

FORM NO . 21

(Sec. Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No. 1308/ 1997

R.N. Swamy 4 12 st Applicant(s)

Versus

the Secretary to Govt. of India, New Delhi & others Respondent(s)

INDEX SHEET

| Sr. No | Description of Documents & Date | Pages. |
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| 1. | Docket orders. | 1 to 4 |
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Signature of Testing head
in Record Section.

Signature of S.O.

(1)

C.A.V. SLIP

1. Circulated to Hon'ble Sri *B S Jai Parameshwar*
2. Case No. *OA 1308/97 + OA 539/97 + 817/97*
3. Date of Hearing *21.4.98*
4. Date when reserved for judgement *21.4.98*
5. Cases cited by the Counsel for Applicant(s) :

- i)
- ii)
- iii)
- iv)
- v)
- vi)


6. Cases cited by the counsel for Respondant(s) :

- i)
- ii)
- iii)
- iv)
- v)
- vi)

7. Books Circulated :

8. Departmental files if any :

Dated : *21/4/98*


COURT OFFICER

CA 1308/97; CA 539/97 and CA 817/97

2

| DATE | Office Note | ORDER |
|------|-------------|-------|
|------|-------------|-------|

17/10/99

Let these cases be listed on next week
 as requested ^{on behalf of} by [unclear] and [unclear] counsel
 for the department. Mr. V. Vinod Kumar stated to
 have been out of station.

[Signature]
 HBSJP
 M(J)

[Signature]
 HARP
 M(A)

21.4.99

Heard Mr. BSA Satyanarayana
 for the applicant and Mr. Jacob
 for Mr. B.N. Sarma for the
 respondents - order reserved

[Signature]
 HBSJP
 M(J)

[Signature]
 HARP
 M(A)

21/6/99

CA 1308/97 (order pronounced in open court)
 CA 539/97 and CA 817/97
 O.A. ~~not~~ allowed with costs.

(independence order)

[Signature]
 HBSJP
 M(J)

[Signature]
 HARP
 M(A)

J2

GA 1308/97 + OA 539/97
 and OA 817/97

| DATE | OFFICE | NOTE | ORDER |
|------|--------|------|-------|
|------|--------|------|-------|

5-12-97

Heard Mr. B.S.A. Satyanarayana for the applicants and Mrs. Shyama for Mr. K. Ramulu for the Respondents.

This OA may be posted along with OA 539/97 and OA 817/97 since all these cases are analogous. List it before this Bench on or after 15-12-97.

For
 HBSTP
 M(J)

For
 HBSTP
 M(B)

27/1/98

Join them in next week if

5/2/98

For
 HBSTP
 M(J)

For
 HBSTP
 M(A)

5/2/98

The Applicants Counsel is reported to be pre occupied in an inquiry. May be posted next week

For
 HBSTP
 M(J)

For
 HBSTP
 M(A)

avl/

O.A. 1308/97

(3)

DATE

OFFICE NLTE

ORDER

12/2/98

List it for tomorrow.

~~Jr~~
HBSJP
M(S)

~~Jr~~
HHRP
M(A)

~~OSW~~

31-3-98

List it tomorrow at the request of Mr BSA Satyanarayana, Counsel for the Applicant.

~~Jr~~
HBSJP
M(J)

~~Jr~~
HHRP
M(A)

1-4-98

May be posted high under the heading "For Admissions" next time this division bench sits.

~~Jr~~
HBSJP
M(J)

~~Jr~~
HHRP
M(A)

15-6-98

O.A. 1308/97 admitted

O.A. is admitted. List it before this Division Bench on the next occasion for final hearing/disposal.

svl/

~~OSW~~
29/4/98
15/5/98

In term orders will continue until further orders.

~~Jr~~
HBSJP
M(S)

~~Jr~~
HHRP
M(A)





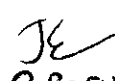

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

O A.NO. 1308 OF 1997.

R. Narayana Swamy & 12th Applicant(s)

VERSUS

The Secretary, D-4 (P), D/o Poth, New (Respondent)
Dilli & another

| Date | Office note | ORDER |
|-----------|-------------|---|
| 30.7.1997 | | <p>Heard Mr. B.S.A. Satyanarayan for the applicant.</p> <p>Prima facie case disclosed. Issue notice to the respondents who may file their reply within 6 weeks. No recoveries shall be effected from the pay until further orders.</p> <p>Interim order be communicated by wire at the cost of the applicants.</p> <p style="text-align: right;">  HBSJP M (J)  HHRP M(A) </p> <p>KSM</p> |
| 19-9-97 | | <p>Mr. Ramulu on behalf of the respondents submits that counter will be filed in two weeks. The same is accepted.</p> <p>List it thereafter. Interim order to continue.</p> <p style="text-align: right;">  HBSJP M(J)  HHRP M(A) </p> <p>sk</p> |
| 10.11.97 | | <p>M.S. Shyama Sundari for Mr. K. Ramulu on behalf of the respondents requests a weeks time to file reply. The same is granted.</p> <p style="text-align: right;">  HBSJP M (J)  HHRP M(A) </p> <p>sn</p> |

after
two weeks
P-I
TJ/W

01308/97

(4)

| Date | Office Note | Orders |
|----------|-------------|--|
| 28.11.97 | | <p>A request was made on behalf of Mr. BSA Satyanarayana Counsel for the applicant that this case may be passed over till 2.15 in A/N. This was agreed to. However, Ms. Shyama for Mr. K. Ramulu on behalf of respondents submitted ^{later in the day} that she has filed a counter affidavit in this case today. The same may be served on the applicant's counsel. One week is granted to enable the counsel for the applicant to study the reply.</p> <p>List it on 5.12.97</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> <p><i>[Signature]</i> HBSJP M(J)</p> </div> <div style="text-align: center;"> <p><i>[Signature]</i> HARP M(A)</p> </div> </div> |

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 1308 OF 1987.

R. Narayana Swamy Applicant (s)
& 12 others.

VERSUS

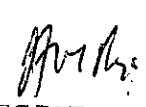
Union of India, Repd. by.

Secy & Dir. Genl., Dept. of Lts;
W/o Comms, New Delhi & another Respondent(s)

The application has been submitted to the Tribunal by Shri B.S.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 _____


Scrutiny Asst.


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. *87*
12. Has the applicant exhausted all available remedies. *87*
13. Has the Index of documents been filed, and pagination done properly. *87*
14. Has the declaration as required by item No. 7 of form, I been made. *87*
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. *87*
16. (a) whether the relief sought for, arise out of single cause of action. *87*
(b) whether any interim relief is prayed for, *87*
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. *—*
18. Whether this case be heard by single Bench. *No*
19. Any other Point. *—*
20. Result of the Scrutiny with initial of the Scrutiny clerk. *Pay & Remitted*

[Signature]
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

Dairy No. 2304

Report in the Scrutiny of Application.

Presented by B. S. S. S. S. Date of Presentation.
Applicant (s) P. A. S.

Applicant (s) RN Swamy. 40B. 30787

Respondent (S) Scary/DG, ports, etc 400

Nature of grievance Fixation of pay
No. of Applicants 12

No. of Applicants 13 No of Respondents 2

CLASSIFICATION

Subject Exemption of pay (No. 9) Department : Post (No. 11)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations.)
2. Whether name, description and addressed of all the Parties been furnished in the cause title.
3. (a) Has the application been fully signed and verified.
(b) Have 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 in 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 IPO/DD, for Rs. 50/-
10. Has the impugned orders Original, duly attested legible copy been filed.

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

INDEX SHEET

O.A. NO. 1308 of 1997.

CAUSE TITLE R.N. Suray & 12 others

V. S. U. S.

The Secretary & D-4 (P), New Delhi &
20 others

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| 4. | Objection Sheet | |
| 5. | Spere Copies 2 (Two) | |
| 6. | Covers 2 | |

Reg:- To declare the orders dt. 01.7.97/16.7.97 as illegal and direct the Respondents to restore the pay of the applicants as was prevailing as on 2.5.96 and prior to issue of impugned orders.

O.A.NO. 1308 OF 1997

Between :

R. Narayanaswamy s/o.R.Nagaiah
age 54 yrs, & 12 others

Applicants

and

Union of India, rep.by its Secretary
& D.G., Deptt. of Posts, New Delhi
and another

Respondents

Bench

9 Applications

बेंच केस/BENCH CASE

CHRONOLOGICAL LIST OF EVENTS

पोस्टल/POSTAL

Postal ⑪

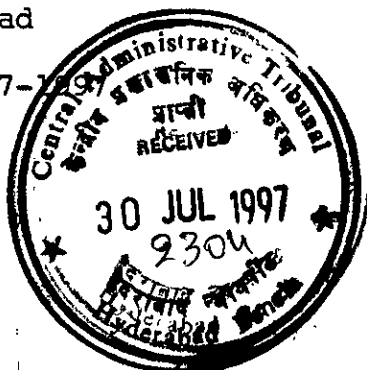
Date

Particulars

| | |
|----------|---|
| 14-5-87 | The respondent No.1 abolished the selection grade posts in Postal Accounts Organisation as per the recommendations of IV CPC under instructions of the Ministry of Finance. |
| 11-8-87 | Scheme of restructuring of cadres of Junior Accts. was introduced by the respondent No.1 |
| 17-10-88 | The benefit of the scheme was extended to the applicants already drawing scale of pay of 1400-2600 |
| 31-10-88 | The applicants were promoted and appointed under the above scheme to the post of Senior Accountants (functional) from Sr.Acctt.(Non-functional). |
| 22-11-91 | The Hon'ble C.A.T., Hyderabad Bench given the benefit of special pay for pay fixation on promotion to the post of Sr.Acctt. w.e.f. 1-9-85 |
| 7-4-93 | The Hon'ble CAT Hyderabad had modified its order in OA 95/91 vide RP 25/93 |
| 19-1-95 | The Hon'ble Supreme Court dismissed the SLP filed by Resp.No.1 challenging the above decision of the CAT Hyderabad in OA No.95/91 and 1068/91. |
| 1-1-96 | Resp.No.1 had implemented the decision given by the Hon'ble Supreme Court in CA 1208/92 |
| 21-5-96 | Resp.No.1 gone back on his own orders and ordered recovery of overpayment from the pay of the applicants by regulating their fixation of pay from 1-4-87 to 31-3-97 |
| 3-3-97 | Resp.No.1 had reiterated the above contentions. |
| 10-4-97 | Resp.No.2 had issued orders directing remittance of the amounts alleged to have been over paid or face recovery, to the applicants. |
| 22-4-97 | Applicants filed OA No.531/97 in the C.A.T., Hyderabad |
| 25-4-97 | Hon'ble CAT Hyderabad disposed the OA 531/97 at the admission stage itself, directing the applicants to file a representation to the Resp.No.1 |
| 12-5-97 | The applicants submitted representations to Resp.No.1 |
| 1-7-97 | Resp.No.1 communicated the rejection of representations of the applicants dt.12-5-97 to the Resp.No.2 |
| 16-7-97 | Resp.No.2 communicated the rejection of Resp.No.1. Hence, the O.A. |

Hyderabad

Signature of the counsel for the applicants



Recd
30.7.97
N.R.Ding
2/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 1308 OF 1997

Between :

R. Narayanaswamy s/o.R.Nagaiah
and 12 others

.. Applicants
a n d

Union of India, reply by its Secretary
& DG, Deptt.of Posts, New Delhi & another .. Respondents

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Hyderabad

Counsel for the applicants

Dt. 3-7-1997

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.NO. 1308 OF 1997

APPLICATION UNDER SECTION 19 OF THE ADMNV. TRIBUNAL ACT, 1985

Between :

1. R. Narayanaswamy, s/o. Nagaiah
age 54 years, Senior Accountant
2. K. Sattaiah, s/o. late Narasimha
age 55 yrs, Senior Accountant
3. V.J.R.S. Sastry, s/o. Muktheswara
Rao, age 51 yrs, Sr. Acctt.
4. P.V. Narasimha Rao, s/o. Ramanaiah
age 51 yrs, Senior Acctt.
5. A. Vijayaswaradhi, s/o. Narasimha
Murthy, age 52 yrs, Sr. Acctt.
6. B. Biksham, s/o. Raghavaiah, age
51 yrs, Senior Accountant
7. Smt. V.R. Sivasankari w/o. V.R.
Murthy, age 50 yrs, Sr. Acctt.
8. G. Ch. Prasad, s/o. Kanakaiah, age
51 yrs, Senior Accountant
9. V. Somayajulu, s/o. Venkateswara
Rao, age 52 yrs, Sr. Acctt.
10. V. Vijayalakshmi w/o. Venugopala
Rao, age 50 yrs, Sr. Acctt.
11. P. Ramachandra Murthy s/o. Krishna
Rao, age 50 yrs, Sr. Acctt.
12. N.V.V. Venugopal Rao, s/o. Satya-
narayana, 50 yrs, Sr. Acctt.
13. Ch. Venkateswarlu s/o. late Laxmi
Narsaiah, age 50 yrs, A.A.O.,
(All working in the Office of the
Director of Accounts (Postal),
Andhra Circle, Abids, Hyderabad) .. Applicants

a n d

1. Union of India, rep. by its Secretary
and D.G (Posts), Deptt. of Posts,
Ministry of Communications, Dak
Bhavan, New Delhi - 110 001
2. The Director of Accounts (Postal)
Andhra Circle, Abids, Hyderabad-1 .. Respondents

1. Particulars of the applicants :

The particulars of the applicants are the same
as mentioned above in the cause title.

The address of the applicants for the purpose of
service of notices, etc. is that of their counsel Sri B.S.A.
Satyanarayana, Advocate, Nallakunta, Hyderabad.

8

:--2--:

2. Particulars of the respondents :

The particulars of the respondents are the same as mentioned above in the cause title.

3. Particulars of the order against which this application has been made :

(1-A) Memo No.109-221 /Admn.II/SA V/OA 1297/97 dt. 16-7-97 of the Respondent No.2 (A-1 Page 11, 23)

(1-B) Memo No. 33(51)/97/PA-Admn.I/88 dt.01-7-1997 (A-2, Page No. 24)

(1-C) Subject in brief:- Fixation of pay under FR 22(1)(a)(i) on conversion of non-functional posts to functional posts.

4. Jurisdiction of the Tribunal :

The applicants submit that the subject matter of the impugned order against which this OA is being filed is within the jurisdiction of this Hon'ble Tribunal under Section 14 of the Administrative Tribunals Act, 1985.

5. Limitation :

The applicants submit that the OA is within the limitation period prescribed as per Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case :

The applicants submit that :

6.1 The applicants herein were initially recruited on various dates as specified in the table enclosed to this O.A. (Annexure 16 page No. 59) in the capacity of Junior Accountants/LDCs.

6.2 While so, all of them were promoted to the post of Senior Accountant (functional posts) under the scheme envisaged by Memo No.37(8)/87/PA/Admn.I/III dt. 11-8-1987, as per the instructions from the Ministry of Finance, issued by the respondent No.1 under the scheme of restructuring the cadres of Junior Accountants and Junior Accounts Officers

...3.

[Handwritten signature]

in the Postal Accounts Organisation (Annexure 6 page No.) and they were promoted vide Memo No.144/Admn.I/EA II/ Restructuring dt. 31-10-1988 of the respondent No.2 as Senior Accountants (functional) in the scale of Rs. 1400 - 2600. (Annexure 7 page No. 23-25).

6.3 The Memo dt.11-8-87 was again superceded by Memo No.37(2)/88/PA-Admn.I/379-412 dt.17-10-88 (Annexure 8 page No.36-38) as per the instructions from the Ministry of Finance, so as to modify the decision in para 3(3) to the extent of fixation of the pay of such of the applicants who were already drawing the pay in the scale of Rs. 1400 - 2600 as personal to them, when appointed to the higher functional grade in the pay scale of Rs.1400 - Rs.2600 w.e.f. 1-4-1987. Accordingly, the pay of the applicants was fixed under FR 22(C) (now FR 22(1)(a)(i).

6.4 The applicants herein have approached this Hon'ble Tribunal seeking their fixation of pay under FR 22(1)(a)(i) taking into account the special pay of Rs.35/- they were drawing as Junior Accountants and pay arrears of pay from 1-9-1985 onwards. They have filed two OAs namely OA No.95/91 (decided on 22-11-91), OA No.1068/95 (decided on 25-1-1996) and RP No.25/93 in OA No.95/91 decided on 7-4-93. In accordance with the judgements (enclosed as Annexure 9 page No. ~~36-38~~ 39-43 and Annexure 10, Page No. 44-46) the pay of the applicants fixed under FR 22-C vide Memo No.148/Admn.I/EA II/CAT/OA 95/91 dt.4-8-93 (A-11 page No. ~~47~~ 48) and arrears were paid w.e.f. 1-9-85 provisionally subject to the final out come of the SLP filed by the respondents in the Hon'ble Supreme Court in Civil Appeal No.1208 of 1992 which was decided on 19-1-1995 (A.12 page No. 48-51). Thus, the pay fixation of the applicants upto 19-1-95 had become final. Thus, the pay of the applicants was fixed under

[Signature]

FR 22 (1)(a)(i) (old FR 22-C) on two occasions in the identical scale of pay of Rs.1400 - 2600; one w.e.f. 1-9-85, the other w.e.f. 1-4-87 which fixation had become final with the judgement of the Hon'ble Supreme Court dt. 19-1-1995. The respondents knowing fully well that the pay of the applicants was fixed under FR 22(1)(a)(i) w.e.f. 1-4-87 did not raise this plea in OA No.95/91 and O.A.No. 1068/95.

6.5 While so, the respondent vide Memo No.33(6)/95/PA/Admn.I/435-450 dt. 1-1-96 have issued orders extending the benefit of Hon'ble Supreme Court judgement to all other similarly placed persons who were appointed to the non-functional selection grade posts of Senior Accountants existing prior to 1-1-1986, after consultation with the Ministry of Finance.

6.6 The respondents vide their Memo No.33(6)/95/PA/Admn.I/85 to 100 dt. 21-5-96 (A.3 page 25) have clarified that the applicants herein were not entitled for the benefit of FR 22(1)(a)(i) for a second time as the benefit for appointment to the functional scale has already been allowed to them by treating a non-functional selection grade post as functional post. Thus, the respondents sought to regulate the pay of all the officials in accordance with the above clarifications. Again the respondent No.1 issued orders vide his Memo No.33(6)/95/PA/Admn.I/499 to 543 dt. 3-3-97 claiming to have sought reconsideration of the matter by the Ministry of Finance and 'they have clarified that the benefit of FR 22(C) cannot be allowed twice for appointment in the same post in the same scale of pay'. Thus, it was ordered that the over payments made in this regard may be recovered (memo enclosed A.2 page No.24).

6.7 Following the above, the respondent No.2 issued individual and identical orders vide Memo No. 109/221 / Admn.II/SA V/OA 1297/97 dated 16-7-1997 specifying the amounts ranging from Rs.21,837 to Rs.24,361. A table is enclosed with the recovery particulars proposed as Annexure 11 page No.59 .

6.8 The argument of the respondent No.1 vide his Memo dt.21-5-96 (A.3 page No.25) that 'the benefit for appointment to functional scale has already been allowed to them by treating the non-functional selection grade post as functional post' was neither a fact nor supported by any rule. In this regard the factual position is as follows :

The respondent No.1 has converted all the selection grade posts as ordinary grade (as Jr.Acctts) until again the respondent No.1 had devised a scheme of restructuring of cadres vide Memo dt.11-8-87 (A.5) and decided to upgrade 80% of the posts of Junior Accountants including non-functional selection grade of Senior Accountants and fixed the pay of the applicants under FR 22 (1) (a) (i) while initiating action to fill up the posts in the higher grade in accordance with the draft recruitment rules enclosed thereto. Thus, it was a promotion on the basis of seniority-cum-fitness of only such Junior Accountants with three years of regular service and have passed the departmental examination for promotion and also on satisfactory completion of probation. So, this promotion was a regular promotion. This promotion was not given treating non-functional posts as functional posts as claimed by the respondent No.1, vide Memo dt.21-5-96 (A.3). This was one fixation under FR 22 (1) (a) (i) to the applicants.

(12)

:--6--:

6.9 The another fixation given to the applicants was also not by treating the non-functional selection grade posts as functional posts because that was given by way of an order of this Hon'ble Tribunal vide OA No. 95/91 (A.9) and OA No.1068/95 (A.10) and RP No.25/93 in OA No.95/91 vide Memo dt.4-8-93 (A.11) wherein the respondent No.1 could have raised the plea of treating the non-functional selection grade posts as functional posts but did not raise this plea for the reasons best known to the 1st respondent. Then the matter under consideration of the Hon'ble Court was not functional post or non-functional post but was one of taking the special pay into account for fixation of pay on promotion. The judgements of this Hon'ble Tribunal have become final with the judgement of the Hon'ble Supreme Court in CA No.1708/92 dt. 19-1-95. This was the 2nd fixation under FR 22-C given to the applicants vide Memo No.148/Admn.I/EA II/CAT/OA 95/91 dt. 4-8-93 wherein the respondent No.1 did not claim that he was giving functional scale by treating the non-functional selection grade posts. Now as late as on 21-5-96 the respondents cannot reprobate what they have approved already. Thus, the action of the respondents in seeking to recover huge amounts of money from the applicants by regulating the pay of the applicants with retrospective effect is arbitrary and illegal.

6.10 The applicants have filed OA No.531/97 and the same was disposed off by this Hon'ble Tribunal at the admission stage itself on 25-4-1997 (a copy of the judgement is enclosed as A-13 page No. 52) directing the applicants to submit a detailed representation to the respondent No.1 to facilitate proper examination of the questions raised in the O.A. Accordingly, the applicants have submitted identical representations (copy of the same is enclosed as A-14, page No. 54). The respondent No.1

R. Rao

rejected the representation vide his Memo No.33(5)/97/PA-Admn.I/88 dated 01-7-1987 (copy enclosed as A-15 page No. 58) which was communicated by the respondent No.2 vide his Memo No. 10922/Admn.II/SA V/OA 1297/97 dt. 16-7-1997 (copy enclosed as A.1 page No. 23). Hence, this OA. The said action of the respondents is questionable on many a ground to be urged during the course of arguments including the following :

G R O U N D S

7. The applicants submit that :

7.1 The action of the respondents in seeking the regulation of pay of the applicants with retrospective effect is in violation of the principles of natural justice as no notice was given to the applicants and thus not affording an opportunity to the applicants to seek an alternate remedy and also as per law settled by the several courts.

7.2 The respondents are estopped now to regulate the pay of the applicants having fixed the pay under FR 22 (1)(a)(i) in due consultation with the Ministry of Finance as claimed in Memo dt. 17-10-1988 (A.8). The action of the respondents is also hit by promisory estoppel.

7.3 The respondents did not raise this plea when the pay of the applicants was already fixed under FR 22 (1)(a)(i) in accordance with the judgements in OA No. 95/91, OA No.1068/95, CA No.1708/92 and now they cannot raise this plea as it is hit by constructive resjudicata.

7.4 The respondents cannot have the liberty to treat a non-functional post as functional post as the fact was 80% of the posts were declared as functional w.e.f. 1-4-87 only and prior to 1-4-87 the respondents did not have the freedom to create or treat any functional post which was earlier non-functional.

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8. Remedies exhausted :

The applicants submit that as they were not given a show cause notice proposing these recoveries, they could neither reply nor appeal against the order. Since the orders directing the applicants to remit the amount or face recovery from the pay, they did not have a chance to appeal against the impugned order. Thus, they could not avail any alternative remedy because of the action of the respondent No.2. However, as per the directions of this Hon'ble Tribunal in OA No.531/97 the applicants submitted identical representations to the respondent No.1 which were rejected. Now, the applicants are left with no other remedy except to approach this Hon'ble Tribunal and the matter is felt urgent in view of the huge amounts proposed to be recovered.

9. Matters not previously filed or pending with any other court or forum:

The applicants submit that they have not filed any writ petition/suit/OA in any court or Bench of this Tribunal with regard to the relief prayed for in this OA nor any one of them is pending.

