the applicant preferred a representation to the respondent No.2 on 23-11-1995 seeking the benefit of fixation of his pay under FR. 22(1)(a)(1) and thus extend him the benefit of the judgements of O.A.No. 481/92 from the date of his appointment as LSG Supervisor and again another representation on 13-3-1996 (Copy of representation enclosed as A-2; Page No. 8).

4.4 The Respondent No.2 choose not to reply the representation of the Applicant despite several personal approaches, nor did extend him the benefit of judgement in O.A.No. 481/92.

Contd. 4

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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 of higher responsibilities officials from the posts of TBOP/BCR HSG.II because the duties of supervisors involve higher responsibilities than that of TBOP Sorting Assistants. 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 the respondents in denying the benefits of pay fixation under FR. 22(1)(a)(1) to the Applicant on his posting as LSG Supervisor 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 28-11-1995 and ~~thereon~~ again on 13-3-1996, 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.

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 this Hon'ble Tribunal may be pleased to call for the records, after perusal, declare the action of the respondents in denying ~~him extension of the benefit of judgement~~ in O.A. 481/92 and of pay fixation to the applicant under FR. 22(1) (a) (1) on his promotion to the post of LSG Supervisor, Hyderabad Air Unit, Hyderabad Sorting Division, Hyderabad with effect from 5-9-1991, as illegal, arbitrary; 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 LSG Supervisor, Hyderabad Air Unit, Hyderabad, Sorting Division 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

Contd.

*RMV*

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 INDIAN POSTAL ORDER FILED IN RESPECT OF COURT FEE:

- a) Number & date of I.P.O : 8-12-69 007 910 9/87
- b) Name of the Post Office, )  
which issued the I.P.O. ) *San Kachyula*
- c) Name of the Post Office )  
at which payable: ) *18.50/-*  
*U.P.S.S. P.D. Revenue*

11. LIST OF ENCLOSURES

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

VERIFICATION

I, T.S.Natarajan, S/o Sankara Sambasiva Iyyer, aged about 55 Yrs. Working as HSG-II Supervisor, Hyderabad Air Unit of Hyderabad Sorting Division, Hyderabad-500 016, 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: *Hyderabad*

Dated: 18-9-87

*T.S.N.*  
SIGNATURE OF THE APPLICANT

*[Signature]*  
SIGNATURE OF COUNSEL FOR  
THE APPLICANT

A-2 10  
6007

31/8

Department of POSTS-INDIA  
Office of the Senior Superintendent PMS  
Hyderabad Sorting Division, Hyderabad-500 027  
www

Memo.No.HI/LSO/Prm/Col.VI dated at Hyderabad-500 027 the 20th AUG. 1991.

Consequent on Superannuation Retirement of Sri A. Subbaranaiyah, LSG Supervisor, HRO Hyderabad Sorting Dn Hyderabad vide this office memo.No.HI/Suprn/Col.VI dated 21-8-91 with effect from 31-8-1991; the following postings on officiating basis are ordered.

1. Sri S.Narsing Rao, LSG Sup. HRO Hyd Air Unit, Hyd-16 to be LSG Supervisor, ~~Hyderabad Sorting Dn~~ carrying special Allow. of ₹40/- per month attached to HRO Hyderabad Stg Unit, Hyderabad-500 001 vice Sri A. Subbaranaiyah above (to make first move).

2. Sri T.S. Natarajan, LSG SA being a senior, eligible and willing official to be LSG Supervisor carrying special allowance of ₹40/- per month attached to HRO Hyd Air Unit, Hyderabad-500 016 vice Sri S.Narsing Rao at serial 1 above.

Sri S.Narsing Rao, LSG Supervisor is not entitled for TA/IP since posted at his request.

The above orders will come into force with effect from 1-9-91 onwards.

Certified that the above officiating arrangements have been ordered on adhoc basis and they are not entitled for any seniority in the grade concerned and that the adhoc appointments do not entitle them to any claim for promotion, confirmation etc; in the grade concerned.