10. Relief(s) prayed for :

In view of the facts mentioned at para 6 and grounds at para 7, the applicants herein pray that this Hon'ble Tribunal may be pleased to :

- a) call for the records and after perusal, declare the action of the respondents as proposed in Memo No. 109(322)/Admn.II/SA V/Spl.Pay dt. 16-7-1997 of the respondent No.2 and Memo No. 33(5)/97 PA-Admn.I/88 dt. 01-7-1997 of respondent No.1 and declare them to be illegal, arbitrary and inconsequence. *and*

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- b) direct the respondents to restore the pay of the applicants herein as was prevailing on 21-5-96 and prior to issuing the impunged order, while setting aside the impunged orders.
- c) and pass such other order or orders as deemed fit and proper in the circumstances of the case.

11. Interim relief, if any prayed for :

The applicants herein pray this Hon'ble Tribunal may be pleased to suspend the operation of the impunged orders as contained in Memo No. 167-21/Admn.II/SA V/OA 1297/97 dt. 16-7-1997 of the respondent No.2 and Memo No.33(5)/97/PA-Admn.I/88 dt. 01-7-1997 of the respondent No.1 and STAY the proposed recovery, pending final disposal of the O.A.

12. Particulars of the Bank DD or IPO filed in respect of the Court fee :

- a) No. and date of the IPO 8-12-217578 Dt-29/5/97
- b) Office of issue *by the*
- c) Office of which payable *by*

Rs 50/- A
L.P.O./D.O./D.O./Removed

13. List of enclosures :

- i) Vakalat with IPO
- ii) OA with material papers
- iii) 2 covers with acknowledgements and address

R. Ramani

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VERIFICATION

We, the applicants herein do hereby verify the contents of paras 1 to 13 and declare them to be true to the best of our knowledge and also on legal advice. We did not suppress any material facts of the case.

| <u>S.No.</u> | <u>Name & Designation</u> | <u>Father's name</u> | <u>Age</u> | <u>Signature</u> |
|--------------|---|----------------------|------------|----------------------------|
| 1. | R.Narayanaswamy, s/o.Nagaiah, SA, | | 54 | <i>R.Narayanaswamy</i> |
| 2. | K.Sattaiah, s/o.late Narsimha, SA, | | 55 | <i>K.Sattaiah</i> |
| 3. | V.J.R.S.Sastry, s/o.Muktheswararao, SA, | | 51 | <i>V.J.R.S.Sastry</i> |
| 4. | P.V.Narasimha Rao, s/o.Ramanaiah, SA, | | 51 | <i>P.V.Narasimha Rao</i> |
| 5. | A.Vijayasaraadhi, s/o.Narasimhamurty, SA, | | 52 | <i>A.Vijayasaraadhi</i> |
| 6. | B.Biksham, s/o.Raghavaiah, SA, | | 51 | <i>B.Biksham</i> |
| 7. | Smt.V.R.Sivasankari w/o.V.R.Murty, SA, | | 50 | <i>Smt.V.R.Sivasankari</i> |
| 8. | G.Ch.Prasad, s/o.Kanakaiah, SA, | | 51 | <i>G.Ch.Prasad</i> |
| 9. | V.Somayajulu, s/o.Venkateswararao, SA, | | 52 | <i>V.S.Somayajulu</i> |
| 10. | V.Vijayalakshmi w/o.Venugopalarao, SA, | | 50 | <i>V.Vijayalakshmi</i> |
| 11. | P.Ramachandra Murty s/o.Krishnarao, SA, | | 50 | <i>P.Ramachandra Murty</i> |
| 12. | N.V.V.Venugopalrao, s/o.Satyanarayana, SA, | | 50 | <i>N.V.V.Venugopalrao</i> |
| 13. | Ch.Venkateswarlu s/o.late Laxminarsaiah, AAO, | | 50 | <i>Ch.Venkateswarlu</i> |

Hyderabad

Counsel for the applicants

Dt. 30-7-1997

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(12) Page no. 11

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL): A.P. CIRCLE: HYDERABAD-500001

No. 119/Admn II/SA V/CA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri R. Narayana Swamy, S.A. is hereby informed that it has been intimated by the Directorate vide lr.no. 33(5)/97/PA-Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A.(P).

To

Sri R. Narayana Swamy
Ho. I Section

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ACCOUNTS OFFICER/PAY GROUP

12 (18)

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL); A.P. CIRCLE; HYDERABAD-500091

Dt. 16-7-97

No. 214/Admn II/SA V/OA-1297/97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri K. Sathish S.A. is hereby informed that it has been intimated by the Directorate vide lr. no. 33(5)/97/PA-Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and those posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A. (P).

16/7/97
ACCOUNTS OFFICER/PAY GROUP

To

Sri

K. Sathish S.A.
16-7-97 C.P. P.O. Hyderabad

13 (19)

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL); A.P. CIRCLE; HYDERABAD-500001

No. 215/Admn II/SA V/OA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri V. J. R. S. Sankar, S.A. is hereby informed that it has been intimated by the Directorate vide lr. no. 33(5)/97/PA-Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A.(P).

To
Sri V. J. R. S. Sankar, S.A.
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14/7/97
ACCOUNTS OFFICER/PAY GROUP

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL): A.P. CIRCLE: HYDERABAD-500001

No. [11] / Adm II/BA V/OA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-3-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(a) allowed again on 1-4-87 for a second time, Sri P. V. Narasimha Rao, SA is hereby informed that it has been intimated by the Directorate vide Lr. no. 33(5)/97/PA Adm I/86 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(a) as per the judgement of the Hon'ble Supreme Court and those posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(a) for a second time. Therefore, the over-paid pay and allowances w.o.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1977.

This issues with the approval of the D.A.(P).

To
Sri P. V. Narasimha Rao, S.A.
AC I Section

14/7/97
ACCOUNTS OFFICER/PAY GROUP

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Dt. 16-7-97

MEMO

ACCOUNTS OFFICER/PAY GROUP

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL); A.P. CIRCLE; HYDERABAD-500001

No. 113 / Admn II / SA V / OA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri B. Bikkham, S.A. is hereby informed that it has been intimated by the Directorate vide lr. no. 33(5)/97/PA-Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A.(P).

14/7/97
ACCOUNTS OFFICER/PAY GROUP

To
Sri B. Bikkham, S.A.
Ac. I. Section

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) : A.P. CIRCLE : HYDRABAD-500001
No. 219 / Adm II/CA V/CA-1207/97 Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FN 22(a) allowed again on 1-4-97 for a second time, Sri. V.R. Srinivasan, S.A. is hereby informed that it has been intimated by the Directorate vide Lr. no. 31(3)/97/PA-Adm I/US dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FN 22(a) as per the judgement of the Hon'ble Supreme Court and those posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-97 are not entitled for the benefit of FN 22(a) for second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-97 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A.(P).

16/7/97
ACCOUNTS OFFICER/PAY GROUP

TO
Sri. V.R. Srinivasan, S.A.
S.R.C. Section

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) (A.P. CIRCLE) HYDERABAD-500001

No. 220/Admn IX/BA V/0A-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri G. C. S. Prasad, I.A. is hereby informed that it has been intimated by the Directorate vide Lr. no. 33(5)/97/PA-Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A.(P).

To

Sri

G. C. S. Prasad, I.A.
Book Section

16/7/97
ACCOUNTS OFFICER/PAY GROUP

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL): A.P. CIRCLE: HYDERABAD-500001

No. 22/Admn II/BA V/OA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(a) allowed again on 1-4-87 for a second time, Sri V. S. Somayajulu, S.A. is hereby informed that it has been intimated by the Directorate vide lr. no. 33(5)/97/PA Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(a) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(a) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issues with the approval of the D.A.(P).

16/7/97
ACCOUNTS OFFICER/PAY GROUP

To
Sri V. S. Somayajulu, S.A.
P.A. Section

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) A.P. CIRCULAR NO. 511301

No. 218 / Ann II/3. V/01-1297/97

10.16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) which was given on 1-4-87 for a second time. Sri V. Vigneshwaraiah in order that it has been intimated by the Directorate vide L.No. 33(5)/97/Ann II/3. V/01-1297/97 dt. 1-7-97 that his request has been considered and the status of selection grade posts has since been changed under the amending the benefit of FR 22(c) as per the judgment of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for second time. Therefore, the over-paid pay and allowances U.O. 2. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

\* This issued with the approval of the D.A.(P).

14/7/97  
ACCOUNTS OFFICER/PAY & WP

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V. Vigneshwaraiah, P-1/Ann II/3. V/01-1297/97  
S.B.C.T. Section

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL); A.P. CIRCLE; HYDERABAD-500001

No. 16/Admn II/SA V/OA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri P. Ramachandra Murthy, S.A. is hereby informed that it has been intimated by the Directorate vide Lr. no. 53(5)/97/PA-Admn I/88 dt. 1-7-97 that his request has been considered the status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1997.

This issued with the approval of the D.A.(P).

16/7/97  
ACCOUNTS OFFICER/PAY GROUP

To  
Sri P. Ramachandra Murthy, S.A.  
C.I. Section

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) : A.P. CIRCLE HYDERABAD-500001

No. 110 / PA-Adm II/SA V/OA-1297/97

dt. 16-7-97

**M E M O**

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(a) allowed again on 1-4-87 for a second time, Sri NVV Venugopala Rao, SA is hereby informed that it has been intimated by the Directorate vide Ir. no. 33(5)/97/PA-Adm I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(a) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees when placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(a) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1977.

This issues with the approval of the D.A.(P).

14/7/97  
ACCOUNTS OFFICER / PAY GROUP

To  
Sri NVV Venugopala Rao, SA  
GPF Section

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL): A.P. CIRCLE: HYDERABAD-500001

No. 112/Admn II/SA V/OA-1297/97

Dt. 16-7-97

M E M O

With reference to his representation dt. 12-5-97 addressed to the Directorate requesting for re-consideration of the benefit of FR 22(c) allowed again on 1-4-87 for a second time, Sri Ch. Venkateswulu, ATO is hereby informed that it has been intimated by the Directorate vide lr. no. 33(5)/97/PA Admn I/88 dt. 1-7-97 that his request has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of the Hon'ble Supreme Court and these posts are treated as functional posts. Such employees then placed in a post of the same status as on 1-4-87 are not entitled for the benefit of FR 22(c) for a second time. Therefore, the over-paid pay and allowances w.e.f. 1-4-87 onwards are proposed to be recovered from your pay and allowances commencing from the month of July, 1977.

This issues with the approval of the D.A.(P).

To  
Sri Ch. Venkateswulu, ATO  
A.C. 2-Section

16/7/97  
ACCOUNTS OFFICER/PAY GROUP

T/c



GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF POST  
( POSTAL ACCOUNTS WING )  
DAK BHAWAN : SANSAD MARG  
NEW DELHI - 110 001.

No.33(6)/95/PA-Admn.I/497-524

Dated: 3-3-1997

To

110 MAR 1997

All the Directors/Dy. Directors of Accounts,  
(Postal). (Except PAO Nagpur).

Sub: IMPLEMENTATION OF SUPREME COURT JUDGEMENT IN  
12(8/92).

Sir/Madam,

I am directed to invite a reference to our letter No.33(6)/95/PA-Admn.I/289-304 dated 11.10.1996 on the subject and to state that the matter has been re-considered by Ministry of Finance. They have clarified that the benefit of FR 22(C) cannot be allowed twice for appointment to the post in the same scale of pay. Overpayment made in this regard, if any, may be recovered.

Yours faithfully,

( R.N. ARO )  
ASSTT. DIRECTOR GENERAL



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MINISTRY OF COMMUNICATIONS : DEPARTMENT OF POST :  
POSTAL ACCOUNTS WING : DAK BHAWAN : SANSAD MARG :  
NEW DELHI-110 001.

No.33(6)/95/PA-Admn.I/85 to 100 Dated 21-5-1996.

To

All Directors/Dy.Directors of Accounts (Postd).

Subject:- Implementation of Supreme Court Judgement  
in OA No.1208/92.

Sir,

In continuation of our letter No.33(6)/95/PA-Admn.I/435 to 450 dated 1-1-96, on the above subject, I am directed to state that the employees appointed to non-function selection grade post during the period from 1-1-86 to 13-9-86 may also be extended the benefit of the judgement of Hon'ble Supreme Court. All the Selection grade posts were discontinued thereafter. The question of fixation of pay of the employees, in whom under the judgement of Hon'ble Supreme Court as well as other similar decisions of various Tribunals was implemented, again under FR 22(1)(a)(i) on their placement in the functional scale of Senior Accountant introduced with effect from 1-4-87, was considered in consultation with Ministry of Finance/D.O.P&T. They have clarified that such employees are not entitled for the benefit of FR 22 1(a)(i) for a second time as the benefit for appointment to functional scale has already been allowed to them by treating the non-functional selection grade posts as functional post. Pay of all the employees concerned may be regulated accordingly and over-payment if any, made earlier may be recovered from the pay and allowances.

(This also disposes of DA(P), Hyderabad letter No.6/Admn.II/SA.V/JA/Spl.Pay dated 15-4-96 and DA(P) Calcutta letter No.1-43/Vol.II/Admn.I-391 dated 12-4-96 (Point No.I).

Yours faithfully,

(Sd) (K.K.BATAJ) 17-5-96  
ADHPT. DIRECTOR GENERAL (PA-ADMT)

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MINISTRY OF COMMUNICATIONS DEPARTMENT OF POSTS  
POSTAL ACCOUNTS WING: DAK BHAWAN : GANESHA MARG  
NEW DELHI-1100 001.

No.33(6)/95/PA-Admn.I/435 to 450 Dated 1-1-96.

To  
All the Directors/Dy.Directors of Accounts (Postal).

Sub:- Implementation of Supreme Court Judgement in  
O.A.No.1208/92.

Sir,

I am directed to invite a reference to our letter No.33(6)/95/PA-Admn.I/30-46 dated 12/5/95 on the above subject and to state that the question of extension of the judgement of Hon'ble Supreme Court in the case of Mr. Haroon Rashid and others in the case of all similar placed persons was under consideration. It has now been decided in consultation with Ministry of Finance that the above judgement may be extended in all similar cases of employees. Accordingly the pay of those Mr. Accountants appointed to the non-Functional Selection Grade post of Mr. Accountant existing prior to 1-1-86 may be re-fixed under the then FR 22(C) on notional basis. The Special Pay for working on identified post as well as the qualification pay, if any drawn, may also be taken into account for such fixation. Arrears of pay arising on account of such fixation may be given only from 1/9/95. A copy of the Hon'ble Supreme Court Judgement dated 19/1/95 is also enclosed for reference.

Encl: As above

Yours faithfully,  
(K.K.Bajaj)

Asst. Director General (PA-A)

No.33(6)/95/PA-Admn.I/451

Dated 1-1-96.

Copy to Secretary General, All India Postal Accounts Employees Associations, 4-B/6, Ganga Ram Hospital Marg, New Delhi.

(K.K.Bajaj)

Asst. Director General (PA-A)

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22-5-87 CML

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Copy of letter No. 7(51)/E.III/86 dt. 14-5-87, from Ministry of Finance, Department of Expenditure received under G.O.1, Ministry of Communications Dept. of Posts, New Delhi Ir. No. 7-13/87-PE.I dated 27-8-87, A/T All Heads of Postal Circles and copy endorsed to all Dy/Directors of Postal Accounts.

Page 256

N.T.  
Com.  
Rptl--

OFFICE MEMORANDUM

Sub:- Recommendations of the Fourth Central Pay Commission to discontinue Selection Grade for posts in Group 'C' and 'D'.

The undersigned is directed to say that the Fourth Pay Commission in paragraph 23.10 of part I of its report has recommended inter-alia, that the Selection Grade should not be continued for the posts in Group C and D where they are applicable at present and the existing incumbents in the Selection Grade may be allowed to continue in the appropriate scales recommended by them as personal to them. With the promulgation of Central Civil Services (Revised Pay) Rules, 1986 which has been notified on 13-9-86 and made effective from 1-1-86, the above recommendations of the Fourth Pay Commission stands implemented. A reference in this connection is also invited to the provisions contained in the note below part A of the first schedule of the Central Civil Services (Revised Pay) Rules, 1986.

2. In regard to the appointments made in the Selection Grade in the pre-revised scales in Group 'C' and 'D' between 1-1-86 and 12-9-86 and fixation of pay in the revised scale, the President is pleased to decide as follows:-

- (A) Employees holding Selection Grade post as on 1-1-86 in terms of this Ministry's O.M. No. 7&(21)/E.III(A)/74 dated 10-1-77.
- (i) In cases where a separate replacement scale corresponding to pre-revised scale of Selection Grade post has been prescribed in the Central Civil Services (Revised Pay) Rules, 1986 and the incumbents of the Selection Grade posts have opted for revised scales with effect from 1-1-86 itself, such incumbents of the Selection Grade posts may be allowed appropriate replacement scales as personal to them. In case, the incumbents of the Selection grade post do not opt for revised scales with effect from 1-1-86, they may also be allowed to carry the pre-revised scales of pay of the Selection Grade posts as personal to them beyond 1-1-86.
- (ii) In cases where pre-revised scales applicable to ordinary Grade and Selection Grade posts have been merged into one replacement scale and the incumbents of the Selection Grade posts have opted for revised scales with effect from 1-1-86, the initial pay of such Govt. servants may be fixed under Rule 7 of Central Civil Services (Revised Pay) Rules, 1986. In cases where the incumbents of Selection Grade post do not opt for revised scales with effect from 1-1-86, such incumbents may be allowed to carry the pre-revised scales of pay of the Selection Grade posts as personal to them beyond 1-1-86.
- (B) Employees appointed to Selection Grade in pre-revised scales between 1-1-86 and 12-9-86 in terms of this Ministry's O.M. No. 7(21)E.III(A)/74 dated 10-1-77.

Continued on page 2.



(i) In cases where a separate replacement scale corresponding to Selection Grade post has been prescribed under Central Civil Services (Revised Pay) Rules, 1986 and where Selection Grade has been allowed in terms of this Ministry's O.M. No. 7(21)-E.III/74 dated 10-1-77 on or after 1-1-86 and before 13-9-86 and if Government servant holding such Selection Grade post as on 12-9-86 has opted for revised scale of pay with effect from 1-1-86 with reference to posts he was holding on 1-1-86, the initial pay of such an employee may first be fixed in the revised scale as on 1-1-86 under Central Civil Services (Revised Pay) Rules, 1986 and thereafter with effect from the date on which he was appointed to the Selection Grade post his pay in the revised replacement scale corresponding to pre-revised Selection Grade scale may be fixed in accordance with the provisions of this Ministry's O.M. No. 7(21)-E.III(A)/74 dated 10-1-77 and such incumbents of Selection Grade posts will carry the revised replacement scale as personal to them. In cases where such incumbents of Selection Grade posts do not exercise their option for switching over to revised scale with effect from 1-1-86, such employees may be allowed to carry the pre-revised Selection Grade scales of pay as personal to them from the date of their appointment to such Selection Grade made not later than 12-9-86.

(ii) In cases where pre-revised scales applicable to ordinary Grade and Selection Grade have been merged in one replacement scale under Central Civil Services (Revised Pay) Rules, 1986, and their appointment to Selection Grade after 1-1-86 in the pre-revised scale would become non-effective.

3. If there are any clear vacancies available prior to 13-9-86 in the non-functional Selection Grade posts and staff eligible on the relevant crucial date, there is no objection to allow non-functional Selection Grade to those staff and regularise their cases in accordance with the present orders. However, such appointments should be finalised expeditiously where due. Pay fixation of such staff may be regulated under the relevant provisions of this O.M.

4. With effect from 13-9-86, all the Selection Grade posts created in terms of this Ministry's O.M. No. 7(21)-E.III/74 dt. 10-1-77 may be reverted to Ordinary Grade scale wherever Selection Grade's have not been converted as promotional grades and in appointments to Selection Grade posts made on or after 13-9-86 would be valid, having regard to the provisions contained in Central Civil Services (Revised Pay) Rules, 1986.

5. In so far as the persons working in the Indian Audit and Accounts Department are concerned, this issues with the approval of Comptroller and Auditor General of India.

Sd/- M.S. Mathur  
Director (Co-Ordination).

No. 701/PM/Genl/C dt: 9-11-1987.

Copies forwarded to all Sections.

*[Signature]*  
Accounts Officer, 26/11/87  
P.M. Section.

\*NAH (X) The initial pay of such employees may be fixed as per the provisions contained in Central Civil Services (Revised Pay) Rules 1986.

T/c

*[Signature]*



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(35)

MINISTRY OF COMMUNICATIONS : DEPARTMENT OF POSTS:  
(P.A. WING) DAK TARI BHAWAN : NEW DELHI : 110001.

No.37(8)/87/PA.Admin.1/111

Dated 11-8-87.

To

All Heads of Circles and  
All Directors/Dy. Directors of Accounts  
(Postal).

Sub:- Re-structuring of cadres of Jr. Accountants and  
Junior Accounts Officers in the Postal Accounts  
Organisation.  
.....

Sir,

Pursuant to the orders issued in Govt. of India,  
Ministry of Finance, Department of Expenditure O.M. No.  
F.5.(32).E-III/86.Pt.II dated 12-6-87 approving restruct-  
uring of Accounts Staff in the organised Accounts Services  
w.e.f. 1-4-87, it has been decided to upgrade 80% of the  
posts of (i) Jr. Accountants including non-functional  
selection grade of Senior Accountants and (ii) Jr. Accounts  
Officers including selection grade JAOs, to the higher func-  
tional grades of Rs.1400-40-1600-50-2300-EB-60-2600 and  
Rs.2000-60-2300-EB-75-3200 respectively w.e.f. the said date.  
According to the information available in the Directorate the  
number of posts to be upgraded to the higher grades will be  
as indicated in the statement annexed. Directors/Dy.  
Directors of Accounts (Postal) should verify the correctness  
of the figures shown in the statement and confirm so as to  
enable this office to issue sanction for upgradation of the  
admissible number of posts.

Meanwhile, necessary action may be initiated to fill  
up the posts in the higher grades in accordance with the  
draft recruitment rules of the respective cadres enclosed.  
The appointments initially made against the upgraded posts  
will be effective from 1-4-87.

Contd...2



30 (36)

The following further decisions have been taken on the related matters:-

1. The posts in the higher grade of Rs. 2000-3200 will be designated as 'Deputy Accounts Officer' and classified as Group 'C'-Ministerial. They will be borne on a Circle Cadre. Posts Master General will be the appointing authority. These posts will be filled cent-percent by promotion of Junior Accounts Officers with 3 years of regular service in the grade who have passed the SAS/JAO Part-II examination and have satisfactorily completed the period of probation, on the basis of seniority-cum-fitness.

2. The posts in the grade of Rs. 1400-2600 will be designated as 'Senior Accountants', Directors/ Dy. Directors of Accounts (Postal) will be the appointing authority. These posts will be filled cent-percent by promotion, on the basis of seniority-cum-fitness, of Jr. Accountants with 3 years of regular service who have passed the departmental confirmatory examination/the departmental examination for promotion of IDCs as Jr. Accountants and have completed satisfactorily the period of probation.

3. Pay of Jr. Accountants appointed as Sr. Accountants and Jr. Accounts Officers as Dy. Accounts Officers will be fixed under PR 2-C. In the case of officials already drawing pay in the scale of Rs. 1400-2600/2000-3200 as personal to them and appointed to the functional higher grades, no further fixation of pay is necessary. Such of the Sr. Accountants who are in receipt of 'qualification pay' will continue to draw it in addition to their grade pay. The question whether the qualification pay drawn by Jr. Accountants may be treated as pay for purpose of fixation of pay on their appointment as Sr. Accountants <sup>and</sup> how the initial pay of officials who have been allowed the scale of pay of Rs. 1400-2300 as personal to them should be fixed on their

contd.....3



referred to the Ministry of Finance for clarification.

4. The posts of Jr. Accountants/Jr. Accounts Officers in the Directorate will not be allocated in the 80:20 ratio. Persons holding these posts in the Directorate will carry their status from the Circle Postal Accounts Offices. Those holding the posts of Sr. Accountants and Dy. Accounts Officers in the Directorate will continue to be eligible for the Headquarters special pay of Rs. 150/250 respectively.

5. Jr./Sr. Accountants and Jr. Accounts Officers who have already been promoted to a higher functional grade on a regular basis in the department before 1-4-87 need not be considered for promotion to the higher grades of Rs. 1400-2600 /2000-3200 respectively.

6. Govt. of India orders regarding reservation for SC/ST in Central Services will not apply to appointments made in the higher grades initially w.e.f. 1.4.87. These orders will, however, apply to appointments made against the vacancies arising out of wastages, creation of new posts etc, after the initial constitution.

7. The vacancies of Jr. Accountants will be filled by direct recruitment and promotion as per the existing recruitment rules.

Kindly acknowledge receipt  
Hindi version will follow.

Yours faithfully,

(S. C. Mahalik)  
Dy. Director General  
(PAF)

Encl - As above

Copy to:-

1. All the G.Os/Sections of the Headquarters Office.
2. Secretary General of All India Postal Accounts Employees Association.
3. General Secretary of All India Postal Administrative Office Employees Union.

R. Narayan  
(R. Narayan)  
Asstt. Director General

5/12

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32 ✓ (38)

STATEMENT SHOWING THE EXISTING SANCTIONED STRENGTH OF JAO/Sr. ACCTTS/JR. ACCTTS. AND THE LIKELY REVIS. STRENGTH OF JAOs/DY. A.O.s./Sr. ACCOUNTANTS AND JR. ACCOUNTANTS UNDER THE 80:20 FORMULA.

| Sl. No. | P.A.O.     | Existing strength. |     |            |            | Revised strength under 80:20 |     |            |            |
|---------|------------|--------------------|-----|------------|------------|------------------------------|-----|------------|------------|
|         |            | SG JAO             | JAO | Sr. Acctt. | Jr. Acctt. | DY A.O.                      | JAO | Sr. Acctt. | Jr. Acctt. |
| 1.      | Ambala     | -                  | 15  | -          | 98         | 12                           | 3   | 78         | 20         |
| 2.      | Bangalore  | 4                  | 37  | 58         | 262        | 33                           | 18  | 256        | 64         |
| 3.      | Bhopal     | -                  | 34  | 16         | 251        | 27                           | 7   | 214        | 53         |
| 4.      | Calcutta   | 14                 | 71  | 116        | 604        | 68                           | 17  | 576        | 144        |
| 5.      | Cuttack    | -                  | 33  | 47         | 189        | 26                           | 7   | 189        | 47         |
| 6.      | Delhi      | 5                  | 29  | 59         | 238        | 27                           | 7   | 238        | 59         |
| 7.      | Hyderabad  | 2                  | 42  | 71         | 284        | 39                           | 10  | 284        | 71         |
| 8.      | Jaipur     | 3                  | 27  | 44         | 185        | 24                           | 6   | 183        | 46         |
| 9.      | Kapurthala | 7                  | 31  | 84         | 238        | 30                           | 8   | 258        | 64         |
| 10.     | Lucknow    | 6                  | 72  | 72         | 444        | 62                           | 16  | 413        | 103        |
| 11.     | Madras     | 11                 | 62  | 95         | 395        | 58                           | 15  | 392        | 98         |
| 12.     | Nagpur     | 13                 | 110 | 202        | 609        | 102                          | 26  | 697        | 174        |
| 13.     | Patna      | 3                  | 42  | 67         | 277        | 36                           | 9   | 275        | 69         |
| 14.     | Trivandrum | 2                  | 26  | 33         | 188        | 25                           | 6   | 181        | 45         |

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OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL) ANDHRA CIRCLE.  
HYDERABAD .. 500 001.

No. 144/Admn.I/EA.II/Re-structuring

Dtd. 31-10-1988.

OFFICE ORDER

In accordance with the instructions issued under Postal Directorate letter No. 37(8)/87/PA-Admn.I/III dated 11-8-1987, the Director of Accounts (Postal), Hyderabad, is pleased to appoint the following officials working as Senior Accountants (non-functional) in the pay scale of Rs. 1400-40-1600-50-2300-EB-60-2600 as Senior Accountant (functional) in the scale of Rs. 1400-40-1600-50-2300-EB-60-2600 with effect from the date noted against each of them temporarily and until further orders.

In accordance with the Department of Posts, Postal Accounts Wing, New Delhi, O.M. No. 37(2)/88/PA-Admn.I/379 to 412 dated 17-10-1988, the pay of the officials in the post of Senior Accountant (functional) is fixed under FR.22-C. The officials may exercise their option to get their pay fixed directly under FR.22-C from the date of their promotion or initially under FR.22-a(1) and under FR.22-C from the date of next increment in the lower scale in terms of Ministry of Finance, Department of Personnel and Administrative Reforms, New Delhi, O.M. No. F.7/1/80-Estt.P.1 dated 26-9-1981 and O.M. No. 13/12/82-Estt.P.1 dated 28-1-1985.

| S.No. | Name of the official    | Date of Promotion |
|-------|-------------------------|-------------------|
|       | S/Shri/Smt.             |                   |
| 1.    | V.Sukumaran             | 01-04-1987        |
| 2.    | L.Dhahanayudu           | 01-04-1987        |
| 3.    | G.S.Manohar             | 01-04-1987        |
| 4.    | Syed Muktar Ali         | 01-04-1987        |
| 5.    | D.Manohar Reddy         | 01-04-1987        |
| 6.    | S.Balakrishnan          | 01-04-1987        |
| 7.    | K.G.Rampasud            | 01-04-1987        |
| 8.    | K.Madhusudhan Rao-I     | 01-04-1987        |
| 9.    | Mohd. Jahander Ali Khan | 01-04-1987        |
| 10.   | K.Lakshminarasiah       | 01-04-1987        |
| 11.   | K.Chenchuraju           | 13-06-1987        |
| 12.   | K.Ramakrishna Rao-II    | 18-04-1987        |
| 13.   | Pratap Chand            | 01-04-1987        |
| 14.   | G.R.Srisaillam          | 01-04-1987        |
| 15.   | M.Mahadev               | 01-04-1987        |
| 16.   | T.Srinivasa Rao         | 01-04-1987        |
| 17.   | A.V.Umamaheswara Rao    | 01-04-1987        |
| 18.   | K.Venkateswara Rao      | 01-04-1987        |
| 19.   | Mohd. S.H.Khan          | 01-04-1987        |
| 20.   | K.V.V.Krishna Rao       | 26-04-1987        |
|       |                         | 01-04-1987        |

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| S.N. | Name of the official     | Date of Promotion |
|------|--------------------------|-------------------|
| 21.  | S/Shri/Smt.<br>T.Yadaiah |                   |
| 22.  | K.Ramakrishna Rao-I      | 01-04-1987        |
| 23.  | G.Neelakanta Reddy       | 01-04-1987        |
| 24.  | G.Rama Rao               | 01-04-1987        |
| 25.  | S.V.Ramana Rao           | 01-04-1987        |
| 26.  | K.Hanumantha Ramaiah     | 01-04-1987        |
| 27.  | S.S.R.K.Bapi Reddy       | 01-04-1987        |
| 28.  | K.Himamappa              | 01-04-1987        |
| 29.  | Syed Azhar Hussaini      | 01-04-1987        |
| 30.  | N.Kameswara Sarma        | 01-04-1987        |
| 31.  | N.V.Subba Rao            | 04-04-1987        |
| 32.  | G.Chandra Rao            | 01-04-1987        |
| 33.  | G.S.R.Sastry             | 01-04-1987        |
| 34.  | K.Sathaiah               | 01-04-1987        |
| 35.  | Ch.Venkateswarlu         | 01-04-1987        |
| 36.  | G.D.V.Kumar              | 01-04-1987        |
| 37.  | M.Raghava Rao            | 01-04-1987        |
| 38.  | N.V.V.Venugopala Rao     | 01-04-1987        |
| 39.  | Leela Shankar            | 01-04-1987        |
| 40.  | V.J.R.S.Sastry           | 04-04-1987        |
| 41.  | P.Satyanarayana          | 01-04-1987        |
| 42.  | P.V.Narasimha Rao        | 01-04-1987        |
| 43.  | A.Vijaya Sarathi         | 01-04-1987        |
| 44.  | P.S.Chandra Rao          | 01-04-1987        |
| 45.  | M.Krishna Murthy         | 01-04-1987        |
| 46.  | B.Biksham                | 01-04-1987        |
| 47.  | V.R.Sivasankari          | 01-04-1987        |
| 48.  | G.C.S.Frasad             | 01-04-1987        |
| 49.  | R.Narayana Swamy         | 01-04-1987        |
| 50.  | M.Ramamohan Rao          | 01-04-1987        |
| 51.  | V.S.Somayajulu           | 01-04-1987        |
| 52.  | P.Ramachandra Murthy     | 01-04-1987        |
| 53.  | S.A.Saleem               | 01-04-1987        |
| 54.  | M.A.Mohiuddi             | 01-04-1987        |
| 55.  | G.B.Jogalaxmi            | 01-04-1987        |



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| S.No. | Name of the official | Date of promotion |
|-------|----------------------|-------------------|
| 56.   | Smt.V.Vijayalaxmi    | 01-04-1987 ✓      |
| 57.   | A.Koti Reddy         | 01-04-1987 ✓      |
| 58.   | Mohd.Ismail          | 01-04-1987 ✓      |
| 59.   | V.Nageswara Rao      | 01-04-1987 ✓      |
| 60.   | J.Verkaeswarlu       | 01-04-1987 ✓      |
| 61.   | Ch.Sree Rama Murthy  | 01-04-1987 ✓      |
| 62.   | K.S.R.Anganeyulu     | 01-04-1987 ✓      |
| 63.   | A.S.V.S.Sarma        | 01-04-1987 ✓      |
| 64.   | U.Narasiah           |                   |
| 65.   | P.S.Sudhir Babu      |                   |

The officials will be on probation for a period of two years from the date of appointment.

The appointment is purely temporary and is subject to revision, without prejudice to the claim of their seniors and will not confer on them any right for seniority in the cadre of Senior Accountants.

Placed at O-200  
(T.K.NITYANANDAM) 31/10/87  
Accounts Officer,  
Administration.

Copy to:

1. Officials concerned.
2. Deputy Accounts Officer (Admn.II)
3. D.A.O.. (PA.I)
4. Gradation List
5. O.O.File
6. P.A. to D.A(P)
7. Spare.

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T/c



37  
2) General Secretary, All India Postal  
Administrative Office Employees Union,  
C-1/2, Baird Road, New Delhi.

3) A.O. (Estt), / AAO (Estt).

*M. Subramanian*  
( M. SUBRAMANIAN )

Asstt. Director General (PA-Admn.)

*17/10*

CS 41



47  
27/10  
BHARAT SARKAR: SANCHAR MANTRALAYA: DAK VIBHAG:  
POSTAL ACCOUNTS WING: DAK BHAVAN: SANSAD MARG:  
NEW DELHI - 110001.

No. 37(2)/88/PA-Admn.I/379-412 Dated 17-10-88.

To

All Heads of Postal Circles,  
- All Directors/Dy. Directors of  
Accounts (Postal).

Subject:- Fixation of pay of persons holding  
pre-revised Non-Functional Selection  
Grade/Corresponding revised scale on  
personal basis.

Sir / Madam,

Kindly refer to para 3(3) of our Circular  
letter No. 37(8)/87/PA-Admn.I/111 dated 11-8-87  
wherein it had been clarified that in the case of  
officials already drawing pay in the revised scale  
of Rs.1400-2600 / Rs.2000-3200 as personal to them  
when appointed to these higher functional grades,  
no further fixation of pay was necessary.

2. Now in accordance with the Ministry of  
Finance O.M. No. 7(36)-E.III/88 dated 9-8-88 (copy  
enclosed) the pay of the above types of persons,  
when appointed to a post in the identical scale of  
pay, after observing due process of rules relating  
to promotion and the appointments to the promotional  
post involving assumption of higher duties and  
responsibilities, may be fixed under FR 22(C).  
Accordingly, in supersession of our earlier decision  
as conveyed in para 3(3) of letter dated 11-8-87,  
the pay of persons already drawing the revised scale  
of Rs.1400-2600 / Rs.2000-3200 as personal to them,  
when appointed to these higher functional grades in  
the pay scale of Rs.1400-2600 / Rs.2000-3200 with  
effect from 1-4-87 may be fixed under F.R. 22(C).

End:one

Yours faithfully,

( M. SUBRAMANIAN )  
ASSTT. DIRECTOR GENERAL (PA-ADMN.)

No. 37(2)/88/PA-Admn.I/413-416 Dated 17-10-88.

Copy to:-

- 1) Sh. C. Gopinathan, Secretary General, All  
India Postal Accounts Employees Association,  
4-B/6, Gangaram Hospital Marg, New Delhi.

P.T.O.



New Delhi, the 9th August, 1988

OFFICE MEMORANDUM

9-8-88

Subject:-

Fixation of pay of persons holding pre-revised non-functional Selection Grade/corresponding revised scale on personal basis.

The undersigned is directed to say that non-functional selection grade in case of certain Groups 'C' and 'D' categories of posts were created vide this Ministry's O.M.No. 7(21)-E.III(A) 74 dated 10.1.77. Based on the recommendations of the Fourth Central Pay Commission these non-functional selection grades have been abolished. However, as per below part A of the First Schedule to the CCS(RP) Rules, 1955, the existing incumbents in non-functional selection grade have been allowed suitable revised scales of pay corresponding to the pre-revised non-functional selection grade scales as personal to them. In some cases the corresponding revised scale for the pre-revised non-functional selection grade has become identical to the revised scale of pay for the next promotional post. A doubt has been raised as to how to fix the pay of a Government servant in such revised personal scale of pay when appointed to a post in identical scale of pay after observing due process of rules relating to promotion and the appointments to the promotional post involves assumption of higher duties and responsibilities.

It is clarified that wherever appointment to higher post involves assumption of higher duties and responsibilities and the personal scale of pay and the scale of pay of the higher post is identical, the pay may be fixed under F.R. 22-c.

2. In their application to the persons working in the IA&AD, these orders issued in consultation with the C&AG.

UNDER SECRETARY TO THE GOVERNMENT OF INDIA  
TELE: 3015969

All Ministries/Departments of Government of India as per standard mailing list.



A-9  
Page 39  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

C.A.No.95/91.

Date of Judgment 22-11-91

1. B. Biksham
2. M. Raghav Rao
3. A. B. Omkar
4. V. S. Somayajulu
5. S. A. Saleem
6. R. Narayana Swamy
7. V. J. R. Subrahmanya Sastry
8. M. A. Mohiddin
9. Syed Ahmed Hussain
10. G. S. R. Sastry
11. G. Chandra Sekhara Prasad
12. P. Ramachandra Murthy
13. K. Sathiah
14. Leela Shanker
15. P. V. Narasimha Rao
16. N. V. V. Venugopala Rao
17. A. Vijaya Saradhi
18. M. Rama Mohan Rao
19. P. Sathyanarayana
20. Ch. Venkateswarlu.
21. N. V. Subba Rao
22. N. Kameswara Sarnu

.. Applicants

Vs.

Union of India,  
represented by

1. The Secretary to Govt.,  
Department of Posts,  
Min. of Communications,  
New Delhi.
2. The Director of Accounts  
(Postal),  
O/o the Chief P.M.G.,  
Hyderabad.

.. Respondents

---

Counsel for the Applicants : Shri K.S.R. Anjaneyulu

Counsel for the Respondents : Shri N. Bhaskar Rao, Addl. CGSC

---

CORAM:

Hon'ble Shri R. Balasubramanian : Member(A).

---

This application has been filed by Shri B. Biksham and 21 others against the Union of India, represented by the Secretary to Govt., Department of Posts, Min. of Communications, New Delhi and another under section 19 of the Administrative Tribunal Act, 1985. The prayer herein is



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to direct the respondents to refix the pay of the applicants on promotion from Junior Accountant to Senior Accountant by taking into account the special pay of Rs.35/- p.m. drawn by them and to pay arrears of pay from 1.9.85 onwards.

2. The applicants are now working as Senior Accountants in the Office of Director of Accounts (Postal), Andhra Pradesh Circle, Hyderabad. By an order dated 5.5.79 vide O.M.

No.F.7(52)-E.III/78 the Govt. of India, Ministry of Finance decided that UDCs in non-Secretariat Administrative Offices attending to work of a more complex nature may be granted a special pay of Rs.35/- p.m. The Director-General, Posts & Telegraphs, New Delhi vide letter No.6-7/79-PAP dated 3.1.81 decided that the benefit of special pay of Rs.35/- p.m.

Identified  
for

granted to certain posts of UDCs in non-Secretariat Administrative Offices may be extended to the Junior Accountants in the Circle Postal Accounts Offices in accordance with the provisions of the Govt. of India, Ministry of Finance O.M. dated 5.5.79. By another order dated 1.9.87 vide O.M.No.7(35)-E.III/87 the Govt. of India, Ministry of Finance decided that the Rs.35/- p.m. paid to UDCs as special pay vide O.M. dated 5.5.79 shall be taken into account for fixation of pay on promotion subject to some conditions. Still later, by an order dated 22.5.89 vide No.7(29)-E.III/89 the Govt. of India, Ministry of Finance further decided that for persons promoted to higher posts prior to 1.9.85 otherwise fulfilling the conditions also the benefit of counting the special pay of Rs.35/- p.m.

for fixation of pay would be extended. While matters stood thus, some officials at Bangalore filed O.A.No.1026/88 in the Central Administrative Tribunal, Bangalore claiming that the special pay of Rs.35/- p.m. should be taken into account for fixation of pay. The application was disposed of



on 16.1.89 holding that the benefit cannot be denied to the applicants on promotion. However, the Director-General, Posts & Telegraphs, New Delhi by his communication dated 25.7.89 rejected their case stating that in the Postal Accounts Offices these orders are applicable only for promotion to a higher functional grade like Junior Accounts Officers and above. The applicants represented against this on 30.10.89 urging the respondents to take the special pay into account for pay fixation. Not getting any reply they have filed this application.

3. The respondents have filed a counter affidavit and oppose the application. It is stated that the applicants were appointed as non-functional Selection Grade Senior Accountants during the period July, 1982 to July, 1985 in accordance with the orders of the Govt. of India. It is admitted that at the time of their appointment to the posts of Senior Accountants they were holding the posts of Junior Accountants and they were also drawing special pay. It is argued that the promotion of the applicants at that stage to the scale of Senior Accountants was not a normal promotion but was only a non-functional selection<sup>grade</sup>. It is, therefore, their argument that the special pay need not be taken into account while fixing pay in the non-functional Selection Grade.

4. I have examined the case and heard the learned counsels for the applicants and the respondents. I have seen the judgment dated 16.1.89 of the Bangalore Bench of this Tribunal. It covers two main aspects:

- (a) whether the promotion from the cadre of Junior Accountants to Senior Accountants is a promotion or not (the respondents contend that promotion to non-functional cadre is not an actual promotion), and
- (b) whether the benefit of reckoning the special pay for pay fixation should be extended to those who were promoted prior to

1-9-85



5.1 The Bangalore Bench held as regards 4(a) that on promotion from the Junior Accountants cadre to the Senior Accountants cadre the pay should only be fixed under F.R.22(c). This dispels the claim of the respondents.

5.2 As regards 4(b), the subsequent letter of the Govt. of India covers the decision of the Bangalore Bench stating that the benefit of reckoning the special pay for pay fixation should be extended to those who were promoted prior to 1.9.85 also. The Bangalore Bench directed the respondents therein to fix the pay of the applicant therein on his promotion as Senior Accountant under F.R.22(c) taking into account the special pay drawn by him before his promotion. It was further ordered that this fixation would, however, be notional and he would draw the actual pay on this basis only from 1.9.85 and that no arrears would be allowed to him prior to this date. This decision was subsequently followed by the Cuttack Bench of this Tribunal in their decision dated 25.6.91 in O.A.No.23/90. Following the judgments of the Bangalore and Cuttack Benches of this Tribunal, I too hold that the applicants before me should be given the benefit of reckoning the special pay for pay fixation when they were promoted as Senior Accountants. They would be entitled to this benefit notionally only w.e.f. 1.9.85 and they shall not be entitled to any arrears prior to that date. I direct the respondents to comply with these orders within a period of three months from the date of receipt of this order.

6. The application is thus disposed of with no order as to costs.

CERTIFIED TO BE TRUE COPY  
Date..... 25/11/91  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad



43 (42) 48  
Copy to:-

1. The Secretary to Government,  
Department of Posts,  
Ministry of Communication, New Delhi.
2. The Director of Accounts (Postal),  
Office of the Chief Post Master General,  
Hyderabad.
3. One copy to Shri. K.S.R. Anjaneyulu, 1-1-365/A,  
Jawaharnagar, Bakram, Hyderabad.
4. One copy to Shri. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One spare copy.

Rsm/-  
  
File



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G.A.No.1092/25

Date of Order: 25.11.25

As per Hon'ble Shri A.B. Gorthi, Member (Adm.)

The claim of the applicants is for a direction to the respondents to fix their pay under F.R.22(C) (now revised to F.R.22(I)(a)(1)) on their promotion as Senior Accountants with consequential benefits like arrears of pay and allowances.

2. The applicants were <sup>initially</sup> appointed as A.D.Cs on 20.10.65 and 7.8.65 respectively and were later promoted as A.D.Cs. Consequent departmentalisation of Accounts Dept. 1.3.78 they were redesignated as Junior Accountants. Thereafter they were promoted as Senior Accountants from 30.1.85 and 26.3.86 respectively. On their promotion they were denied the benefit of fixation of pay under F.R.22(I)(a)(1).

3. In support of the applicants' case, my attention has been drawn to a decision of this Bench of the Tribunal in OA.95/81 dated 22.11.81. In that case the Tribunal followed the decision of the Bangalore Bench in OA.1026/79. Referring to the judgement dated 16.1.89 in the said OA on the file of the Bangalore Bench, this Bench of the Tribunal observed as under:-

"The Bangalore Bench held as regards 4(a) that on promotion from the Junior Accountants cadre to the Senior Accountants cadre the pay should only be fixed under FR 22(c). This disposed the claim of the respondents".

4. As the applicants before me were also promoted from the post of Junior Accountants to Senior Accountants w.e.f. 30.1.85 and 26.3.86 respectively they should be entitled to have their pay <sup>fixed</sup> under FR 22(c) (now revised to FR 22(I)(a)(1)).



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD

C.A.NO. 1008 of 1995.

Between

Dated: 25.1.1995.

1. V.R.Shivasankari.

2. Vijaya Lakshmi.

Applicants

And

1. The Director of Accounts (Postal) Dakasadan, O/O Chief Post Master General, A.P.Circle, Hyderabad.

2. The Secretary to the Government of Posts Ministry of Communications, New Delhi.

3. Union of India represented by the Director General, Department of Posts, New Delhi.

Respondents

Counsel for the Applicants : Sri. K.Venkateswara Rao

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CCSC.

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

Costs: ...2/-



40

In the result, the respondents are directed to give the applicants the benefit of Pt 22(c) (i) (ii) (a)(1) in fixing their pay from the date of their promotion. The respondents should comply with this order within a period of 3 months from the date of communication of this order and grant all consequential reliefs from the respective dates of promotion or from 1.9.85 whichever is later.

6. O.A. is ordered accordingly. No cost.

CERTIFIED TO BE TRUE COPY

COURT OFFICER

Central Administrative Tribunal

HYDERABAD BENCH

Copy to:-

1. The Director of Accounts (Postal) Dakasadan, O/O Chief Post Master General, A.P. Circle, Hyderabad.
2. The Secretary to the Government of Posts, Ministry of Communications, New Delhi.
3. The Director General, Department of Posts, India, New Delhi.
4. One copy to Sri. K. Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. N. B. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Res/-

512



Date: 4/8/93.