It is also certified that the aboves work is such that they do not permit combination of posts and cannot be arranged without full time substitutes.

A copy of this memo. is issued to:-

- 1-2 The officials (through HRO-A Checker) (10)
3. The HRO Hyd Stg Dn Hyderabad-500 001
4. The Checker i/o Air Unit, Hyderabad-500 016.
5. The HRO (A/c) Hyd Stg Dn Hyderabad-500 001
6. The SRM (Stg) Hyd Stg Dn Hyderabad-500 001
- 7-8 SAs P.Fs.
- 9-10 spare.

[Signature]  
Senior Superintendent  
Hyderabad Sorting Division  
Hyderabad-500 027  
Phone No. 57998

From

T.S. Natarajan, HSG-II SA,  
Hyd Air Stg Unit,  
Begumpet,  
Hyderabad-500016.

To

The Chief P.M.G.  
A.P. Circle, Hyd-1.

Through Proper channel

Respected Sir

I request to draw your kind attention to my earlier representation dtd. 28-11-95 on the subject. I am not fortunate so far to receive any communication from CPMG's Office, so am perforced to encroach upon some of your precious time, for which I may kindly be excused.

The brief fact of my case is that I was promoted to the LSG supervisory cadre w.e.f. 5-9-91 vide SSRM Hyd Stg Dn Hyd. Memo.No.B1/LSG/Prom/Col-VI dtd.30-8-81 as on that day I was working as LSG Supervisor at Sec-bad Stg.

The supervisory post to which I was promoted is of higher responsibility as pronounced in the judgement of Hon'ble Central Administrative Tribunal, Hyd bench in OA No.481/92 dated 24-2-95 in the case of Sri D.Raghuramireddy AHRO Hyd Stg Dn, my pay also might have been fixed under FR 22(1) (a) I am fully covered by the judgement in as much as I am also placed in the similar position. Hence the Hon'ble CAT Hyd judgement dated 24-2-95 has to be extended to me as well. It may be incidentally mentioned here that the Directorate gave clearance for the implementation of the above judgement and accordingly the pay of Sri D.Raghuramireddy AHRO A/c Hyd Stg Dn Hyd was refixed from 31-12-90.

Therefore I would like to request your benevolent AUGUST offices to kindly cause issuance of orders extending the benefit of fixation of my pay also, as per the judgement from 5-9-91 the day from which I am working in supervisory cadre till today. This gesture on your part will be a boon for me since I am put in 4 years and 3 months service to retirement on supernumary basis.

Be pleased to consider Sir,

Yours faithfully

*T.S. Natarajan*  
(T.S. Natarajan)

Hyderabad-1  
Dated 13-3-96

Direct copy in person submitted  
to save dealy.

*Consel from Del here*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1285/97

Date of Order : 30.9.97

BETWEEN :

T.S.N.Natarajan

.. Applicant.

AND

1. Union of India, rep. by &  
the Secretary and DG Posts,  
Ministry of Communications,  
Department of Posts,  
New Delhi.

2. Chief Post Master General,  
A.P.Circle, Hyderabad.

3. Senior Superintendent, RMS,  
Hyderabad Sorting Division,  
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.B.S.A.Satyanarayana

Counsel for the Respondents

.. Mr.K.Ramulu

CORAM:

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

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

J U D G E M E N T

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

Mr.B.S.A.Satyanarayana, learned counsel for the applicant and Ms. Shyama for Mr.K.Ramulu, learned standing counsel for the respondents.

2. The applicant in this OA was promoted to the LSG grade under OTBP scheme in RMS '2' Division, Hyderabad by order No. B1/LSG/Prom.Col.IV, dated 30.8.91 (A-1). He was promoted as LSG Supervisory cadre carrying special pay of Rs.40/- per month attached to Head Record Office, Hyderabad. He was posted in the

Jai

same scale of pay of Rs.1400-2300 by order dated 30.8.91 with special pay of Rs.40/-. The applicant submits that his pay was not fixed under FR 22(a)(a)(i) (Old FR 22 C) on promotion as LSG Supervisor and should not be fixed at the same stage as he was drawing LSG non-supervisory cadre.