ORDER

In view of the CAT, Hyderabad judgement in MP 25/93 in OA.95/91 dated 7-4-93, wherein the original judgement dated 22-11-91 in the CAT, Hyderabad and the modified judgement in M.No.1232/92 in OA.95/91 dated 30.12.92 are further modified as follows:

"The pay of applicants before the CAT, Hyderabad who were drawing the special pay on their promotion as Senior Accountants should be fixed under FR.22(C) taking into account the special pay drawn by them on the date of their promotion as Senior Accountants. In respect of others who were not drawing the special pay on the dates of their promotion, the special pay should not be taken into account while fixing their pay applying the usual FR 22(C)". Hence the earlier order No.193/Admn-1/EA.II/CAT/OA.95/91 dated 19.10.92 and order No.120/Admn-1/EA.II/CAT/OA.95/91 dated 15-7-93 stands modified and the pay of the following applicants/officials has to be fixed according to the further modification CAT Hyderabad judgement dated 7.4.93 as cited.

S/Sri

- |                           |                              |
|---------------------------|------------------------------|
| 1. B.Biksham, SA          | 12. P.Ramachandra Murthy, SA |
| 2. M.Raghava Rao, SA      | 13. K.Sathaiah, SA           |
| 3. A.D.Umkar, SA          | 14. Leela Shankar, SA        |
| 4. V.S.Somayajulu, SA     | 15. P.V.Narasimha Rao, SA    |
| 5. S.A.Saleem, SA         | 16. N.V.V.Venugopala Rao, SA |
| 6. K.Narayanawamy, SA     | 17. A.Vijayasardhi, SA       |
| 7. V.J.K.S.Sastry, SA     | 18. M.Kamamohan Rao, SA      |
| 8. M.A.Mohiuddin, SA      | 19. P.Satyanarayana, SA      |
| 9. Syed Ahmed Hussain, SA | 20. Ch.Cenkateswarulu, SA    |
| 10. G.S.R.Sastry, SA      | 21. N.V.Subba Rao, SA        |
| 11. G.C.S.Prasad, SA      | 22. N.Kameswara Sarma, SA    |

\*\* official who was not in receipt of Spl. pay on the date of his promotion. The above officials are entitled to the present judgement. benefit notionally only w.e.f. 1-9-85 and they shall not be entitled to any arrears prior to that date. The said benefits to the officials, which is given in compliance to the CAT, Hyderabad judgement dated 7-4-93, is only provisional and is subject to final outcome of the SLP filed in the Hon'ble Supreme Court against the Hon'ble CAT, Hyderabad Judgement in OA.95/91 and without prejudice to any revision as per the decision of the Hon'ble Supreme Court in the SLP cited.

*S. Suman Pillai*  
DIRECTOR OF ACCOUNTS,  
(POSTAL) HYDERABAD-1

Copy to:-

1. All officials concerned.
2. The A.O/Admn-II (44 copies for necessary action). It is requested to obtain necessary undertaking from the officials concerned for refund of the benefit derived by them (on issue of this order as well as O.O No.193/Admn-1/EA-II CA/OA-95/91 dated 19.10.92) in case the decision of the Hon'ble Supreme Court is repugnant to the judgement of the CAT, Hyderabad in OA.95/91.
3. A.O/PA-I (4) The Director (PA-I) O/o. the D.G.Posts
4. The APNG (S&V) O/o. the CPNG, Hyderabad for information and necessary action in connection with the C.P. filed by the applicants.
6. O.O.File (7) Spare

A.A.O/Admn-I



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1208 OF 1992

Union of India & Ors.

... Appellants

versus

Mohd. Haroon Rashid & Ors.

... Respondents

WITH

[Civil Appeals Nos. \_\_\_\_/1995 arising out of S.L.P.  
(C) Nos. 12533/1992, 2183/1993, 2045/1994, 4618/1994 &  
S.L.P. No. \_\_\_\_/1992 with I.A.No. 4]

AND

CIVIL APPEAL NO. 1886 OF 1994

Shanter Singh

... Appellant

versus

Union of India & Ans.

... Respondents

ORDER

Leave granted.

The first question raised on behalf of the appellants in all these appeals is whether the special pay of Rs.35/- should be considered as a part of the



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pay of the employees concerned for adjustment of their pay in the pay scale of the post of the Senior Accountant when they are appointed to that post. The letter dated 3rd January, 1981 from the Director General of Posts and Telegraph bearing No.6-7/79-PAP read with Circular No. 8.7. (52)S.123/78 of 5th May, 1979 makes it clear that the special pay of Rs. 35/- was granted to 10 per cent of the posts of Junior Accountants for discharging more complex and important nature of work. This means that 10 per cent of the Junior Accountants' posts were entitled to this higher or special pay and the appointees to the posts carried the same till they were appointed to the next promotional post of the Senior Accountant. The special pay was not granted to them in lieu of promotion for ~~having been stagnated in the lower post or grade as~~ contended on behalf of the appellant Union of India. It was a kind of an intermediate level of post/grade. Hence when the employees carrying the special pay were thereafter promoted to the next higher post of the Senior Accountant, their salary had to be fixed according to F.P. 22C. The view taken by the Tribunal, therefore, cannot be said to be erroneous.

As regards the contention that even those



50 15-A (51)

Junior Accountants who were not getting special pay of Rs.35/- per month have been given the benefit of the said rule, when they were promoted to the post of the Senior Accountant. In answer to our query whether the persons concerned were not overlooked while granting special pay to their juniors, Mr. Mahajan, the learned counsel appearing for the appellant-Union of India, sought time to get the information. We declined the request because, it was not disputed before the Tribunal. Hence, the Tribunal, according to us, rightly proceeded on the footing that the persons concerned were overlooked. It is not disputed that the 10 per cent of the posts earmarked for special pay had to be filled in on the basis of the rule of seniority cum merit and there is nothing on record to show that the individuals concerned were overlooked on account of their lack of merit. In other words, the injustice done to them while giving the said pay to their juniors, has been rectified by the Tribunal by the impugned order.

Mr. Mahajan then contended that the qualification pay of Rs.15/- could not have been taken into consideration for fixation of the pay in the promotional pay scale of Senior Accountant. The



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argument is misplaced because letter No.32-1/B1-  
Pace/1036/0/072 dated 7th September, 1983, which is  
Annexure 'E' to the Petition and issued by the Postal  
Accounts Wing makes it clear that the qualification pay  
will be treated as part of the pay for the purpose of  
fixation of pay when promoted to the higher post. In  
the circumstances, we see no merit in these appeals and  
they are dismissed. There shall be no order as to  
costs.

I.A.No.4 In SLP (C) No. \_\_\_\_/92 is disposed of  
accordingly.

C.A. No. 1806/1994

In view of the order passed in the above  
appeals, the ~~impugned~~ decision of the Tribunal is set  
aside and the appeal is allowed with costs.

Sillr  
[ P.B. Savant ]

Sillr  
[ G.M. Ray ]

New Delhi.  
January 19, 1995.



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Departments would also have to be taken into consideration while examining the points raised in this O.A.

3. The impugned orders have been issued merely in compliance with the clarifications received from Respondent-1

It follows that the entire issue needs to be scrutinised at the level of Directorate with a view to take a final decision in the matter.

4. It is therefore directed that the applicants may file a detailed representation to Respondent-1 to facilitate proper examination of the questions raised in this O.A. Such a representation may be submitted within 3 weeks from today through the head of their office. Respondent-1 shall have their representations examined with a view to arriving at a suitable decision within a reasonable time.

5. As an interim measure, it is directed that no recoveries be effected from the pay of the applicants in pursuance of the impugned order until the representations are disposed of by final order by Respondent-1.

Thus the OA is disposed of at the admission stage.

CERTIFICATE TO BE TRUE COPY

COUNT OFFICER

कॉन्ट ऑफिसर

Central Administrative Tribunal

केंद्रीय प्रशासनिक न्यायालय

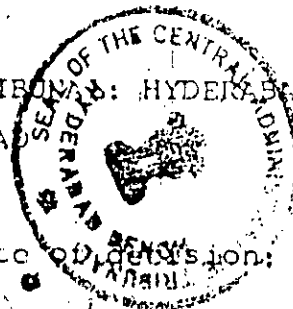
HYDERABAD BENCH

A/c

02/03/2017  
25/03/2017  
18/05/2017  
Copy filed by  
Section Officer



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD



O.A. 531 /97

Date of Decision: 25.4.97

1. R.Narayanaswamy
2. K.Sattaiah
3. VJRS Sastry
4. PV Narasimha Rao
5. A. Vijayasaradhi
6. B.Siksham
7. Smt. VR Sivasankari
8. G.Ch.Prasad
9. V.Somayajulu
10. V.Vijayalakshmi
11. P.Ramachandra Murty
12. SVV Venugopalrao
13. Ch.Venkateswarlu ... Applicant

And

1. Union of India, rep. by  
Secretary & DG (Posts),  
D/o Posts,  
M/o Communications,  
New Delhi.
2. The Director of Accounts  
(Posts),  
Andhra Circle,  
Hyderabad. ... Respondents

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)  
HON'BLE SHRI B.S. JAI PARAMESWAR, MEMBER (JUDICIAL)

O R D E R

Oral Order (per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Shri B.S.A. Satyanarayana for the applicants  
and Shri V.Rajeswara Rao, ACGSC, for the respondents.

2. It is noticed that the impugned order at Annexure-I to the OA has been issued based on certain instructions issued by Respondent-1. The points raised in this O.A. need to be considered in detail in the light of the judgements passed earlier by this Tribunal and in the relevant SLPs by the Hon'ble Supreme Court. The views of the concerned Ministries,

*[Handwritten signature]*



To

The Director General,  
Department of Posts,  
Dak Bhavan,  
Parliament Street,  
N\_E\_W D\_E\_L\_H\_I - 110 001

THROUGH: The Director of Accounts (Postal), Hyderabad-1

निदेशक लेखा (पत्र)  
Director of Accounts (Postal)  
व.स.स./R. L. No.

Implementation of Supreme Court Judgement in  
O.A.No.1208/92.

Ref:-D.G.(P), New Delhi letter No:

1. No.33(6)/95/PA-Admn-I/85 to 100 Dt.21-5-96.

2. No.33(6)/95/PA-Admn-I/499 to 514 Dt.3-3-97.

3. 1) CAT, Hyderabad orders in O.A/SR No.1297 of 1997  
and

M.A.No.397/97.

\* \* \* \*

A kind reference is invited to the letters cited under reference on the subject cited above. As per the orders contained therein, the D.A(P), Hyd vide his Memo No. 18/Admn II/S.A V/spl Pay dated 10-4-97 has directed me to refund a sum of Rs. 21,465/- stated to have been the over payment of pay & Allowances for the period 1-4-'87 to 31-3-'97 on account of a so called Ind IR 22(1) a (1) fixation on promotion to S.A (Functional) Grade.

In this connection, I may kindly be permitted to submit the following few lines for your kind consideration and favourable orders.

3. While working as Jr. Accountant in this office, I was promoted as Senior Accountant (Non-Functional) W.E.F 30-11-92. I was also drawing special pay of Rs.35/- P.M. in the Jr. Acctt Cadre for discharging complex nature of duties. On my promotion to S.A(Non-functional), my pay was fixed under the then F.I.22a(11) i.e., at the same stage at which I was drawing pay in J.A Cadre, and the special pay of Rs.35/- also has not been taken into account for fixation of pay on promotion to S.A(Non-Functional) as per the terms and conditions existing at that time.

4. However, by later orders, the special pay of Rs.35/- was allowed to be taken for fixation of pay to promotional posts like J.A.O etc., and also for fixation of pay of Jr. Accts under C.C.S(RP) rules 1986. This has resulted in certain Anomalies. Failing to get re-dressal of grievance on settlement of the anomalies through official representations, I have approached the Hon.CAT, Hyderabad to intervene and issue necessary orders in this regard.

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5. The CAT, Hyderabad after going through all the aspects of the case has directed the Govt., to fix the pay of the officials under F.R.22 (C) on their promotion to S.A(Non-functional) taking into account the special pay of Rs.35/- wherever drawn. (CAT,Hyd Judgements in O.A No.95/91, R.P No.25/93 and O.A No. 1068/95 refers). The Judgement of CAT, Hyderabad was implemented subject to final out-come of the S.L.P filed in the Hon. Supreme Court. The Hon. Supreme Court has since up-held the judgements given by various Tribunals in this regard vide their Civil Appeal No.1208/1992. Thus, the fixation of pay on promotion to SA(Non-Functional) cadre has become final and there is no dispute in this regard.

6. The Min.of Finance (D.E) in their O.M.No7(51)/E.III/86 dt.14-5-87 circulated under D.G(P) letter No.7-13/87/PE.1 dt.27-8-87 conveys that the IV th Pay Commission has recommended abolition of Selection Grade Posts in Group 'C' and 'D' Cadres. These recommendations stand implemented w.e.f 13-9-86 i.e., from the date of its notification. It has been clarified in the O.M that such of those incumbents who were already holding Selection Grade (Non-Functional) posts as on 1-1-86/12-9-86, the pay of such officials who were drawing appropriate scales in the Selection Grade Cadre may be treated as personnel to them. With effect from 13-9-'86, all the Selection Grade Posts created in terms of O.M Dt.10-1-77 stands reverted as ordinary grade.

7. In pursuance of the orders contained in M.F(D.E) O.M. No..F.5(32).EIII/86 pt.II dt.12-6-87 mentioned in D.G(P) letter No.37(8)/87/PA/Admn I/III dt.11-8-87, with effect from 1-4-87, 80% of the posts of Jr.Accountants including the existing posts of S.A (non-Functional) posts have been up-graded as Sr.Actts (Functional), and appointments were made to these higher posts in accordance with the draft recruitment rules. Accordingly, I was promoted as Sr.Accountant(Functional) w.e.f 1-4-87 vide DA(P), Hyd Memo No.144/Admn.I/E.A II/Re-structuring Dt.31-10-88, and was kept on probation for a period of 2 years which was later cleared vide Memo.No.280/Admn.I/EA VI/Probation dt.13-2-'96.

8. The question of fixation of pay of persons who were drawing 1400-2600/2000-3200 as personel to them, when appointed to a post in the identical scale of pay after observing due process of rules relating to promotion/appointments and where the promotional post involves assumption of higher duties and responsibilities has been considered, and it was clarified in the M.F(D.E) O.M.No.7(36)-EIII/88 Dt.9-8-88 read with D.G.(P) letter No.37(2)/88/PA-Admn-I/379-412 Dt.17-10-88 that in supersession

Contd ....



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of all earlier orders, the pay of Senior Accountants(non-functional) when promoted to this higher grades S.A(Functional) involving assumption of higher duties and responsibilities should be fixed under F.R.22(C). Accordingly, my pay on promotion from S.A (Non-functional) to S.A(Functional) grade w.e.f 1-4-87 was correctly fixed under F.R.22(C) strictly in accordance with the orders contained in the M.F (D.E) O.M. dt 9.8.88 referred to above.

9. Thus, there is no irregularity in the pay fixation on my promotion from S.A(Non functional) to S.A(Functional)grade, and NO OVER PAYMENT RESULTED. This fixation is only on account of a promotion to a higher grade post but not a IInd fixation under F.R.22(C).

10. Finally, I may be permitted to state that the fixation of pay on both the occasions is well covered by rules/orders etc. as mentioned below:

- 1.W.E.F 1-4-87,80% of the J.As Posts including the existing S.A(Non functional) were converted as Higher Functional Grade i.e.,S.A(Functional)and appointments were made to these posts by observing all the draft recruitment rules. Accordingly, I was promoted as S.A(Functional) w.e.f 1-4-87 and was kept on probation for a period of 2 years which was later cleared vide O.O. Dt13-2-96. Thus,this is a IInd promotion to a higher cadre, and hence I am entitled for pay fixation under F.R.22(C). If this is not a promotion, then there would not have been any necessity to keep me under probation for 2 years and clearing after 2 years. Hence, this cannot be treated as a IInd benefit of F.R.22(C), but should be treated as a benefit accrued on account of promotion to a higher grade post; as a result of policy decision.
- 2.W.e.f. 13-9-86 all the S.A Posts were abolished and the pay drawn by the existing incumbents was treated as personnel to them. W.e.f13-9-86, all the S.A Posts were reverted as ordinary Grade i.e., there are no S.A Posts from that date.
- 3.The F.R 22(C) fixation on my promotion from J.A to S.A (Non functional) cadre was given as per the judgement of various CATs which was later up-held by the Hon.Supreme Court, duly considering the fact that it was promotion to a Non-functional cadre, when there is no dispute.
- 4.The benefit of appointment to S.A(Functional)post cannot be given by treating S.A(Non-functional) post as Functional as stated in D.G(P) letter dt.21-5-96 cited under reference, as,such posts were not existing prior to 1-4-87. The S.A (Functional)posts were created w.e.f 1-4-87 only and as such, any appointments/promotions can be given w.e.f on or after 1-4-87 only. Giving such retrospective effect arbitrarily and much to the disadvantage to the officials without a due notice is against the principles of natural justice.



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5. The Judgements given by various CATs/Hon. Supreme Court did not give any directions to the Govt., to treat the posts as functional while allowing the benefit of fixation of pay under F.R 22(C) on promotion from J.A to S.A(Non-Functional).

6. It is further submitted that either on <sup>your</sup> behalf or on behalf of DA(P) it was not submitted in the CAT, Hyd or Hon. Supreme Court that my pay was already fixed under F.R. 22 (1) a (1) as a result of upgradation of 8% of Posts w.e.f 1-4-87. Now as late as to-day, the proposed action to term it as a II fixation under FR 22(1) a(1) is untenable, illegal and also hit by the doctrine of constructive RESJUDICATA.

7. To term the fixation of pay (as a result of court orders) under FR 22 (1) a(1) taking the special pay into account wherever drawn as IInd fixation also is not maintainable as the action is hit by the principle of ESTOPPEL and PROMISORY ESTOPPEL.

8. Aggrieved by the above action proposed in letter dated 21-5-96 and dated 3-3-97 referred at sl.No.1 and 2 under reference, I filed an O.A in Hon.CAT, Hyderabad. The O.A was disposed at the admission stage itself directing me to submit a representation to your honour within 3 weeks from the date of order. Hence this representation.

Under the circumstances stated above, I submit that no irregularity exists in regard to my pay fixation at any stage. In the light of the facts stated above my case may kindly be considered once again, if necessary by appraising the above facts to the Min. of Finance and cause to issue favourable orders up-holding the pay fixation done in my case on both the occasions i.e one w.e.f 1-4-87 and the other w.e.f the date of my promotion to S.A(Non-functional) cadre as perfectly in order.

Thanking You Sir,

HYDERABAD,

Dt: 10-5-1997.

Yours faithfully,

*R. Narayana*  
(R. NARAYANA, S.A.)

Senior Accountant,  
o/o. The DA(P), Hyd-1.

T/c



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GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF POST  
[ POSTAL ACCOUNTS WING ]  
DAK BHAWAN : SANSAD MARG  
NEW DELHI 110 001.

No. 33(5)/97/PA-Admn.II/22

Dated: 27/7-1997.

To

The Director of Accounts (Postal),  
Hyderabad - 500 001.

Sub: Implementation of Supreme Court judgement in OA No.1208/92.

Sir,

I am directed to refer to your letter No.25/Admn.II/SA-V/OA-95/91-1208/92 dated 5.6.97 on the above subject and to state that the request of the petitioners has been considered. The status of selection grade posts has since been changed consequent on extending the benefit of FR 22(c) as per the judgement of Hon'ble Supreme Court. Accordingly, these posts are treated as functional posts. Therefore, such employees when placed in a posts of the same status as on 1.4.87 are not entitled for the benefit of FR 22(C) for a second time. The petitioner may be given a suitable reply on the above lines with a copy endorsed to this office. Recovery of the overpaid amount may also be effected.

Yours faithfully,

*[Signature]*

[ B.C. ROUTRAY ]  
ASSTT. DIRECTOR GENERAL(PA-ADMN)  
PHONE:3716564/3032155.

Tlc

*[Handwritten mark]*



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ANNEXURE - A-16

TABLE SHOWING THE PARTICULARS OF EACH APPLICANT

| Sl. No. | Name                    | Date of appointment | Date of promotion as SA (Non-functional) | Date of promotion as SA (functional) | Amount proposed to be recovered |
|---------|-------------------------|---------------------|------------------------------------------|--------------------------------------|---------------------------------|
|         |                         |                     |                                          |                                      | Rs.                             |
| 1.      | R.Narayanaswamy         | 18-12-1969          | 30-1-1985                                | 1-4-1987                             | 21,465/-                        |
| 2.      | K.Sattaiah              | 21-1-1967           | 19-2-1983                                | 1-4-1987                             | 21,746/-                        |
| 3.      | V.J.R.S.Sastry          | 20-10-1965          | 15-9-1983                                | 1-4-1987                             | 23,124/-                        |
| 4.      | P.V.Narasimha Rao       | 30-7-1965           | 1-3-1984                                 | 1-4-1987                             | 22,824/-                        |
| 5.      | A.Vijayasaraadhi        | 3-8-1965            | 1-3-1984                                 | 1-4-1987                             | 23,124/-                        |
| 6.      | B.Bisham                | 20-10-1965          | 10-1-1985                                | 1-4-1987                             | 22,536/-                        |
| 7.      | Smt.V.R.Sivasankari     | 20-6-1965           | 30-1-1985                                | 1-4-1987                             | 21,837/-                        |
| 8.      | G.Chandrasekhara Prasad | 4-6-1966            | 30-1-1985                                | 1-4-1987                             | 21,837/-                        |
| 9.      | V.S.Somayajulu          | 6-8-1966            | 30-1-1985                                | 1-4-1987                             | 22,536/-                        |
| 10.     | V.Vijayalakshmi         | 7-8-1965            | 26-3-1986                                | 1-4-1987                             | 21,945/-                        |
| 11.     | P.Ramachandra Murthy    | 1-10-1966           | 14-2-1985                                | 1-4-1987                             | 22,435/-                        |
| 12.     | N.V.V.R Venugopal Rao   | 7-8-1965            | 20-7-1983                                | 1-4-1987                             | 21,101/-                        |
| 13.     | Ch.Venkateshwarlu       | 9-2-1967            | 28-3-1983                                | 1-4-1987                             | 24,361/-                        |

T/c

*[Signature]*  
Consent for Application



(65)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.S.R. NO. 2304/97

(M.A. 725/97)

Date of Order: 30-7-97.

Between:

- |                         |                           |
|-------------------------|---------------------------|
| 1. R.Narayanaswamy.     | 8. G.Ch.Prasad.           |
| 2. K.Sattaiah.          | 9. V.Somayajulu.          |
| 3. V.J.R.S.Sastry.      | 10. V.Vijayalakshmi.      |
| 4. P.V.Narasimha Rao.   | 11. P.Ramachandra Murthy. |
| 5. A.Vijayasaraadhi.    | 12. N.V.V.Venugopal Rao.  |
| 6. B.Biksham.           | 13. Ch.Venkateswarlu.     |
| 7. Smt.V.R.Sivasankari. |                           |

.. Applicants.

and

1. Union of India, rep. by its Secretary  
and D.G.(Posts), Dept.of Posts,  
Ministry of Communications, Dak Bhavan,  
New Delhi-1.

2. The Director of Accounts(Postal)  
Andhra Circle, Abids, Hyderabad-1.

.. Respondents.

For the Applicants: Mr. B.S.A.Satyanarayana, Advocate.

For the Respondents: Mr. K.Ramulu, Addl.CGSC.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(AIN)

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

The Tribunal made the following Order-

Heard Mr.B.S.A.Satyanarayana for the applicant.

Prima facie case disclosed. Issue notice to the  
respondents who may file their reply within 6 weeks. No recoveries  
shall be effected from the pay until further orders.

31-7-97  
Deputy Registrar(J)CC



O.A.S.R.2304/97

To

1. The Secretary, and Director General(Posts)  
Dept.of Posts, Min.of Communications,  
Dak Bhavan, New Delhi-1.
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.
3. One copy to Mr.B.S.A.Satyanarayana, Advocate, CAT.Hyd.
4. One copy to Mr.K.Ramulu, Addl.CGSC.CAT.Hyd.
5. One spare copy.

pvm.



Notice section  
T COURT

IN

TYPED BY CHECKED BY

COMPALED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE  
VICE-CHAIRMAN  
and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)  
The Hon'ble Mr. B. S. Saiparameswar: M(O)

Dated: 30-7 -1997

ORDER/JUDGMENT:

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

O.A.No. 2304/97 in  
T.A.No. (w.p.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केंद्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
HYDERABAD BENCH  
31 JUL 1997  
हस्ताक्षर



66

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 725/97 ~~in~~.

O.A.No. 1308/97.

Date of Order: 19-9-97.

Between:

1. R.Narayanaswamy.
2. K.Sattaiiah.
3. V.J.R.S.Sastry.
4. P.V.Narasimha Rao.
5. A.Vijayasaraadhi.
6. B.Bikshan.
7. Smt.V.R.Sivasankari.
8. G.Ch.Prasad.
9. V.Somayajulu.
10. V.Vijayalakshmi.
11. P.Ramachandra Murthy.
12. N.V.V.Venugopal Rao.
13. Ch.Venkateswarlu.

.. Applicants.

and

1. Union of India, rep. by its Secretary  
and D.G.(Posts) Dept.of Posts,  
Ministry of Communications, Dak Bhavan,  
New Delhi-1,
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.

.. Respondents.

For the Applicants: Mr. B.S.A. Satyanarayana, Advocate.

For the Respondents: Mr.K.Ramulu, Addl.CGSC.

CORAM:

THE HON'BLE MR.H.PAJENDRA PRASAD : MEMBER(ADMN)

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

The Tribunal made the following Order:-

Mr.Ramulu on behalf of the respondents submits  
that counter will be filed in two weeks. The same is accepted.

List it thereafter. Interim order to continue.

  
Deputy Registrar



(69)

-2-

O.A.1308/97.

To

1. The Secretary and Director General (Posts)  
Dept. of Posts, Union of India,  
Ministry of Communications, Dak Bhavan,  
New Delhi-1
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.
3. One copy to Mr. B.S.A. Satyanarayana, Advocate, CAT. Hyd.
4. One copy to Mr. K. Ramulu, Addl. CGSC. CAT. Hyd.
5. One copy spare.

pvm



0 As per

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.  
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD : M(A)

DATED:- 19/9/97

ORDER/JUDGMENT

M.A./RA./C.A.No. 725/97

in

O.A.No. 1308/97.

T.A.No.

(W.P. )

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
ब्रेषण/DESPATCH  
5/6 OCT 1997  
हैदराबाद ब्यायपीठ  
HYDERABAD BENCH



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH,

AT H Y D E R A B A D.

OA No.1308 of 1997.

**Between:**

Sri R.Narayan Swamy, S/o.Nagalah,  
age 54 Yrs., Sr.Acctt. & 12 Others. .... Applicant

**A N D**

Union of India, Rep.by Secretary &  
Director-General(Postal),  
Department of Posts,  
Ministry of Communications,  
Dak Bhavan, NEW DELHI-110 001,  
and another. .... Respondents.

REPLY STATEMENT FILED BY THE RESPONDENT

I, P.V.B.D.SARMA, S/o.P.Subbaraya Sastry, aged 51 Yrs.,  
R/o.Hyderabad, do hereby solemnly affirm and state on oath  
as follows:

1. I am working as Asstt.Chief Accounts Officer in the  
2nd Respondent's Office and as such I am well acquainted  
with the facts of the case. I am filing the Counter Affidavit  
on behalf of the above Respondents.
2. I have read the contents of the O.A. filed by the  
Applicant and I submit that it is replete with incorrect  
facts. All the averments, facts and rules which are in-  
consistent and at variance, with the following history of  
the case, are hereby denied.
3. In reply to Para 6.1: It is submitted that the particulars  
of date of appointment, date of promotion as Sr.Accountant  
(Non-functional) and date of promotion as Sr.Accountant  
(Functional) of all the applicants are furnished in the  
Annexure-I. The applicants are presently working as Sr.  
Accountants in the Office of the Respondent No.2.
4. In reply to Para 6.2: It is submitted that in accordance  
with the instructions issued under Postal Directorate Lr.  
No.37(8)/87/PA-Admn.I/111 dated 11-8-1987, the Applicants,  
while working as Sr.Accountants (Non-functional) in the pay  
scale of Rs.1400-40-1600-50-2300-EB-60-2600, were appointed as

*Narayan*  
Sr. Attestor  
Accounts Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001

*P. V. B. D. Sarma*  
Deponent.  
Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.



(70)

Sr.Accountants (Functional) in the scale of Rs.1400-40-1600-50-2300-EB-60-2600 with effect from 1-4-1987 vide 2nd Respondent's O.O.No.144/Admn.I/EA.II/Restructuring dated 31-10-1988.

5. In reply to Para No.6.3: It is submitted that in Para 3 of 1st Respondent's letter dated 11-8-1987 it was decided that in the case of officials already drawing the pay in the scale of Rs.1400-2600 as personal to them and appointed to Functional higher grades, no further fixation under erstwhile FR.22(C) is necessary. This position was modified in the 1st Respondent's letter No.37(2)/88/PA-Admn.I/379-412 dated 17-10-1988 allowing the fixation under FR.22(C).

6. In reply to Para 6.4: It is submitted that in accordance with the Judgement of Hon'ble Tribunal, Hyderabad Bench, in O.A.No.95 of 1991 dated 22-11-1991 as modified in M.A. No.1282 of 1992, the Applicants herein were allowed the benefit of FR.22(C) fixation consequent on their promotion to the Sr.Accountant's cadre (Non-functional) with effect from the respective dates of their promotion. In respect of the Applicants at Sl.7 and 10, the benefit was allowed consequent on the Judgement in O.A.No.1068 of 1995. Thus, all the Applicants herein were allowed FR.22(C) benefit twice, i.e., once at the time of re-structuring of cadres in Accounts Organisation (i.e., w.e.f. 1-4-1987) and for the second time consequent upon the Judgement of Hon'ble Tribunal, Hyderabad Bench. The argument of the Applicants that the plea of double fixation under FR.22(C) was not raised by the Respondents while arguing in O.A. of 95/91 and 1068/95, is not tenable. In contesting both the OAs, the Respondents categorically submitted that the promotion of the Applicants as Sr.Accountants was not a normal promotion, but was only a promotion to a Non-functional Selection Grade. The Applicants got the fixation under FR.22(C) at the time of their appointment to a Non-functional Selection Grade, only consequent upon the Judgements of the Hon'ble Tribunal, and it was not allowed to them prior to the

*Amranyam*  
Attestor.  
Sr. Accounts Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001

*[Signature]*  
Deponent.  
Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.



Judgements. Hence, the question of arguing the matter of double fixation in O.A.No.95 of 1991 and O.A.No.1068 of 1995 does not arise as there was no double fixation at the time of arguments in the said OAs before the Hon'ble C.A.T., Hyderabad.

7. - In reply to Para 6.5: It is submitted that the Respondent No.1, in consultation with the Ministry of Finance/ Department of Personnel & Training, extended the benefit of allowing FR.22(C) in respect of all the promotions to the Non-functional Selection Grade taken place during the period from 1-1-1986 to 13-9-1986. Further, the Ministry of Finance/ Department of Personnel & Training, vide Directorate letters dated 21-5-1996 and 3-3-1997, clarified that such employees are not entitled to FR.22(C) benefit for a second time as the benefit for appointment to a Functional scale has already been allowed to them by treating the Non-functional Selection Grade posts as Functional posts.

8. In reply to Para 6.6: It is submitted that in accordance with the Respondent No.1's directions cited in Para 6.5 above, directing to regulate the pay of all the employees and to recover the overpayments, the Applicants' pay was revised and the Applicants were directed to refund the overpayments made to them, failing which it was proposed to recover the same from pay and allowances of the Applicants commencing from April, 1997, vide individual Memos. of Respondent No.2 dated 10-4-1997.

9. In reply to Para 6.7: It is submitted that the Applicants approached this Hon'ble Tribunal vide OASR No.1292 of 1997, which was disposed off by the Hon'ble Tribunal directing the Applicants to submit a representation to the Respondent No.1. Accordingly, the representations submitted by the Applicants were disposed off by the Respondent No.1, rejecting the contentions submitted by the Applicants. Accordingly, the Applicants were informed by the Memos. of Respondent No.2 dated 16-7-1997 conveying the decision of Respondent No.1 and also proposing the recovery of overpaid pay and allowances from the month of July, 1997.

*Amayana*  
Attester,  
Sr. Accounts Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001

*P. Chandra*  
Deponent,  
Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.



10. In reply to Para 6.8: It is submitted that it is evident from the foregoing facts of the case that the Applicants were allowed the benefit of fixation under FR.22(C) twice, i.e., once at the time of re-structuring the Accounts cadre with effect from 1-4-1987, and for the second time consequent upon the Judgements of this Hon'ble Tribunal. The Applicants were originally not allowed the fixation under FR.22(C) by the Respondents, treating the promotion to a Non-functional Selection Grade only. However, this position was changed consequent on the Judgement of Hon'ble Tribunal of Bangalore Bench, which was followed by the Hyderabad Bench in O.A.No.95 of 1991 and O.A.No.1068 of 1995. As the benefit under FR.22(C) was allowed to the Applicants with effect from the dates of their respective promotions during 1983 to 1985, the Non-functional Selection Grade promotion automatically treated as Functional Grade promotion. Once they were allowed the benefit under FR.22(C) treating the Non-functional promotion as Functional promotion with effect from the respective dates during 1983 to 1985 with benefit of arrears from 1-9-1985, they are to be deemed as brought to the Functional S.A. cadre. Hence, allowing the benefit for a second time consequent upon re-structuring of Accounts cadre and placing them in the same scale of Rs.1400-2600 is irregular, and hence, the Respondents' action in regularising the pay of the Applicants and ordering consequential recovery is in order.

11. In reply to Para 6.9: It is submitted that the plea of double fixation under FR.22(C) cannot be raised by the Respondents at the time of arguments in O.A.No.95 of 1991 and 1068 of 1995 as there was no double fixation at that time. The double fixation has arisen consequent upon the Judgement of this Hon'ble Tribunal only. In the Judgement of O.A.No.95 of 1991, two important issues were decided by this Hon'ble Tribunal in Para (4), i.e., (a) whether the promotion from the cadre of Junior Accountant to the Senior Accountant is a promotion or not, and (b) whether the benefit of reckoning of Special Pay of Rs.35/- p.m. for the purpose of fixation. The Hon'ble Tribunal finally decided

*[Signature]*  
Sr. Attestation Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001

*[Signature]*  
Deponent.  
Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.



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the issue at (a) above as 'a promotion', denying the contention of the Respondents that it is a promotion to a Non-functional cadre only, but not the actual promotion. The S.L.P. filed by the Respondents was finally decided by the Hon'ble Supreme Court in 1995 only, when the matter was finally decided. Consequent upon the said orders of the Hon'ble Supreme Court upholding the views of various Administrative Tribunals, the Respondents finally consulted the Ministry of Finance and Department of Personnel and Training, and final orders issued in May, 1996. Hence, there was no inordinate delay by the Respondents in issuing the orders dated 21-5-1996. Hence, the orders of Respondents are legally valid, and there is no arbitrariness.

12. In reply to Para 6.10: It is submitted that the O.A.531 of 1997 filed by the Applicants was disposed by this Hon'ble Tribunal directing the Applicants to submit a representation to Respondent No.1. The Applicants accordingly submitted representations and they were finally disposed off by the Respondent No.1, and orders communicated to the Applicants by Respondent No.2 vide Memos. dated 16-7-1997.

13. In reply to Para 7.1: It is submitted that consequent upon the directions of Hon'ble Tribunal in O.A.No.531 of 1997, the Applicants submitted their representations. Thus, after giving a reasonable opportunity through the said representations, and after careful consideration of their submissions contained in the said representations, final orders by Respondent No.1 and 2 were passed on 16-7-1997. Hence, the Applicants cannot take the plea that no opportunity/notice was given to them.

14. In reply to Para 7.2: It is submitted that the orders contained in Ministry of Finance O.M. dated 17-10-1988 required modification by letter dated 21-5-1996, consequent upon the Judgements of various Tribunals and Appellate orders of Hon'ble Supreme Court. In view of the changed circumstances as explained above, the Law of Promissory Estoppel is not violated in this case.

*Attestor*  
Sr. Accounts Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001

*Deponent*  
Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.



94

15. In reply to Para 7.3: It is submitted that as explained in the previous paras, the Respondents have no occasion to argue the point of double fixation while contesting O.A.No.95 of 1991 and 1068 of 1995 as there was no double fixation at the time of contesting these OAs before Hon'ble C.A.T., Hyderabad Bench.

16. In reply to Para 7.4: It is submitted that by implementation of Judgements of this Hon'ble Tribunal in O.A.No.95 of 1991 and 1068 of 1995, the promotions of the Applicants to the Non-functional Selection Grade were made Functional in view of treating the same by the Tribunal as 'a promotion', and consequential allowing of FR.22(C).

17. In reply to Para 10: It is submitted that in view of the position explained in the foregoing paras, it is evident that the Applicants enjoyed the benefit of fixation under FR.22(C) for two times for the same promotion from the Junior Accountant cadre to the Senior Accountant cadre, which is naturally not allowed. As such, it is evident that the O.A. is devoid of merits and needs no consideration by Hon'ble Tribunal. Hence, it is prayed to dismiss the O.A. with costs.

18. In reply to Para 11: In obedience of interim orders of this Hon'ble Tribunal in the present O.A./M.A.725/97 dated 30-7-1997, the proposed recovery from the applicants is not effected.

19. For the reasons stated above, the Applicants have not made out any case either on fact or on Law and there is no merit in the O.A. It is, therefore, prayed that this Hon'ble Court may be pleased to dismiss the O.A. and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed before me  
on this 24th day of November,  
1997, at Hyderabad.

Deponent.

Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.

*Attestor*  
Sr. Accounts Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001



(95)

ANNEXURE - I

(Para 6.1 of O.A.)

| S.No. | Name                       | Date of ap-<br>pointment | Date of promo-<br>tion as SA(Non-<br>functional) | Date of promo-<br>tion as SA<br>(functional) |
|-------|----------------------------|--------------------------|--------------------------------------------------|----------------------------------------------|
|       | S/Sri/Smt.                 |                          |                                                  |                                              |
| 1.    | R.Narayana Swamy           | 18-12-'69                | 30-01-'85                                        | 01-04-'87                                    |
| 2.    | K.Sathaiiah                | 21-01-'67                | 19-02-'83                                        | 01-04-'87                                    |
| 3.    | V.J.R.S.Sastry             | 20-10-'65                | 15-09-'83                                        | 01-04-'87                                    |
| 4.    | P.V.Narasimha Rao          | 30-07-'65(A/N)           | 01-03-'84                                        | 01-04-'87                                    |
| 5.    | A.Vijaya Saradhi           | 03-08-'65                | 01-03-'84                                        | 01-04-'87                                    |
| 6.    | B.Biksham                  | 20-10-'65                | 01-01-'85                                        | 01-04-'87                                    |
| 7.    | V.R.Sivasankari            | 26-10-'65                | 30-01-'85                                        | 01-04-'87                                    |
| 8.    | G.Chandrasekhara<br>Prasad | 04-06-'66                | 30-01-'85                                        | 01-04-'87                                    |
| 9.    | V.S.Semayajulu             | 26-08-'66                | 30-01-'85                                        | 01-04-'87                                    |
| 10.   | V.Vijayalaxmi              | 07-08-'65                | 26-03-'86                                        | 01-04-'87                                    |
| 11.   | P.Ramachandra<br>Murthy    | 01-10-'66                | 14-02-'85                                        | 01-04-'87                                    |
| 12.   | N.V.V.Venugopala<br>Rao    | 07-08-'65(A/N)           | 20-07-'83                                        | 01-04-'87                                    |
| 13.   | Ch.Venkateswarlu           | 09-02-'67                | 28-03-'83                                        | 01-04-'87                                    |

*Amayana*  
Attestor

Sr. Accounts Officer  
Postal Accounts, Andhra Circle  
Hyderabad - 500 001

*[Signature]*  
Deponent  
Assistant Chief Accounts Officer,  
Postal Accounts, A. P. Circle  
Hyderabad-500001.



IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A.NO: 1308 of 1997

Between :

R. NARAYANASWAMY &  
OTHERS

... Applicants

a n d

Union of India, rep.  
by its Secretary and  
D.G.(Posts) & another ... Respondents

Counsel for the  
Applicants : BSA Satyanarayana

Counsel for the  
Respondents : K. Ramulu,  
Addl. C.G.S.C.

*Placed in 6/2  
Taken on record  
28/11/97*



(97)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
O.A.NO. 1808/97, 817/97 and 539/97.

Date of Order: 15-4-98.

Between:

R.Narayanaswamy and 12 others.

..Applicants in O.A.1308/97

T.Yadaiah.

.. Applicant in O.A.817/97.

K.Himamappa.

.. Applicant in O.A.539/97.

and

1. Union of India, rep. by its  
Secretary & D.G.(Postal), Dept.of Posts,  
Ministry of Communications,  
Dak Bhavan, New Delhi.

2. The Director of Accounts (Postal)  
Andhra Circle, Dak Sadan, Abids,  
Hyderabad-1.

.. Respondents in all cases.

For the Applicants: Mr. B.S.A.Satyanarayana, Advocate

For the Respondents : Mr.K.Ramulu, Addl.CGSC.  
Mr. V.Rajeswar Rao, Addl.CGSC.  
Mr. V.Vinod Kumar, Addl.CGSC.

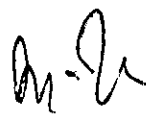
CORAM:

THE HON'BLE MR. H.RAJENDRA PRASAD : MEMBER(ADMN)

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

The Tribunal made the following Order:-

O.A. is admitted. List it before this Division Bench.  
on the next occassion for final hearing/disposal. Interim orders  
will continue until further orders.

  
Deputy Registrar

- 1) The Secretary and D.G.(posts) Union of India,  
Dept. of Posts, Ministry of Communications,  
Dak Bhavan, New Delhi-1.
- 2) Director of Accounts (Postal) Dak Sadan,  
Andhra Circle Abids, Hyderabad-1.
- 3) 3 Copies to Mr. B.S.A. Satyanarayana, Advocate, CAT.Hyd.
- 4) one copy to Mr. K.Ramulu, Addl.CGSC. CAT.Hyd.
- 5) one copy to Mr. V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
- 6) one copy to Mr. Rajeswar Rao, Addl.CGSC. CAT.Hyd.
- 7) one spare copy.



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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN  
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)  
The Hon'ble Mr. B. S. Jaiparameswar: M(C)  
DATED: 15-4-1998.

ORDER/JUDGMENT

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

in  
O.A.No. 1308/97, 877/97 and  
T.A.No. (w.p. 539/97)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

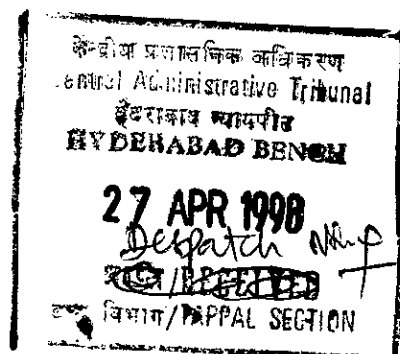
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.





O.A.1308/97

Pre-pronounced judgment in the above O.A is placed  
for kind perusal.

~~HM(J)~~ Jan 10.6.99

~~HM(A)-II~~ 9/11

Challanig  
PS

To be posted on 21.6.99

or 2.15pm  
R



99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.1308/97

Dated, the 21<sup>st</sup> June, '99

BETWEEN :

- |                        |                          |
|------------------------|--------------------------|
| 1. R. Narayanaswamy    | 8. G.Ch. Prasad          |
| 2. K. Sattaiah         | 9. V. Somayajulu         |
| 3. VJRS Sastry         | 10. V. Vijayalakshmi     |
| 4. PV Narasimha Rao    | 11. P.Ramachandra Murthy |
| 5. A. Vijayasaraadhi   | 12. Ch. Venkateswarlu    |
| 6. B. Biksham          |                          |
| 7. Smt. VR Sivasankari |                          |

.... Applicants

A N D

1. Union of India, rep. by its Secretary and DG (Posts), Deptt. of Posts, Ministry of Communications, Dak Bhavan, New Delhi-110 001.
2. The Director of Accounts (Postal) Andhra Circle, Abids, Hyderabad-1.

... Respondents

COUNSELS

For the Applicants : Mr. BSA Satyanarayana

For the Respondents : Mr. B.N. Sarma

CORAM

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMIN) 8/16

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





--:2:-

O R D E R

(PER: HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (UUDL))

1. Heard Mr. B.S.A. Satyanarayana, learned counsel for the applicants and Mr. M.C. Jacob, for Mr. B.N. Sarma, learned standing counsel for the respondents.
2. This is an application filed under Section 19 of the Administrative Tribunals Act, 1985.
3. The application was filed on 30.7.1997.
4. There are 13 applicants in this O.A. They have been working in the O/o the Director of Accounts (Postal), A.P. Circle, Hyderabad. Their service particulars are furnished in Annexure-16 (page 59 of the O.A.). They were initially appointed as Junior Accountants/LDCs, Under the Scheme envisaged in Memo. No.37(8)87/PA/Admin.I/III dt.11.8.1987 and (Annexure-6) / On account of upgradation of 80% of the posts in the cadre of Senior Accountants (Functional), the applicants were promoted to the said post in the Postal Accounts Organisation vide Memo No.144/Admin.I/EA II/Restructuring dt.31.10.88 to the said functional grades and to the scale of pay of Rs.1400-2600 redesignated as Sr. Accountants and to the scale of Rs.2000-3200 redesignated as Junior Accounts Officer Gr.'C' (Ministerial). The promotions were ordered w.e.f. 1.4.87; and that 80% of the posts of Junior Accountants including Non-Functional Selection Grade Senior Accountants and the JAOs including SG JAOs were given the above benefits.
5. They submit that the respondents vide memo. dt. 11.8.87 was superseded by Memo. No.37(2)/ii/ PA/Admin.II/379-412 dt. 17.10.88 (Annexure-8 pages 36-38 of the O.A). They submit that at the time of their promotion under the said 80% : 20% Scheme their pay was fixed under F.R.22(1)(a) (1).
6. They submit that they were not parties to the O.As. filed by the various employees of the Postal

*R*



101

-3:-

Accounts Organisation in O.A.95/91 decided on 22.11.91, O.A. 2068/95 decided on 25.1.96 and R.P.25/93 decided on 7.4.93. In the said O.As their special pay of Rs.35/- was ordered to be taken into consideration for fixation of their pay in the next higher posts under FR 22(1)(a)(i). Ultimately, the decision of this Tribunal was confirmed by the Hon'ble Supreme Court in by its judgment dt. 19.1.95 in Civil Appeal No.1208/92.

7. They also submit that earlier they had approached this Tribunal in O.A.531/97 which was disposed off by this Tribunal directing them to submit a detailed representation to the respondents No.1 to facilitate proper examination of the questions raised in O.A. Accordingly, they submitted the representations as per Annexure-14 (page 54 to the OA). The Respondent No.1 rejected the representations vide his Memo No.33(5)/97/PA-Admin.II/88 dt. 1.7.87 (Annexure 15 page 58 of the OA) which was communicated by the respondent No.2 vide his Memo No.109.221/Admin.II/SA V/OA/1297/97 dt. 16.7.97.

8. Hence, they have filed this O.A. praying for the following reliefs :

"to call for the records and after perusal, declare the action of the respondents as proposed in Memo. No.109/5221/Admin.II/SA/V/Spl.Pay dt. 16.7.97 of the respondent No.2 and Memo. No.33(5)/97 PA-Admin/I/88 dt. 1.7.97 of the respondent No.1 and declare them to be illegal, arbitrary and inconsequence and direct the respondents to restore the pay of the applicants herein as <sup>was</sup> ~~was~~ prevailing on 21.5.96 and prior to issuing the impugned orders."