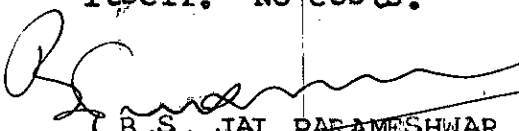
3. This OA is filed praying for a direction to the respondents to fix the pay of the applicant under FR 22(1)(a)(i) on his promotion to LSG Supervisor, Hyderabad Sorting Division, Hyderabad w.e.f. 5.9.91 and for consequential benefits of arrears, etc.

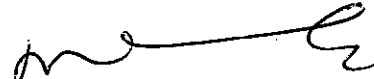
4. This Tribunal had disposed of many OAs similar to the present OA granting reliefs as asked for in this OA. Hence this OA has also to be allowed. Learned standing counsel for the respondents has no objection for allowing this OA.

5. Hence, the following direction is given:-

The pay of the applicant when he took over charge as LSG Supervisor should be fixed under FR 22(1)(a)(i) (Old FR 22 C). The special allowance of Rs.40/- should be withdrawn from the date his fixation was given as above. If he is promoted to further grade his pay and allowances in the higher grade will be fixed in accordance with the law.

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

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

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 30th September, 1997

(Dictated in Open Court)

sd

  
D.R. (J)

(14)  
...3..

Copy to:

1. The Secretary and DG Posts, Min.of Communications,  
Dept. of Posts, New Delhi.
2. Chief Postmaster General, A.P.Circle, Hyderabad.
3. Senior Superintendent, RMS, Hyderabad Sorting Division,  
Hyderabad.
4. One copy to Mr.B.S.A.Satyanarayana, Advocate,CAT,Hyderabad.
5. One copy to Mr.K.Ramulu,Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

YLKR

15/10/97  
(2)

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: 30/9/97

ORDER/JUDGMENT

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

in

O.A.NO. 1285/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

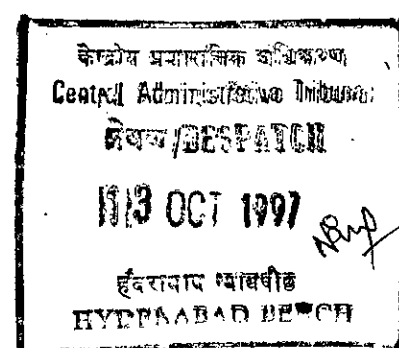
Dismissed for Default.

Ordered/Rejected

No order as to costs.

YLKR

II Court



ORDER (Per the Honourable Smt.Justice T.Meenakumari)

The present writ petition is filed by the petitioners against the order passed in O.A.No:1285 of 1997 on 30.9.1997 by the Central Administrative Tribunal, under which the O.A. was ordered with the observations as mentioned therein.

The petitioners are the respondents and the 1<sup>st</sup> respondent is the applicant. The status of the parties will be referred to as arrayed before the tribunal.

Originally, the applicant has filed O.A.1285 of 1997 before the tribunal seeking a direction to the respondents to fix his pay under F.R. 22 (1) (a) (i) (Old F.R.22 (c) ) on his promotion to LSG Supervisor, Hyderabad Sorting Division, Hyderabad w.e.f. 5.9.1991 and also a direction to pay the arrears. On the submission made by the learned counsel on either side before the tribunal that the present O.A. is covered by the order passed in O.A.267 of 1997 on 2.4.1997, the tribunal has passed the following order:

"The pay of the applicant when he took over charge as L.S.G. Supervisor should be fixed under FR 22 (1) (a) (i) notionally. The special allowance of Rs.40/- should be withdrawn from the date his fixation was given as above. If he is promoted to further grade his pay and

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

PL put up.