D



102

9. The respondents have filed their counter stating that in accordance with the instructions issued under the Directorate's letter dt. 11.8.87 the applicants who were working as functional Senior Accountants in the scale of pay of Rs.1400-2600 were appointed as Senior Accountants(Functional) in the same scale of pay w.e.f. 1.4.87 as per their Memo dt. 31.10.88. It was decided that in the case of officials who were already drawing the pay in the scale of Rs.1400-2600 as personal to them and appointed to Functional higher grades, no further fixation under erstwhile FR 22(c) was necessary. This position was modified in the Respondent No.1's letter dt. 17.10.88. It is submitted that in accordance with the directions given by this Tribunal in O.A.95/91 dt.22.11.91 as modified in M.A. No.1282 of 1992, the Applicants were allowed the benefit of FR 22(c) fixation consequent on their promotion to the Senior Accountant's cadre (Non-functional) with effect from the retrospective dates of their promotion. That in respect of the applicants at Srl. No.7 and 10, the benefit was allowed consequent on the judgment in O.A.1068/95. Thus, all the applicants were allowed ~~FR~~ <sup>under FR 22(c)</sup> the benefit/twice i.e. once at the time of re-structuring of cadres in Accountant's organisation (i.e. w.e.f. 1.4.87) and ~~at~~ the second time consequent upon the ~~direction~~ of this Tribunal; that the arguments of the applicants of double fixation under FR 22(c) was not raised by the respondents while arguing in O.A.95/91 and 1068/95 is not tenable; that the respondents had resisted both the O.As categorically contending that the promotion of the applicants as Sr. Accountants was not a normal promotion, but was only a promotion to a Non-functional Selection Grade; that the applicants got the fixation under FR 22(c) at the time of their appointment to a Non-Functional Selection Grade only consequent upon the direction of this Tribunal and it was not allowed to them prior to the decision of this Tribunal; that the respondent No.1 in consultation with the Ministry of Finance (Deptt. of Personnel

2



and Training extended the benefit of allowing FR 22(C) in respect of all the promotions to the Non-Functional Selection Grade that took place during the period from 1.1.86 to 13.9.86. Further, the Ministry of Finance and Department of Personnel & Training vide Directorate letters dt.21.5.96 and 3.3.97 clarified that such employees are not entitled to FR 22(C) benefit for a second time as the benefit for appointment to a functional scale has already been allowed to them by treating the Non-Functional Selection Grade posts as Functional posts.

10. It is submitted that the applicants had approached this Tribunal in O.A.SR No.1292/97 which was disposed off by this Tribunal directing them the applicants to submit a representation to the Respondent No.1 and that the representations submitted by the applicants were disposed off by the Respondent No.1 by the impugned letter rejecting the contentions submitted by the applicants. They submit that the applicants were extended the benefit of fixation under FR 22(C) twice i.e. once at the time of re-structuring the Accounts cadre w.e.f. 1.4.87 and for the second time consequent upon the directions of this Tribunal in the scale of pay of Rs.1400-2600 and that such fixation of pay twice was not permissible and hence they withdrew and ordered reco-very.

11. Thus they justify the action and pray for dismissal of the O.A.

12. The applicants during the course of their arguments relied upon the decision of the Bangalore Bench of this Tribunal in O.A.179/98 and batch, decided on 30.12.98 in the case of M.Radhakrishnan and 17 Others Vs. Dy. Director of Accounts (Postal), GPO, Bangalore and Others. In the said O.A. the Bangalore Bench of this Tribunal considered the fixation of pay of the ~~technical~~ officials who were promoted to Non-Functional Selection Grade S.As. and subsequently to functional grade S.As. in accordance with the scheme dated 11.8.87, from a retrospective date i.e. 1.4.87.

R




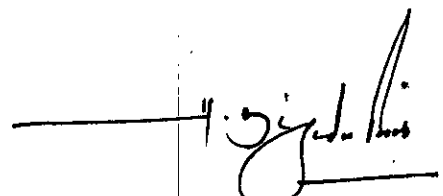
13. The Bangalore Bench of this Tribunal also took into consideration the decision of the Hon'ble Supreme Court in the case of Union of India and Others<sup>Vs.</sup> Ashoke Kumar Banerjee ((1998) 5 SCC 242) and after considering all the contentions raised by the respondents therein, the Bangalore Bench of this Tribunal observed that withdrawal of fixation of pay of the applicants therein<sup>in</sup> the scale of pay of Rs.1400-2600 was not justified.

14. The observations made by the Bangalore Bench of this Tribunal are squarely applicable to the facts and circumstances of this case. Hence, the directions issued in the said batch cases are clearly applicable in this case.

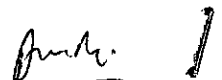
15. Hence for the reasons stated by the Bangalore Bench of this Tribunal, the impugned decision and consequential re-fixation of pay of the applicants which have been challenged are all quashed. The fixation of pay made earlier to the impugned decision is restored. If any recoveries have already been made from the applications<sup>nts</sup> in pursuance of the impugned order, shall have to be refunded to the applicants within 3 months from the date of receipt of a copy of this order.

16. The O.A. is allowed and ordered accordingly. No order as to costs.

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

  
(H. RAJENDRA PRASAD)  
Member (A)

Dated, the 21.6.1999

  
21.6.99



COPY TO:-

1. HDHNS

2. HHRP M(A)

3. HBSJP M(J)

4. D.R.(A)

5. SPARE

IST AND IIND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

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

THE HON'BLE MR. H. RAJENDRA PRASAD :  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (A)

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

ORDER: 21/6/99

ORDER / JUDGEMENT

MA. / TA. / CP No.

in

QA. No.

1308/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS

SRR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

25 JUN 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH



106

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

OA. No.1308 of 1997

Between:

Dated:20.1.2000

1. R.Narayanaswamy
2. K.Sattaiah
3. V.J.R.S.Sastry
4. P.V.Narasimha Rao
5. A.Vijayaswaradhi
6. B.Biksham
7. Smt. V.R.Sivasankari
8. G.Ch.Prasad
9. V.Somayajulu
10. V.Vijayalakshmi
11. P.Ramachandra Murthy
12. N.V.V.Venugopal Rao
13. Ch.Venkateswarlu

.. Applicants

And

1. The Secretary and D.G.(Posts),  
Deptt. of Posts, Ministry of  
Communications, Dak Bhavan,  
New Delhi.
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad.

.. Respondents

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

Counsel for the Respondents : Mr.K.Ramulu

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER (A)  
THE HON'BLE MR.B.S.JAI PARAMESWAR : MEMBER (J)

\* \* \*

CORRIGENDUM:

The following corrigendum has been issued in the cause title in the order dated 21.6.99 in O.A.No.1308/97 and despatched to you on 25.6.99.

Sri N.V.V.Venugopal Rao, Applicant at serial No.12 shown in the cause title in the OA.1308/97, was inadvertently omitted in the cause title of the order dated 21.6.99.

Sri N.V.V.Venugopal Rao be shown at serial No.12 and  
Sri Ch.Venkateswarlu be shown at serial No.13.

*Am 1*  
FOR REGISTRAR 20.1.2000



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HRRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A(DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY  
COMPOSED BY

CHECKED BY  
APPROVED BY

THE HON'BLE MR. JUSTICE D.M. NASIR  
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR  
MEMBER (JUDL.)

\* \* \*

DATE OF ORDER: 20/1/2000

*Corrigendum*

MA/RA/CP.NO.

IN

OA. NO.

1308/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

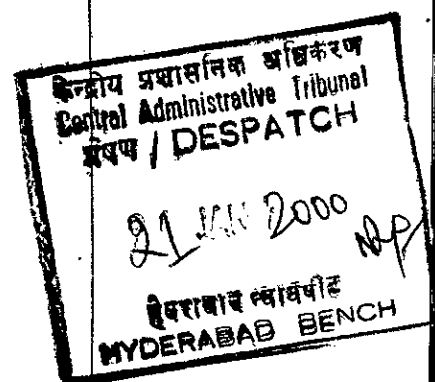
DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

*B copy*





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
O.A.NO. 1808/97, ~~817/97~~ and 539/97.

Date of Order: 15-4-98.

Between:

R.Narayanaswamy and 12 others.

..Applicants in O.A.1308/97

~~T.Yedraiah.~~

.. ~~Applicant in O.A.817/97.~~

K.Himamappa.

.. Applicant in O.A.539/97.

and

1. Union of India, rep. by its  
Secretary & D.G.(Postal), Dept.of Posts,  
Ministry of Communications,  
Dak Bhavan, New Delhi.
2. The Director of Accounts (Postal)  
Andhra Circle, Dak Sadan, Abids,  
Hyderabad-1.



.. Respondents in all cases.

For the Applicants: Mr. B.S.A.Satyanarayana, Advocate

For the Respondents : Mr.K.Ramulu, Addl.CGSC.  
Mr. V.Rajeswar Rao, Addl.CGSC.  
Mr. V.Vinod Kumar, Addl.CGSC.

FORAM:

THE HON'BLE MR. H.RAJENDRA PRASAD : MEMBER(ADMN)  
THE HON'BLE MR.B.S.JAI PARAMESWAR : MEMBER(JUDL)

The Tribunal made the following Order:-

O.A. is admitted. List it before this Division Bench.  
on the next occassion for final hearing/disposal. Interim orders  
will continue until further orders.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय के न्यायाधीश (न्यायिक)  
Court of the Registrar  
केन्द्र न्यायाधीश के अधिकारण  
Central Administrative Tribunal  
HYDERABAD BENCH

Deputy Registrar  
न्यायाधीश के न्यायाधीश (न्यायिक)  
Court of the Registrar  
केन्द्र न्यायाधीश के अधिकारण  
Central Administrative Tribunal  
HYDERABAD BENCH

To

1. The Secretary and D.G.(posts) Union of India,  
Dept.of Posts, Ministry of Communications,  
Dak Bhavan, New Delhi-1.
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.
3. One copy to Mr. B.S.A. Satyanarayana, Advocate, CAT.Hyd.
4. One copy to Mr. K.Ramulu, Addl.CGSC. CAT.Hyd.
5. One copy to Mr. V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
6. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
7. One spare copy.

pvm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1808/97, ~~817/97~~ and 539/97.

Date of Order: 15-4-98.

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.. ~~Applicant in O.A.817/97.~~

K.Himamappa.

.. Applicant in O.A.539/97.

and

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Ministry of Communications,  
Dak Bhavan, New Delhi.
2. The Director of Accounts (Postal)  
Andhra Circle, Dak Sadan, Abids,  
Hyderabad-1.

... Respondents in all cases.

For the Applicants: Mr. B.S.A.Satyanarayana, Advocate

For the Respondents : Mr.K.Ramulu, Addl.CGSC.  
Mr. V.Rajeswar Rao, Addl.CGSC.  
Mr. V.Vinod Kumar, Addl.CGSC.

FORAM:

THE HON'BLE MR. H.RAJENDRA PRASAD : MEMBER(ADMN)

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

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on the next occasion for final hearing/disposal. Interim orders  
will continue until further orders.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

अधीक्षक, न्यायिक प्रशासन (न्यायिक)  
C. J. G. S. C. Registrar  
Central Administrative Tribunal  
HYDERABAD BENCH

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

54/—  
Deputy Registrar (न्यायिक)  
C. J. G. S. C. Registrar  
Central Administrative Tribunal  
HYDERABAD BENCH

To

1. The Secretary and D.G.(posts) Union of India,  
Dept.of Posts, Ministry of Communications,  
Dak Bhavan, New Delhi-1.
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.
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5. One copy to Mr. V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
6. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
7. One spare copy.

pvm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
O.A.NO. 1808/97, 817/97 and 539/97.

Date of Order: 15-4-98.

Between:

R.Narayanaswamy and 12 others.

..Applicants in O.A.1308/97

~~T.Yadaviah.~~

.. Applicant in O.A.817/97.

K.Himamappa.

.. Applicant in O.A.539/97.

and

1. Union of India, rep. by its  
Secretary & D.G.(Postal), Dept.of Posts,  
Ministry of Communications,  
Dak Bhavan, New Delhi.

2. The Director of Accounts (Postal)  
Andhra Circle, Dak Sadan, Abids,  
Hyderabad-1.



.. Respondents in all cases.

For the Applicants: Mr. B.S.A.Satyanarayana, Advocate

For the Respondents : Mr.K.Ramulu, Addl.CGSC.  
Mr. V.Rajeswar Rao, Addl.CGSC.  
Mr. V.Vinod Kumar, Addl.CGSC.

FORAM:

THE HON'BLE MR. H.RAJENDRA PRASAD : MEMBER(ADMN)

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

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प्रमाणित प्रति  
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5/1  
Deputy Registrar  
Court of the  
Central Administrative Tribunal  
HYDERABAD BENCH

To

1. The Secretary and D.G.(posts) Union of India,  
Dept.of posts, Ministry of Communications,  
Dak Bhavan, New Delhi-1.
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.
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6. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
7. One spare copy.

pvm



OA. No.1308 of 1997

21.12.2000

Settlement:

1. G.Narasimhaswamy
2. K.Guttiah
3. V.J.V.V. Sastri
4. P.V.Narasimha Rao
5. A.Vijayaradhani
6. J.Jiksham
7. Smt. V.V.Sivasekari
8. G.Ch. Prasad
9. V. Sanyasulu
10. V.Vijayalakshmi
11. P. Ramachandra Murthy
12. N.V.V. Venugopal Rao
13. Ch. Venkateswarlu

.. Applicants

And

1. The Secretary and P.O. (Posts),  
Deptt. of Posts, Ministry of  
Communications, Cok Shivan,  
New Delhi.
2. The Director of Accounts (Postal)  
Andhra Circle, Adida, Hyderabad.

.. Respondents

Counsel for the Applicants

: Mr.D.V.V. Satyanarayana

Counsel for the Respondents

: Mr.K. Ramulu

ORDER:

THE ORDER OF THE TRIBUNAL IS AS FOLLOWS (1)  
THE ORDER OF THE TRIBUNAL IS AS FOLLOWS (2)

o + o

CORRIGENDUM:

The following corrigendum has been issued in the cause title to the order dated 21.6.97 in O.A.No.1308/97 and despatched to you on 25.6.97.

Sri N.V.V.Venugopal Rao, Applicant at serial No.12 shown in the cause title in the O.A.1308/97, was inadvertently omitted in the cause title of the order dated 21.6.97.

Sri N.V.V.Venugopal Rao be shown at serial No.12 and Sri Ch.Venkateswarlu be shown at serial No.13.



O.A. No.1308 of 1997

Petitioner:

Dec. d:23.1.2002

1. S. Narayanaswamy
2. K. Sattaiyah
3. V.J. S. Sanyal
4. S.V. Narasimha Rao
5. M. Vijayasarathi
6. J. Bikkann
7. Smt. V.N. Givassankari
8. G. Ch. Prasad
9. G. Somayajulu
10. J. Vijayalakshmi
11. P. Venkatesh Chetty
12. M.V.V. Venugopal Rao
13. Ch. Venkateswarlu

.. Applicants

And

1. The Secretary and P.O. (Postal),  
Deptt. of Posts, Ministry of  
Communications, New Delhi.
2. The Director of Accounts (Postal)  
Andhra Circle, Secy, Hyderabad.

.. Respondents

Counsel for the Applicants

: Mr. D. D. Satyanarayana

Counsel for the Respondents

: Mr. K. Somulu

CAUSE:

THE PETITIONER, M.V.V. VENUGOPAL RAO, DATED : 21.6.97 (1)

THE RESPONDENT, M.V.V. VENUGOPAL RAO, DATED : 21.6.97 (2)

o o o

CORRIGENDUM:

The following corrigendum has been issued in the cause title to the order dated 21.6.97 in O.A.No.1308/97 and despatched to you on 25.6.99.

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Sri M.V.V. Venugopal Rao be shown at serial No.12 and Sri Ch. Venkateswarlu be shown at serial No.13.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

C.A.A. NO. 2304/97

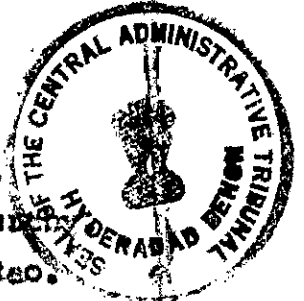
(M.A. 725/97)

Date of order: 30-7-97.

Between:

1. A. Narayanaswamy.
2. K. Sattaiah.
3. A. J. R. Reddy.
4. V. Narasimha Rao.
5. A. Vijayaraghavi.
6. S. Vikram.
7. Mr. V. K. Divasankari.

8. S. Ch. Prasad.
9. V. Anayajulu.
10. V. Vijayalakshmi.
11. S. Rameshchandra Murthy.
12. J. V. Venugopal Rao.
13. Ch. Venkateswarlu.



.. Applicants.

and

1. Union of India, rep. by its Secretary  
and D.C. (Posts), Dept. of Posts,  
Ministry of Communications, Dak Bhavan,  
New Delhi-1.

2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-1.

.. Respondents.

For the Applicants: Mr. S. C. A. Satyanarayana, Adv.ocate.

For the Respondents: Mr. K. Ramulu, Addl. Commr.

ORDER:

THE HON'BLE MR. H. K. JENITA PRASAD : MEMBER (JUDGE)

THE HON'BLE MR. D. S. JONI PARTHASARATHY : MEMBER (JUDGE)

The Tribunal made the following order:-

Heard Mr. S. C. A. Satyanarayana for the applicant.

Prima facie case disclosed. Issue notice to the  
respondents who may file their reply within 6 weeks. No recovery  
shall be effected from the pay until further orders.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद बेंच

HYDERABAD BENCH

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10)  
(1) Section Officer

SC/-X X  
Deputy Registrar (C) DE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.No. 725/97

O.A.No. 1308/97.

Date of Order: 19-9-97.

Between:

1. N.Narayanaswamy.
2. K.Cattaiab.
3. V.D.L.C. Sastry.
4. P.V.Narasimha Rao.
5. A.Vijaya aradhi.
6. B.Bikshan.
7. Lmt.V.K.Livasankari.
8. C.Chakrasad.
9. V.Somayajulu.
10. V.Vijayalakshmi.
11. D.Narasimha Murthy.
12. N.V.V.Venugopal RAO.
13. Ch.Venkateswarlu.



.. Applicants.

and

1. Union of India, rep. by its Secretary and D.G.(Posts) Dept.of Posts, Ministry of Communications, Dak Bhavan, New Delhi-1.

2. The Director of Accounts (Postal) Andhra Circle, Abids, Hyderabad-1.

.. Respondents.

For the applicants: Mr. B...A. Satyanarayana, Advocate.

For the Respondents: Mr.K.Ramulu, Addl.COLC.

COMES:

THE HON'BLE MR.K.RAJENDRA REDDAD : MEMBER(JUDG)

THE HON'BLE MR.B.S.JOE PARNASWAN : MEMBER(JUDG)

The Tribunal made the following order:-

Mr.Ramulu on behalf of the respondents submits that counter will be filed in two weeks. The same is accepted.

List it thereafter. Interim order to continue.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

SD/-x x  
Deputy Registrar

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

18/25/97  
18/808/97  
CP.P.91  
CP.91-1



OA 179 & bills of 1998 gB loss benefit  
year 1.30.12.98

OM 8.10.177 accounts section of  
Selection funds in Cap Act

S.G. (non financial) Sr. Acct. -

425-700 (pre revised)

1400-2300 (Revised Wey 1.100)

---

OM. 11.8.87

for upgradation of 808

S.G. Sr Acct (NF) - Sr Acct (FE)

801.201.  
Scheme

Wey 1.4.87



S. 19 of the AT Act

OA 1308/97

13 Applicants. They are <sup>30.7.97</sup> all working in the  
o/o the Director of Accts (Postal) A.P. Circle  
Hyderabad. Their service particulars  
are furnished in A. 16 (P. 59) of the OA  
They were initially appointed as Jr Accts/LDC.  
Under the scheme envisaged in the

Memo No 37(8)/85/PA/Admn. # III dt 11.8.97 (A6)

The applicants were promoted to the post

80% 20%  
Scheme

Senior Accts (functional posts) in the

P.A. Organisation vide Memo No 44/Admn. I/  
EA/II/Restructuring dt 31.10.1988 to the

higher functional grades, viz:-

Ry 1400 — 2600 — redesignated as Sr Accts

Ry 2000 — 3200 — redesignated as DDO Spec  
Ministerial

W.Et 1.4.1987. That 80% of the posts

of (i) Jr Accts including non Fe  
Selection grade Sr Accts.

(ii) JAO including S.G. JAO &

were given the above benefits

They submitted Memo dt 11.8.87

Was superseded by Memo No 37/(2)/88/PA/Admn. I

379-412 dt 15.10.88 (A8) p. 36-38

Their pay was fixed under FR 22(c)

(now FR 22 I(a)(i)).

OA 95/91 & 1068/95  
22.11.91 25.1.96

R.P. 25/93  
(7.4.93)



[A] OM. dated 5.5.79. No 7(52) E III / 78

Regarding

Spl pay

R 35/-

Ministry of Finance

WAs in non-sect Admin pay  
attempting to work around

Complex nature wage grade

Spl pay of R 35/-

- 1) Deptt order No. 6-7/79-PA 231  
extended the benefit of spl pay  
to certain ~~posts~~ <sup>grades</sup> ~~for~~ <sup>non</sup> P. A. etc.  
in Circle PAs etc.

- [B] 2) OM. 7(35) - E III / 87 tag P 21 9  
Secured the spl pay of R 35/-  
later into account for fixation  
of pay on promotion subject to  
Central Guidelines

- 3) OM 7(29) - E III / 87 mgtt order to  
extend the benefit of Country Spl  
pay of R 35/- to those who were  
promoted <sup>to higher posts</sup> prior to 1.7.85 otherwise  
fulfilling conditions

OAN 531/97



STATEMENT OF FIXATION OF PAY UNDER C.C.S (REVISED PAY)  
RULES, 1986

-----

Name of the Govt. servant : Shri R. Narayana Swamy

Designation of the Post in which pay is to be fixed as on 1-1-86 : Sr. Accountant

Whether Substantive or officiating : Officiating

Existing Scale

Rs. 425-15-500-EB-15-560-20-700.

Existing Emoluments as on 1-1-86

Basis Pay : Rs. 515-00

Spl. Pay

Dearness Pay, ADA, Adhoc DA at the index average 608

Rs. 794-90

Amount of First & Second instalments of I.R.

Rs. 112-00

Total emoluments

1421-90

20% of Basis Pay

102-50

Total

1524-40

Revised pay scale corresponding to existing scale

: 1400-40-1600-50-2300-EB-60-2600.

Revised pay allowed as on 1-1-86

: Rs. 1560

Date of next increment under Rule 8

: 1-11-86

Any other relevant information

: Rs. 15/- qualification Pay

*// True copy*

*[Signature]*

Assistant Accountant General,  
Office of the Assistant Accountant General,  
Andhra Circle, Hyderabad.

Office of the Assistant Accountant General,  
Andhra Circle, Hyderabad.  
Andhra Circle, Hyderabad.



STATEMENT OF FIXATION OF PAY UNDER C.C.S (REVISED PAY)  
RULES, 1986

:-----:

Name of the Govt. servant : R. Narayana Swamy

Designation of the Post in which  
pay is to be fixed as on 1-1-86 : Sr. Accountant

Whether Substantive or  
officiating : Officiating

Existing Scale : Rs. 425-15-500-EB-15-560-  
20-700. (402)

Existing Emoluments as on 1-1-86

Basis Pay : Rs. 515-00

Spl. Pay -

Dearness Pay, ADA, Adhoc DA  
at the index average 608 : Rs. 794-90

Amount of First & Second  
instalments of I.R. : Rs. 112-00

Total emoluments : 1421-90

20% of Basis Pay : 102-50

Total : 1524-40

Revised pay scale corresponding  
to existing scale : 1400-40-1600-50-2300-  
-EB-60-2600. (2300/-)

Revised pay allowed as on 1-1-86 : Rs. 1560

Date of next increment under Rule 8 : 1-11-86

Any other relevant information : Rs. 15/- Qualification Pay

11 *T. Narayana*  
सहायक लेखा अधिकारी  
Assistant Accounts Officer,  
Office of the Director of Accounts (Postal),  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Circle, Hyderabad-500 001.



STATEMENT OF FIXATION OF PAY UNDER C.C.S (REVISED PAY)  
RULES, 1986

:-----:

Name of the Govt. servant : R. Narayana Swamy

Designation of the Post in which  
pay is to be fixed as on 1-1-86 Sr. Accountant

Whether Substantive or  
officiating Officiating

Existing Scale Rs. 425-15-500-EB-15-560-  
20-700.

Existing Emoluments as on 1-1-86

Basis Pay Rs. 515-00  
Spl. Pay -

Dearness Pay, ADA, Adhoc DA  
at the index average 608 Rs. 794-90

Amount of First & Second  
instalments of I.R. Rs. 112-00

Total emoluments 1421-90

20% of Basis Pay 102-50

Total 1524-40

Revised pay schle corresponding  
to existing scale : 1400-40-1600-50-2300-  
-EB-60-2600.

Revised pay allowed as on 1-1-86 : Rs. 1560

Date of next increment under Rule 8 : 1-11-86

Any other relevant information : Rs. 15/- Qualification Pay

1 True copy

सहायक लेखा अधिकारी

Assistant Accounts Officer,

निदेशक कार्यालय, कोल्लूर,

Office of the Director of Accounts (Postal),

आंध्र प्रदेश सरकार, हैदराबाद-500 001.

Andhra Circle, Hyderabad-500 001.



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NOS. 179, 104, 265, 369 &  
375 TO 382, 373 & 383 TO 386 AND 873 OF 1998

WEDNESDAY THIS THE 30TH DAY OF DECEMBER, 1998

SHRI JUSTICE S. VENKATARAMAN  
SHRI S.K. GHOSAL

VICE CHAIRMAN  
MEMBER(A)

1. M. Radhakrishnan,  
S/o M. Meehalshi Sundaram,  
aged about 49 years,  
Officiating Accounts Officer,  
Telecom District Manager,  
Hassan

Applicant  
(in O.A.No.179/98)

2. R. Santhanam,  
aged 59 years,  
S/o Sr. Accountant (Retd),  
residing at No.701,  
Achari Road, Indiranagar,  
Bangalore

Applicant  
(in O.A.No.104/98)

3. K. Lakshminarayana,  
aged about 55 years,  
on deputation as Assistant,  
Debt Recovery Tribunal,  
Bangalore

Applicant  
(in O.A.No.265/98)

4. V. Manjunath,  
S/o late K. Venkataramiah,  
aged about 48 years,

5. K. Pattabhiraman,  
S/o V. Krishnaswamy,  
aged about 52 years,

6. Sudharsana,  
S/o T.S. Krishnamurthy,  
aged about 52 years,

7. Girija Jayaram,  
W/o B. Jayaram,  
aged about 48 years,

8. Vasanthamani,  
W/o Sathyanarayana Rao,  
aged about 50 years

9. K. Gopalakrishnan,  
S/o C.S. Krishnamurthy,  
aged about 50 years

10. Jaya Ignatius,  
W/o M.E. Joseph,  
aged about 49 years



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor  
Commercial complex,  
Indiranagar,  
Bangalore-56  
Dated: \_\_\_\_\_

ORIGINAL APPLICATION NO 179, 104, 265, 369 & 375 TO 382, 373 & 383 TO  
386 AND 873 of 1998.

~~XXXXXXXXXXXXXXXXXXXX~~ NO \_\_\_\_\_

REVIEW APPLICATION NO \_\_\_\_\_

CONTEMPT PETITION NO \_\_\_\_\_

APPLICANT (S) : M.Radhakrishnan and seventeen others.,

RESPONDENTS : Deputy Director of Accounts (Postal), GPO Aides,  
Bangalore and others.,

- TO
1. Dr.M.S.Nagaraja, Advocate, No.11, Sujatha Complex,  
Second Floor, First Cross, Garahinagar, Bangalore-4.
  2. Sri.S.Sugumarani, Advocate, No.C-8, C.S.R. Quarters,  
No.40, Varivillas Road, Basavanagudi, Bangalore-4.
  3. Sri.S.Chellaiiah, Addl.CCSO, No.40, MICO Layout,  
Near: B.C.C.Layout, Attiguppe, Bangalore-40.
  4. Sri.Vishnu Bhat, Addl.CCSO, No.24, First Floor,  
First Main, Sri Raghavendra Mansion, Seshadripur,  
Near: Hotel Kavya Darshini, Bangalore-20.

SUBJECT:- Forwarding of copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore - 38.

A copy of the Order/Stay Order/Interim Order passed  
by this Tribunal in the above said application(s) is enclosed  
herewith for your information and further necessary action.

The Order was pronounced on dated 30-12-1998.

For Deputy Registrar  
Judicial Branches.

avk



11. K.V. Rajeshwari,  
D/o Chidananda,  
aged about 47 years.

12. R.S. Kulkarni,  
S/o Kulkarni  
aged about 52 years

Applicants  
(in O.A.Nos. 369  
& 375 to 382/98)

(applicants 4 to 12 are working  
as Senior Accountants in the  
Postal Accounts Department,  
Bangalore)

13. Vijayalakshmi G. Krishnan,  
W/o K. Gopalakrishnan,  
aged about 49 years.

14. A. Euvaneswari,  
W/o G. Vishwanathan,  
aged about 48 years.

15. M.S. Gnahanandam,  
S/o Madalaimuthu,  
aged about 51 years.

16. S. Gowri,  
W/o K. Vijayendra,  
aged about 47 years.

17. M.S. Jayalakshmi  
W/o T.S. Nagaraja Rao,  
aged about 52 years.

Applicants  
(in OA Nos. 373 &  
383 to 386/98)

(Sr.No.13 to 17 are now working as  
Senior Accountants at O/o Deputy Director  
of Accounts(Postal), GPO Buildings,  
Karnataka Circle, Bangalore-560001

18. Smt. Balavelu,  
aged about 58 years,  
Senior Accountant,  
O/o Dy. Director of Accounts  
(Postal), GPO Buildings,  
Karnataka Circle,  
Bangalore - 560 001

Applicant  
(in OA No.873/98)

( By Advocate Dr.M.S. Nagaraja  
for applicant in OA no.104/98

By Shri S. Sugumaran for applicants  
in all cases except O.A.No.104/98)



1. The Deputy Director of Accounts  
(Postal), 3rd Floor,  
G.P.O. Building,  
Bangalore - 560001

Respondent.  
(in OA No.179, 104  
265 and 369 & 375  
to 382, 373 & 383  
to 386 and 873/1998

2. The Secretary,  
Department of Posts,  
Dak Bhavan,  
New Delhi - 110 001

Respondents  
(in O.A.No.179, 265  
369 & 375 to 382,  
373 & 383 to 386/98  
and 873/98

3. Union of India  
rep. by Secretary,  
Ministry of Communications,  
Deptt. of Posts,  
Dak Bhavan,  
New Delhi - 110 001

Respondent  
(in OA.No.104/1998)

4. Director General of Posts,  
Deptt. of Posts, Dak Bhavan,  
Sansad Marg,  
New Delhi - 110 001

Respondent  
(in O.A.No.104/98)

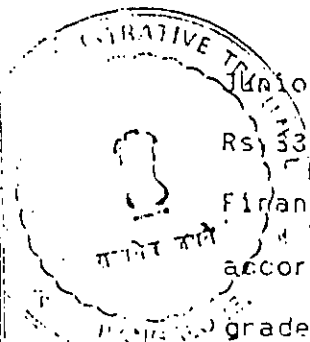
( By Standing Counsel Shri S. Chelliah  
for respondents in O.A.No.104/98

By Standing Counsel Shri Vishnu Bhat  
for respondents in all cases except  
O.A.No.104/98)

# ORDER

JUSTICE S. VENKATARAMAN, VICE CHAIRMAN

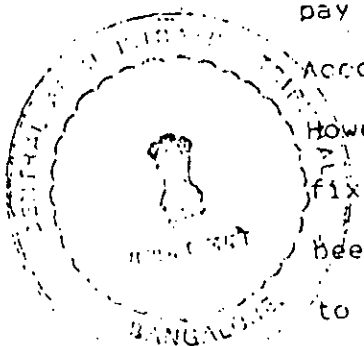
In the postal department, the pay scale of  
Junior Accountant which was a Group-C cadre was  
Rs. 330-560 prior to 1-1-1986. The Ministry of  
Finance, Government of India by O.M.dated 10-1-1977  
accorded sanction for introduction of selection  
grades in Group-C and D cadres subject to certain  
conditions. Pursuant to that O.M. in the postal





department selection grade post in the scale of Rs.425-700 designated as Senior Accountant was introduced and it was treated as a non-functional post. In the pay revision of 1986 the replacement scale for Rs.425-700 was Rs.1400-40-1800-50-2300.

2. The Ministry of Communication, Department of Posts by their letter dated 11-8-1987 conveyed the decision to upgrade 80 per cent of the posts of Junior Accountants including the non-functional selection grade post of Senior Accountant to the higher functional grade of Rs.1400-40-1600-50-2300-EB-60-2600 with effect from 1-4-1987 by way of re-structuring of the accounts staff (Annexure-A4). This restructuring is referred to as 80:20 scheme. Under this scheme the posts in the grade of Rs.1400-2600 were designated as Senior Accountants. It was also stipulated that these posts had to be filled up cent per cent by promotion on the basis of seniority-cum-fitness of Junior Accountants with three years regular service etc. It was also indicated in that letter that the pay of Junior Accountants appointed as Senior Accountants will be fixed under FR 27-C (old). However, with regard to the question as to how the fixation of pay of the officials who had already been allowed the scale of Rs.1400-2300 as personal to them had to be made on their appointment to the





1. The Deputy Director of Accounts  
(Postal), 3rd Floor,  
G.P.O. Building,  
Bangalore - 560001

Respondent.  
(in OA No.179, 104  
265 and 369 & 375  
to 382, 373 & 383  
to 386 and 873/1998

2. The Secretary,  
Department of Posts,  
Dak Bhavan,  
New Delhi - 110 001

Respondents  
(in O.A.No.179, 265  
369 & 375 to 382,  
373 & 383 to 386/98  
and 873/98

3. Union of India  
rep. by Secretary,  
Ministry of Communications,  
Deptt. of Posts,  
Dak Bhavan,  
New Delhi - 110 001

Respondent  
(in OA.No.104/1998)

4. Director General of Posts,  
Deptt. of Posts, Dak Bhavan,  
Sansad Marg,  
New Delhi - 110 001


Respondent  
(in O.A.No.104/98)

( By Standing Counsel Shri S. Chelliah  
for respondents in O.A.No.104/98

By Standing Counsel Shri Vishnu Bhat  
for respondents in all cases except  
O.A.No.104/98)

#### O R D E R

JUSTICE S. VENKATARAMAN, VICE CHAIRMAN



In the postal department, the pay scale of  
Junior Accountant which was a Group-C cadre was  
Rs. 330-560 prior to 1-1-1986. The Ministry of  
Finance, Government of India by O.M. dated 10-1-1977  
accorded sanction for introduction of selection  
grades in Group-C and D cadres subject to certain  
conditions. Pursuant to that O.M. in the postal



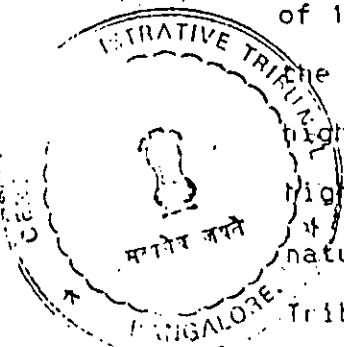
given on appointment to the selection grade. It is undisputed that the Apex Court upheld this view. In pursuance of the decision of the Supreme Court and various Benches of the Tribunal, the applicants were given the benefit of FR-22C on their promotion to the selection grade. On their appointment to the restructured post in the scale of Rs. 1400-2600 they were again given the benefit of FR-22C while fixing their pay.

4. The Ministry of Communication by their letter dated 21-5-1996 (Annexure-R1) in O.A.No.179 of 1998 informed all Directors that the question of fixing pay of the employees who had been given the benefit of FR-22(I)(a)(1) (new) corresponding to FR-22C (old) as per the decisions of the Supreme Court and Tribunal on their placement in the functional scale of Senior Accountant with effect from 1-4-1987 was considered in consultation with Ministry of Finance/DOP & I, that they had clarified that such employees were not entitled for the benefit of FR-22C (old) for the second time as the benefit for functional scale had already been allowed to them by treating non-functional selection grade posts as functional post and that as such pay of such employees should be regulated and over payment, if any, made earlier has to be recovered. As some difficulties were experienced



functional grade of Rs.1400-2600, it was stated that a clarification had been sought from the Ministry of Finance. The respondents in their reply in O.A.No. 104 of 1998 have stated that as per the Directorate letter No.37(B)/87/PA-Admn.I/300 dated 16-2-1988 the benefit of FR-22C was given even to those who were promoted to the grade of Rs.1400-2600 before they were appointed to the restructured post of Senior Accountant in the grade of Rs.1400-2600 after introduction of the 80:20 scheme. The selection grade post in the selection grade of Rs.425-700 were discontinued.

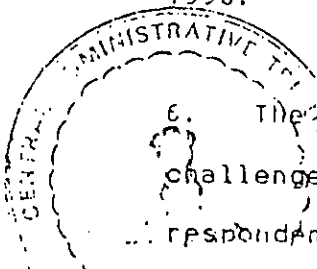
3. The applicants in all these cases who were promoted to the selection grade much prior to the introduction of 80:20 scheme were not given the benefit of FR-22C (old) on the ground that the selection grade post was non-functional. It is not disputed that these applicants approached various Benches of the Tribunal seeking the benefit of FR-22C. In the case of the applicant in O.A.No.104 of 1998 this Bench allowed the benefit of FR-22C on the ground that that appointment to a distinctly higher time scale of pay necessarily indicated that higher responsibility was involved and it is in the nature of promotion. Even other Benches of the Tribunal held that that benefit of FR-22C had to be





5. The applicants in O.A.No.179, 265, 369, 373, 375 to 386 of 1998 did not choose to exercise any option. Though the applicants in O.A.Nos. 104 and 873 of 1998 chose to retain the benefit under FR-22C with effect from 1-4-1987 when they were posted to the restructured posts under the 80:20 scheme they made it clear that they are exercising that option without prejudice to their right to seek remedy before appropriate legal forum in respect of their claim for FR-22C benefit even on the first occasion. The respondents have by the impugned orders withdrawn the fixation under FR-22C which was given at the time of promotion to the selection grade (hereinafter referred to as the first stage) in the case of applicants in O.A.Nos. 179, 265, 373, 383 to 386 and 873 of 1998. The respondents have withdrawn the fixation under FR-22C at the stage of appointment to the restructured post under 80:20 scheme (hereinafter referred to as the second stage) in respect of the applicants in O.A.No. 369 and 375 to 382 of 1998.

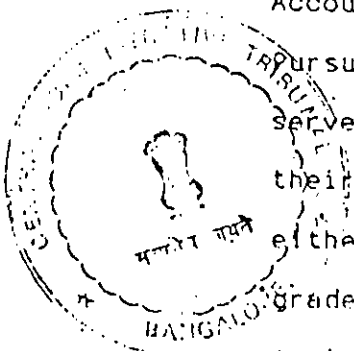
6. The applicants have in these applications challenged the validity of the decision of the respondents that the applicants were entitled to fixation under FR-22C only at one stage as well as





In implementing that decision, the Ministry by letter dated 24-10-1997 (Annexure-R3 in O.A.No.179 of 1998) conveyed its decision that the employees in whose cases fixation of pay in terms of the judgment of the Hon'ble Supreme Court results in monetary loss, they may have an option of not getting their pay revised in terms of that judgment, but continue to avail previous benefits of non-functional selection grade, that the affected employees may be allowed to exercise an option (i) either to get their pay fixed under the then FR 22C on their promotion to the non functional selection grade in which case such optees would not be eligible to retain or get the FR-22C benefit for the second time on their posting as Senior Accountant under 80:20 scheme effective from 1.4.1987 or (ii) to get their pay fixed under the normal rules of fixation for selection grade posts i.e., without involving higher responsibility and in which case such optees would get the benefit of FR-22C fixation on their promotion as Senior Accountant under 80:20 scheme from 1-4-1987.

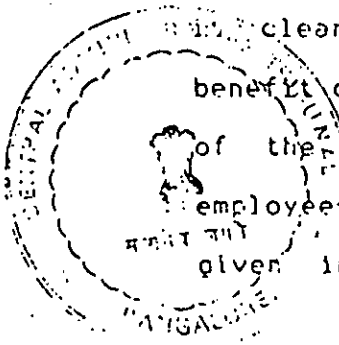
Pursuant to this letter all the applicants were served with office order requiring them to exercise their option and get their pay fixed under FR-22C either at the time of their promotion to selection grade or at the time of promotion as Senior Assistant under 80:20 scheme.





when they are placed in the re-structured scale, as such placement did not involve any higher duties and responsibilities and it was only a replacement of the scale. According to the respondents, if the applicants had not got the benefit of fixation under FR-22C on their promotion to selection grade, then they could have claimed that benefit on their placement in the restructured post. It was submitted that option was given to the applicants to choose fixation under FR-22C at one of the two stages whichever was beneficial and that in cases where no option was exercised the respondents have allowed fixation under FR-22C at the stage which is more beneficial to the employees and withdrawn the fixation given at the other stage.

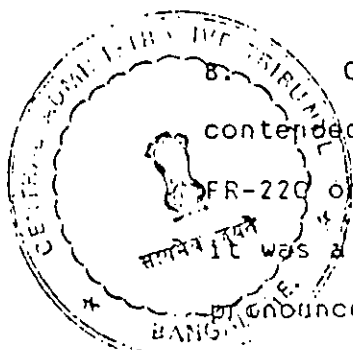
9. So far as the fixation under FR-22C at the stage when the applicants were promoted to selection grade Senior Accountant post is concerned, it was done in pursuance of direction given by the Tribunal in cases filed by them and the respondents have no right or authority to withdraw that fixation on their own. We may make clear that the applicants were not given the benefit of FR-22C at the first stage, in pursuance of their orders passed in the case of some other employees. It is in compliance with the directions given in the cases filed by the applicants





the consequential orders passed by the respondents re-fixing their pay and ordering recovery of the amount which is stated to have been over paid in view of the earlier fixation.

7. It is contended on behalf of the applicants that as they were allowed benefit of FR-22C on their promotion to selection grade in pursuance of the order of the Supreme Court and Tribunal, it is no longer open to the respondents either to contend that that benefit could not have been given because the selection grade post was non-functional or to withdraw that benefit. So far as the fixation on their appointment/promotion to the restructured post of Senior Accountant in the scale of Rs.1400-2600 is concerned, they contend that as the respondents themselves had treated this post as functional involving higher duties and responsibilities and the scale of this post is higher than the scale of the selection grade post, the fixation under FR-22C is proper and that the impugned orders cannot be sustained.



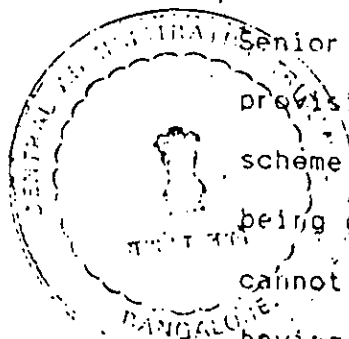
8. On behalf of the respondents it is contended that as the applicants got the benefit of FR-22C on their promotion to selection grade though it was a nonfunctional post because of the judicial pronouncement, they cannot get the benefit again



option is exercised without prejudice to their right to seek legal remedy with regard to the fixation at the first stage. In other cases, the respondents have withdrawn the fixation under FR-22C at the second stage.

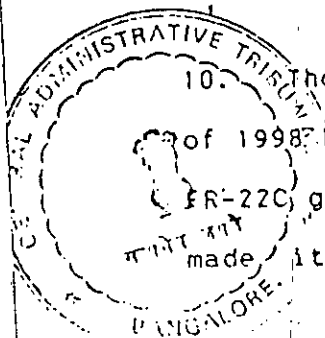
11. The point that arises for consideration is whether the decision of the respondents that the applicants who were allowed fixation under FR-22C when they were promoted to selection grade post of Senior Accountant in pursuance of the direction of the Tribunal which was affirmed by the Supreme Court, were not eligible for fixation again under FR-22C on their appointment to the upgraded posts created under the 80:20 scheme with effect from 1-4-1987, is correct.

12. The main ground on which the respondents have taken the impugned decision is that the selection grade post was actually a non-functional one, that it is only under the 80:20 scheme 80 per cent of both Junior Accountant posts and selection grade posts were upgraded to functional post of Senior Accountant, that O.M. of 1977 under which provision was made for selection grade and the new scheme of 1987, contemplate the benefit of FR-22C being given only at one stage and that such benefit cannot be given twice in respect of the same post having the same scale of pay.





themselves, the respondents refixed the pay giving them the benefit under FR-22C. As such, it is only if the applicants voluntarily agree to have that fixation withdrawn, the respondent can do so. Except in O.A.No.104 and 873 of 1998 the applicants in the other cases have not at all accepted the option given to them or exercised such option, on the ground that they were entitled to the benefit of FR-22C on both occasions. The learned counsel for the respondents submitted that in O.A.Nos. 179, 265, 373, 383 to 386 of 1998 the respondents have withdrawn the fixation under FR-22C given to the applicants at the first stage though the applicants had not agreed for the same, because that was found to be more beneficial to the applicants. It is obvious, that the respondents could not have done this as that amounts to withdrawing the benefit which was given in pursuance of a direction given by the Tribunal. On this ground itself, the orders passed by the respondents regarding refixation and recovery of alleged excess payments in these cases will have to be quashed.



10. Though the applicants in O.A.Nos.104 and 873 of 1998 have sought to retain the fixation under FR-22C given to them at the second stage, they have made it clear in their letters of option that that

21



-14-

case may be, subject to the fulfillment of the eligibility conditions as prescribed in the relevant Recruitment Rules, 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 notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty-five only, whichever is more."

In UNION OF INDIA AND OTHERS V. ASHOK KUMAR BANERJEE ((1998) 5 SCC 242) which is relied upon by the learned counsel for the respondents, it has been held that for applicability of FR 22(1)(a)(1) 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 the higher post. In that case the respondent who was a Junior Engineer was promoted to the scale of Rs.2000-3500 which was the scale of the promotional post of Assistant Engineer in accordance with the Official Memorandum issued by the department. At that stage, he was given the benefit of FR-22(1)(a)(1). When he was regularly promoted as Assistant Engineer, he claimed fresh fixation under the same provision. The apex Court held that as the respondent had already been holding the same scale as that of the promotional post and as he was not moving from the lower scale attached to the lower post to a higher scale attached to the higher post,





13. So far as the applicants are concerned, the question whether the selection grade posts to which they had been promoted were functional or non-functional cannot be gone into now, as it has been finally decided by the Supreme Court and the Tribunal that promotion to selection grade post attracted FR-22C notwithstanding the fact that the selection grade posts had been treated as nonfunctional. Merely because the applicants got the benefit of FR-22C at that stage, it does not automatically follow that they were not entitled to fixation under FR-22C when they were appointed to the upgraded posts under the new scheme. The respondents who had themselves allowed fixation under FR-22C even at the second stage have to establish that the earlier fixation at the second stage was wrong and that legally the applicants were not entitled to such fixation.