24/10/05

DR CD 24/10

50/55

MONDAY, THE THIRD DAY OF OCTOBER  
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI  
and  
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 27898 of 1998

Between:

- 1 Union of India Rep by its Secretary and DG Posts  
Ministry of Communications Dept of Posts New Delhi.
- 2 Chief Post Master General, A.P. Circle, Hyderabad.
- 3 Senior. Superintendent RMS  
Hyderabad Storing Division Hyderabad

..... PETITIONER(S)

AND

- 1 T.S.Natarajan S/o. Sankara Samba Siva Iyer  
RMS , HYderabad Air Unit Hyderabad storing Division  
hyderabad-016.
- 2 The Registrar Central Administrative Tribunal  
Hyderabad Bench , Hyderabad.

.....RESPONDENT(S)

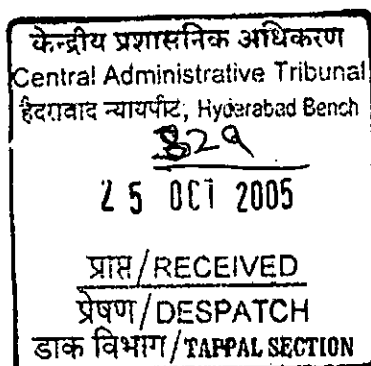
Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ or order or direction , more particularly one in the nature of writ of Certiorari , calling for the records in O.A.No.1285 of 1997 on the file of the Hon'ble Central Administrative Tribunal and quash the order dt: 30-9-1997 in the said O.A

Counsel for the Petitioners: MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GENERAL OF INDIA)

Counsel for the Respondent No.1: MR. B.S. SATYANARAYANA, ADVOCATE FOR MR.G.RAVI

Counsel for the Respondent No.2: None Appeared

The Court made the following : ORDER



At this stage, it is submitted by the learned standing counsel for central Government that this matter is squarely covered by a judgment of the Apex Court reported in UNION OF INDIA V. ASHOKE KUMAR BENERJEE <sup>(1)</sup> wherein it is held thus:

*"The respondent having received the benefit of F.R. 22(1)(a) in advance, while working as Junior Engineer and while not actually functioning as an Assistant Engineer is not entitled to the same benefit of fresh fitment when he is regularly promoted as Assistant Engineer. This is because on his regular promotion he is not being fitted into the "time-scale of the higher post" as stated in the FR. That situation was already over when on his completion of 15 years of services he was granted scale of Asstt. Engineer. For the applicability of the FR 22(1)(a)(i) it is not merely sufficient that the officer gets a promotion from one post to another involving higher duties and responsibilities but another condition must also be satisfied, namely, that he must be moving from a lower scale attached to the lower post to a higher scale attached to a higher post."*

In view of the submission made by the learned Standing counsel that as per the judgment of the Apex Court referred to supra, the Department has started recovering the amounts, which were already paid, We make it clear that such recoveries should not be effected in respect of the employees who were retired, but however, their pension should be refixed as per their entitlement without effecting any recovery.

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<sup>1</sup> (1998) 5 Supreme court cases 242

allowances in the higher grade will be fixed in accordance with law." Aggrieved by the same, the present writ petition is filed by the respondents.

Heard the learned standing counsel for central Government and Mr.B.S.Satyanarayana, appearing on behalf of Mr.Ravi, the learned counsel for the applicant.

We have perused the material available on record and the order impugned.

It is contended by the learned standing counsel for central Government that the tribunal has mechanically passed the order impugned following the earlier order passed in O.A.No:267 of 1997, dated 2.4.1997 and the tribunal has erred in not considering the crucial issue that the time bound one promotion scheme which was introduced to solve the problem of stagnation, has facilitated the applicant to draw the LSG Supervisor scale in the lower selection grade while he was working as a Time Scale Sorting Assinstant and therefore, at the time of his promotion to the LSG Supervisor, he cannot seek the benefit under F.R. 22 once again.

On the other hand, Mr.B.S.Satyanarayana, representing Mr.Ravi, the learned counsel for the applicant submitted that in view of the fact that the applicant has been given the higher pay scale, he is entitled to the benefit under F.R. 22.



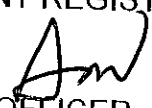
It is further made clear that the observations made by us, would be applicable to those who were already retired from service.

Accordingly, the order of the tribunal is modified.

Subject to the above modification, this writ petition is disposed of.

// TRUE COPY //

SD/- MOHD. IBRAHIM,  
ASSISTANT REGISTRAR

  
SECTION OFFICER

To

- 1 The Registrar Central Administrative Tribunal  
Hyderabad Bench, Hyderabad.
- 2 The Secretary and DG Posts Ministry of Communications Dept of  
Posts Union of India New Delhi.
- 3 Chief Post Master General, A.P. Circle, Hyderabad.
- 4 Senior Superintendent RMS  
Hyderabad Storing Division Hyderabad
- 5 Two CD Copies.

RA

SSV

High Court File NO. 147 of 1998

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

MP.  
WRIT PETITION NO. 33970/98 in WP.27878/98.

Petition was filed in the High Court of Andhra Pradesh  
by ~~Mr~~ UOI & Ors V/s T.S. Natarajan & Anr.  
against the Order/Judgment of this Hon'ble Tribunal dt. 30-7-97  
and made in O.A.No. 1285/97.

The High Court was pleased to ~~order~~ <sup>order</sup> ~~grant~~ Interim Suspension of  
~~the~~ the operation of Judgment on 8/10/98

The Judgment of the Tribunal in O.A.No. 1285/97  
and the ~~order~~ order of the High Court of Andhra Pradesh enclosed  
herewith for perusal.

Submitted.

Deputy Registrar (J) *[Signature]*

*12/11/98*  
~~Registrar~~

Hon'ble Vice-Chairman-*[Signature]*

Hon'ble Member (A) I *[Signature]*

Hon'ble Member (A) II *[Signature]*

Hon'ble Member (J) *[Signature]*  
16/11

HC-107/98

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

WPMP NO. 33970/98

in

WP NO. 27898/98

Between:

1. Union of India, rep. by Secretary & DG Posts, Ministry of Communications, Dept. of Posts, New-Delhi.
2. Chief ~~Superintendent~~, RMS, Postmaster-General, A.P. Circle, Hyderabad.
3. Senior Superintendent, RMS, Hyderabad sorting Division, Hyderabad.

... Petitioner.  
(Petitioner in WP 27898/98  
on the file of the High Court)

And

1. T.S. Natarajan
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyd.

... Respondents.  
(Respondents in do)

COUNSEL FOR PETITIONER: MR. B. ADINARAYANA RAO.

COUNSEL FOR RESPONDENT: SR. CENTRAL GOVT. STANDING COUNSEL.

THURSDAY THE EIGHTH DAY OF OCTOBER, 1998.

THE HON'BLE SRI JUSTICE: B. SUBBASHAN REDDY.

AND

THE HON'BLE SRI JUSTICE: VAMAN RAO.

Petition filed under sec. 151 CPC praying the court to issue an order High Court to suspend the operation of the order in O.A.No. 1285/97 dated 30-9-97 on the file of the Central Administrative Tribunal, Hyderabad Bench, pending writ petition No. 27898/98 on the file of the High Court.

The court, while directing issue of notice to the respondents herein to show cause why this application should not be complied with made the following order (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER: "Interim suspension, Notice."

SD/-D. LAKSHMINARAYANA.  
ASST REGISTRAR.

|| TRUE COPY ||

FOR ASST. REGISTRAR.

TO

1. T.S. Natarajan, s/o. Sankara Sambasiva Iyyer, H.S.G.II Supervisor, RMS Hyderabad Air Unit, Hyd. sorting Division, Hyderabad- 500 016. (RPAD)
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyd. (RPAD)
3. one spare copy
4. one cc to Mr. B. Adinarayana Rao, Advocate (OPUC)

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23/10/98

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ADVOCATE SECTION