14. Relevant portion of FR-22(I)(a)(1) which is same as FR-22C (old) reads as follows:-

The initial pay of a Government servant who is appointed to a post on a time-scale of pay is regulated as follows:-

(a) (1) Where a Government servant holding a post, other than a tenure post, in a substantive or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the



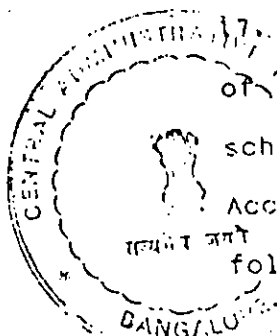


of the time scales are identical.

- (c) A post is said to be on the same time-scale as another post on a time-scale if the two time scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post."

Before one post can be said to be on the same time scale as another post one of the conditions which will have to be fulfilled is that the time scale of both the posts must be identical. In the present case, the time scale of pay of the post of Selection Grade (Senior Accountant) held by the applicants and the time scale of the post of Senior Accountant under 80:20 scheme were not identical as the maximum of the two scales as well as the rate of increment in the two scales differed. As such it cannot be said that the two posts had the same time scale. The time scale of the selection grade post was lower than the time scale of the upgraded post of Senior Accountant.

Another important factor to be taken note of is that it is undisputed that under the 80:20 scheme even the erstwhile selection grade (Senior Accountant) post was upgraded. It necessarily follows that the post of Senior Accountant under





15. Before going into the question as to whether the appointment of the applicants to the upgraded posts from 1-4-1987 involved higher duties and responsibilities, we may consider whether the applicants moved from a lower time scale to a higher time scale. The respondents appear to have proceeded on the basis that the selection grade posts held by the applicants and the upgraded posts of Senior Accountants have the same scale of pay.

16. After the pay revision in 1986 the time scale of pay of the selection grade post in the scale of Rs.425-700 was equated to the scale of Rs.1400-40-1800-50-2300. The upgraded posts of Senior Accountants under the 80:20 scheme had the time scale of Rs.1400-40-1600-50-2300-EB-60-2600.

FR 9(31) (b) and (c) clarify as to when the time  
 issues can be said to be identical and when posts  
 can be said to be on the same time scale as  
 thereunder:-

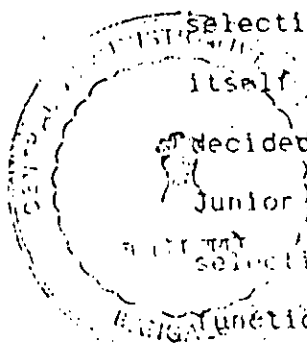
(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment





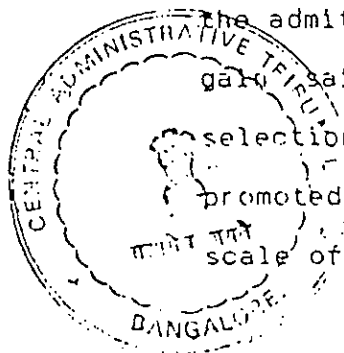
18. The respondents have contended that the appointment of the applicants to the higher grade under the 80:20 scheme did not involve duties and responsibilities of greater importance and that as such FR 22-C is not attracted. The respondents cannot avail of the statutory presumption under FR 22(III) (new) as the two posts are not on the same scale of pay.

19. In "Services under the State" by Justice Ramo Jois, 1987 Edition at page 547 it is stated that when according to Rules the post is required to be filled up by promotion of persons working in another cadre, it is a clear indication that the promotional post carries with it higher duties and responsibilities and that hence, the benefit of fixation at one stage above cannot be denied. As already pointed out the scheme contemplated promotion to the upgraded post of Senior Accountant. It necessarily means that this post of Senior Accountant was attached with higher duties and responsibilities as compared to the erstwhile selection grade posts. That apart, the scheme itself has categorically declared that it had been decided to upgrade 80 per cent of the posts of the (Junior) Accountants including non-functional selection grade of Senior Accountants to the higher functional grade of Rs.1400-2600. In view of this



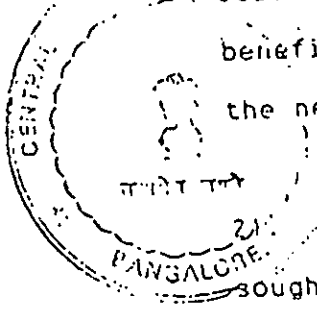


the new scheme was a higher post. That scheme specifically stipulated that the new post of Senior Accountant in the scale of Rs.1400-2600 shall be filled up cent per cent by promotion. It is conceded by the respondents that the applicants who were holding the selection grade posts were actually promoted to the post of Senior Accountant in the scale of Rs.1400-2600. During the arguments we specifically asked the learned counsel for the respondents as to whether the applicants were promoted to the post in the scale of Rs.1400-2600 after holding a Departmental Promotion Committee. He conceded that the applicants were promoted to the upgraded post only after a DPC was held and their names were recommended by the DPC for promotion. Promotion necessarily means movement from a lower post to higher post. The respondents have tried to make out that when the applicants were given the scale of Rs.1400-2600, there was only a replacement of the old scale of Rs.1400-2300 and that they continued to hold the same Post. Such a theory is untenable in view of the conditions laid down in the 80:20 scheme as well as the admitted facts referred to above. It cannot be said that the applicants who were holding the selection grade post in a lower time scale were promoted to the higher post having a higher time scale of pay.





distinction cannot be made. The scheme does not make the new post of Senior Accountant functional only in the case of promotion of Junior Accountants and non functional in the case of promotion of selection grade Senior Accountants. The scheme has remained the same and has not been amended. The fact that the Supreme Court and the Tribunal gave the benefit of FR-22C to the applicants on their promotion to the selection grade posts cannot be a reason to hold that the new posts of Senior Accountants became non-functional so far as the applicants are concerned or that the promotion of the applicants to these new posts of Senior Accountant does not involve higher duties and responsibilities. May be that when the new scheme was framed, the respondents having in mind the fact that the erstwhile selection grade posts were non-functional thought of giving even to those who were holding selection grade posts the benefit under FR-22C on promotion to the new post of Senior Accountant. But, that does not mean that the applicants who got the benefit of FR23C by virtue of the judicial decision on their promotion to selection grade should be deprived of the same benefit which had been given to them in terms of the new scheme.

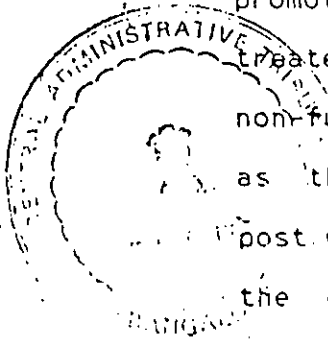


The learned counsel for the respondents sought to get some assistance from the decision of



express decision to treat the new post of Senior Accountant under the scheme as higher functional grade post it is unintelligible as to how the respondents can still contend that this post did not involve higher duties and responsibilities.

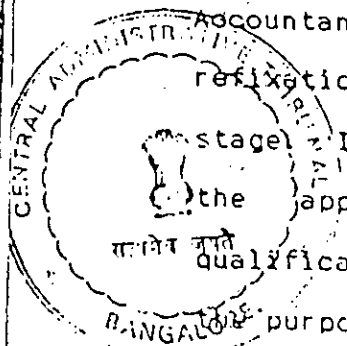
20. The learned counsel for the respondents submitted that when the scheme was framed and the applicants were given the benefit of FR-22C while fixing their pay in these new posts of Senior Accountants, the decision of the Supreme Court holding that the applicants were entitled to the benefit of FR-22C even at the stage of their promotion to the selection grade had not come and that after such a decision is given, the Government has decided that they cannot have the same benefit at the second stage. According to the respondents, the post of Senior Accountant under the new scheme is functional only in respect of those who are promoted to those posts from the post of Junior Accountant and not in respect of those who had already availed the benefit of FR-22C on their promotion to selection grade. A post cannot be treated as functional in respect of some and non-functional in respect of some others. So long as this new post of Senior Accountant is a higher post with a higher scale of pay when compared to the old selection grade Senior Accountant, such a





benefit of FR-22C with effect from the date of his promotion in pursuance of the orders of the Supreme Court or the Tribunal was also entitled to fixation under FR-22C when he was appointed to the functional post of Senior Accountant under 80:20 scheme had not arisen for consideration in that case. The fact that the Full Bench has held that Government is competent to declare a post as non-functional cannot be relied upon by the respondents to contend that the applicants in this case were not entitled to FR-22C benefit when they were promoted as selection grade Senior Accountants as that benefit has been given in pursuance of the order of the Supreme Court/Tribunal which has become final. The Full Bench decision cannot be of much help to the respondents.

22. After a careful consideration of the relevant provisions in the light of undisputed facts, we are unable to hold that the fixation under FR-22C of the applicants pay on their appointment to the upgraded posts of Senior Accountant was wrong or irregular justifying re-fixation denying the benefit of FR-22C at one stage. In O.A.Nos. 179, 373, 383 to 386 of 1998 the applicants have also prayed that their qualification pay should be taken into account for purpose of fixation. However, the learned



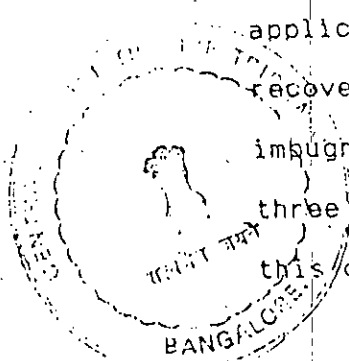


the Full Bench in S.CHANDRASEKHARAN NAIR AND OTHERS  
v. ACCOUNTANT GENERAL (A&E) AND OTHERS [(1998) 38  
ATC 131 (FB)] in support of the contention that the  
benefit under FR-22C cannot be availed at both the  
stages. In that case the applicant who was  
promoted as selection grade Auditor after 20-9-1979  
when that post had been declared as non-functional  
WAS NOT GIVEN fixation of pay under FR 22C. The  
post of selection grade Auditor was later  
re-classified as functional with effect from  
1-4-1987. Those Accountants who got promoted as  
Senior Accountants on and after 1-4-1987 were given  
fixation of pay under FR-22(I) with effect from  
that date. The Full Bench held that it was the  
prerogative of the Government to classify and  
re-classify posts or grades as functional and  
non-functional taking into account the relevant  
aspects. It was also pointed out that what had  
been done by order dated 12-6-1987 was not  
sub-classifying Senior Accountants but upgrading  
the non-functional posts of Senior Accountants as  
functional grade. As the applicants had been given  
benefit of FR-22C with effect from 1-4-1987, the  
Full Bench held that the applicants claim that they  
should be given that benefit from the date of their  
promotion when the posts remained non-functional  
was not justified. The question as to whether the  
selection grade Senior Accountant who was given the



counsel for these applicants submitted that as that relief is not connected to the main relief, the said applicants withdraw that prayer seeking liberty to seek necessary relief by a separate application. The applicants are given liberty to seek that relief, if it is legally available to them in separate proceedings. Their prayer in this regard is not considered as the same is withdrawn.

23. For the above reasons, the impugned decision and the consequential refixation of pay of the applicants which have been challenged are all quashed. The fixation of pay made earlier to the impugned decision shall stand restored. The applications are accordingly allowed. If any recovery has already been made in pursuance of the impugned orders, the same shall be refunded within three months from the date of receipt of a copy of this order. There will be no order as costs.



Sd/-  
( S.K. GHOSAL )  
MEMBER(A)

Sd/-  
(S. VENKATARAMAN)  
VICE CHAIRMAN

**TRUE COPY**

np.

Section Officer,  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore



FORM NO.9.  
(See Rule 20.)

BY R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.  
1st Floor, HACA Bhavan, Opp:Public Garden, Hyderabad.500004.A.P.

ORIGINAL APPLICATION NO. 1300 OF 1997.

Applicant(S)

V/S

RESPONDENT(S)

R.Narayanaswamy, & 12 others.

The Secretary, & D.G. (Posts) Deptt. of  
Posts, New-Delhi. & another.

BY Advocate Shri: D.S.A. Satyanarayana.

(BY CENTRAL GOVT. STANDING COUNSEL)

TO.

Mr. K. Ramulu. Addl. CGSC.

1. The Secretary, and D.G. (Posts), Union of India,  
Deptt. of Posts, Ministry of Communications, Dak Bhavan, New-Delhi.
2. The Director of Accounts (Postal) Andhra Circle, Abids,  
Hyderabad.

Whereas an application filed by the above named applicant under section 19 of the Administrative Tribunals Act 1985 as in the copy annexed hereunto has been registered and upon Preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal  
This the **Fifteenth** day of **April**, 1998.

//BY ORDER OF THE TRIBUNAL//

Date: 13-5-98.

FOR REGISTRAR.

Note - OA copy has already  
been sent to you  
in MA-725/97  
OASR 2304/97



|                                                                                    |
|------------------------------------------------------------------------------------|
| केन्द्रीय प्रशासनिक अधिकरण<br>Central Administrative Tribunal<br>प्रेषण / DESPATCH |
| 13 JUN 1998                                                                        |
| हैदराबाद स्थायी                                                                    |



BY REGD. POST ACK'DUE

Notice of Miscellaneous Application

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD.  
1st Floor, HACA Bhavan, Opp; Public Garden, Hyderabad.500004. A.P.

MISCELLANEOUS APPLICATION No. 725. of 1997.

IN

SR. 2304/97.

ORIGINAL APPLICATION NO. OF 199

APPLICANT (S) R. Narayanaswamy & 12 others. VS

Respondent(S)

To.

The Secretary, DG (Postal), Deptt. of  
Posts, Min. of Communications,  
New-Delhi. & another.

1. The Secretary, DG (Postal), Deptt. of Posts, Min. of Communications,  
Union of India, Dak Bhavan, New-Delhi.
2. The Director of Accounts (Postal) Andhra Circle, Abids,  
Hyderabad.500001.

Whereas the applicant above named has filed Miscellaneous  
Application (copy enclosed) Under Rule 8 (3) of Central Administrative  
Tribunal (Procedure) Rules, 1987 in this Tribunal and whereas the  
Miscellaneous Application was ordered on.....30-7-97.....

Take notice that within.....15-9-97.....from the date of  
Service of this notice, you may appear in person or through a  
duly authorised Legal practitioner and file in three complete sets,  
reply to the application along with documents if any, in a paper book  
form failing which the matter will be heard EX-PARTE.

That, you the aforesaid Respondent No..... do send for our  
use in Central Administrative Tribunal, Hyderabad Bench at Hyderabad  
all the singular the said records and other with all things touching  
the same as fully and perfectly as they have been made by you,  
before the .....Fifteenth.....day of .....September.....1997.  
and the case is posted for hearing on .....15-9-97.....  
at Hyderabad.

//BY ORDER OF THE TRIBUNAL //

Date: 5-8-97

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

वैद्य/DESPATCH

13 AUG 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH



FOR REGISTRAR.



CAT Hyderabad Bench  
In The High Court of Judicature of Andhra Pradesh  
At Hyderabad

APPELLATE SIDE

No. \_\_\_\_\_ of 199

AGAINST

O.A. No. 1308 of 1997

On the file of Court of CAT Hyderabad

R. Narayana Murthy & 12 sons

Appellant  
Petitioner

VERSUS

Union of Donds & another

Respondent

1 We above named appellants

Appellant-Petitioner  
Respondent

In the above Appeal/Petition do hereby appoint and

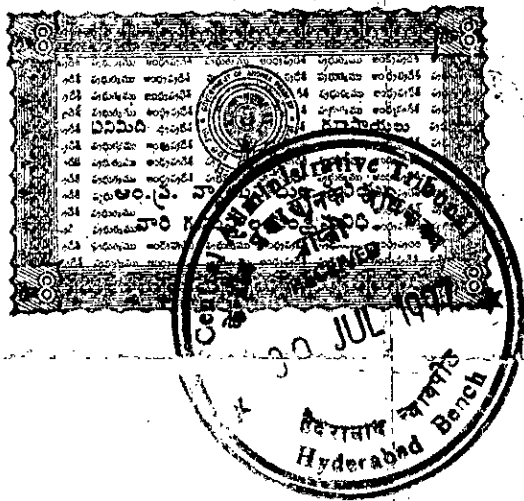
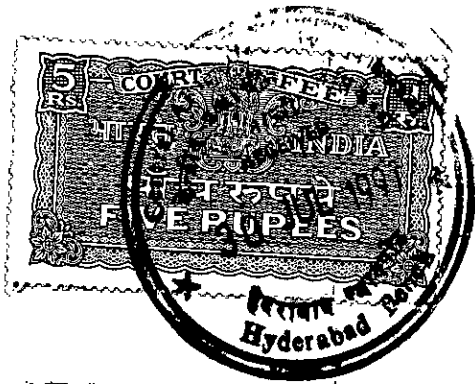
B.S. Sridharan & another  
2.2.11/3 E. Acharya  
Hyd - 5W02A



Advocate/s of the High Court to appear for me/us in the above Appeal/petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any moneys that may be payable to me/us in the said Appeal/Petition and also to appear in all applications under clause XV of the Letters patent and in all applications for review and for leave to the Supreme Court of India and in all applications review of Judgement

- 1) R. Narayana Murthy
- 2) A. K. Murthy
- 3) V. S. A. Lakshmi
- 4) P. V. Narasimha Rao
- 5) A. K. Murthy
- 6) A. K. Murthy
- 7) Jiva Janki Vh.
- 8) A. K. Murthy
- 9) V. S. Somayajulu
- 10) V. W. Jayalakshmi





SR No

*CAT 42*  
In the High Court of Judicature  
of Andhra Pradesh Hyderabad

APPELLATE SIDE

No.

of 194

AGAINST

*00* No.

of 1997

On the file of the

*MAKALAT*

ACCEPTED

*[Signature]*

Petitioner  
Counsel for Appellant  
Respondent

Date

199

Appellant  
Advocate for Petitioner  
Respondent

CRESCENT STATIONERS,  
Opp. City Civil Court, Chaita Bazar, Hyd-2.

Address for Service :

*SA Salyan*

*2-2-1121/35 Makalut*

*Agol. 50044*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

M.A.NO. 725 OF 1997

i n

O.A.NO. 2304 OF 1997

Between :

1. R. Narayanaswamy, s/o.Nagaiah,  
age 54 yrs, Sr. Acctt.
2. K.Sattaiah, s/o.late K.Narasimha  
age 55 yrs, Sr.Acctt.
3. V.J.R.S.Sastry, s/o.Mekhteswararao  
age 51 yrs, Sr.Acctt.
4. P.V.Narasimha Rao, s/o.Ramanaiah,  
age 51 yrs, Sr.Acctt.
5. A.Vijayasadaradhi, s/o.Narasimhamurty  
age 52 yrs, Sr.Acctt.
6. B.Biksham, s/o.Raghavaiah, age 51  
years, Sr.Acctt.
7. V.R.Sivasankari w/o.V.R.Murty, age  
50 yrs, Sr.Acctt.
8. G.Ch.Prasad, s/o.Kanakaiah, age 51  
yrs, Sr.Acctt.
9. V.S.Somayajulu, s/o.Venkateswararao  
age 52 yrs, Sr.Acctt.
10. V.Vijayalakshmi w/o.Venugopalarao  
age 50 yrs, Sr.Acctt.
11. P.Ramachandramurty, s/o.Krishna Rao  
age 50 yrs, Sr.Acctt.
12. N.V.V.Venugopal Rao s/o.Satyanarayana  
age 50 yrs, Sr.Acctt.
13. Ch.Venkateswarlu, s/o.Laxminarsaiah  
age 50 yrs, Asst.Accounts Officer

All working in the Office of the Director  
of Accounts (Postal), Hyderabad-500 001 .. Applicants

a n d

1. Union of India, rep.by Secretary &  
DG (Postal), Deptt. of Posts, Min.of  
Communications, Dak Bhavan,  
New Delhi - 110 001
2. The Director of Accounts (Postal)  
Andhra Circle, Abids, Hyderabad-500 001 .. Respondents

APPLICATION FILED UNDER RULE 4 (5) (a) OF CAT (PROCEDURE) RULES  
1987 SEEKING PERMISSION TO FILE A SINGLE O.A.

We, the applicants herein submit that we  
are all applicants herein and are working as Senior

...2.



Accountants (functional) grade in the Office of the 2nd respondent. We are all concerned in the O.A. having a common cause of action. We are all interested in the relief. All the respondents herein are common to all of us. The impunged order giving rise to the cause of action viz. Memo No. 33(5)/97/PA-Admn.I/88 dt. 01-7-1997 is common to all of us. The impunged order issued by the 2nd respondent is a stereo-typed one filling in the details of each applicant. The relief prayed for is also common i.e. setting aside the impunged order issued by the respondents.

2. In view of our submissions in paras above, we pray that this Hon'ble Tribunal may be pleased to permit us to join together and file a single OA and pass such other order or orders as deemed fit and proper in the circumstances of the case.

VERIFICATION

We the applicants hereby declare that the facts stated in the above are true and correct.

| S.No. | Name, Father's name, age & designation        | Signature                 |
|-------|-----------------------------------------------|---------------------------|
| 1.    | R.Narayanaswamy, s/o.Nagaiah, 54, SA          | <i>R.Narayanaswamy</i>    |
| 2.    | K.Sattaiah, s/o.Narsimha, 55, SA              | <i>K.Sattaiah</i>         |
| 3.    | V.J.R.S.Sastry, s/o.Mukhteswararao, 51, SA    | <i>V.J.R.Sastry</i>       |
| 4.    | P.V.Narasimha Rao, s/o.Ramanaiah, 51, SA      | <i>P.V.Narasimha Rao</i>  |
| 5.    | A.Vijayasaraadhi, s/o.Narasimhamurthy, 52, SA | <i>A.Vijayasaraadhi</i>   |
| 6.    | B.Biksham, s/o.Raghavaiah, age 51, SA         | <i>B.Biksham</i>          |
| 7.    | V.R.Sivasankari, w/o.V.K.Murthy, 50, SA       | <i>V.R.Sivasankari</i>    |
| 8.    | G.Ch.Prasad, s/o.Kanakaiah, 51, SA            | <i>G.Ch.Prasad</i>        |
| 9.    | V.S.Somayajulu, s/o.V.V.Rao, 52, SA           | <i>V.S.Somayajulu</i>     |
| 10.   | V.Vijayalakshmi, w/o.Venugopalrao, 50, SA     | <i>V.Vijayalakshmi</i>    |
| 11.   | P.R.C.Murthy, s/o.Krishna Rao, 50, SA         | <i>P.R.C.Murthy</i>       |
| 12.   | N.V.V.Venugopalrao, s/o.Satyanarayana, 50, SA | <i>N.V.V.Venugopalrao</i> |
| 13.   | Ch.Venkateswarlu, s/o.Laxminarsaiah, AAO, 50  | <i>Ch.Venkateswarlu</i>   |

Hyderabad

Signature of counsel for applicants

Dt. 30-7-1997



Single O.A. Pet.

In the Central Administrative Tribunal  
at Hyderabad

M.A.No. of 1997

i n

O.A.No. of 1997

Between :

R. Narayanaswamy & others.. Applicants

a n d

Union of India & another.. Respondents



Recd  
30/7/97  
P.N.L. Durg

APPLICATION FILED UNDER RULE 4 (5) (a)  
OF CAT (PROCEDURE) RULES, 1987

Filed on: 30-7-1997

Filed by: Sri B.S.A. Satyanarayana  
Advocate  
2-2-1121/3 E, Nallakunta  
Hyderabad - 44

Counsel for the applicants

Notified  
30/7/97



MA 725/97

20.7.97

Heard Mr. B.S.A. Satyanarayana  
for the applicant.

Prima facie case disclosed

Issue notice to the respondents who may  
file their reply within 6 weeks. No  
recoveries shall be effected from the pay <sup>for</sup> ~~an~~  
until further orders.

Interim order be communicated  
by wire at the cost of the applicants.

HBSJP  
M(J)

*26/3/97*  
HHRP  
M(A)

KSM

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD BENCH A

बेच केस/BENCH CASE HYDERABAD.

पोस्टल/POSTAL

M.A.NO. 725 of 1997

IN

O.A.S.R.NO. 2304 of 1997

PETITION FOR SEEKING PERMISSION  
TO ADDITIONAL APPLICANTS IN A  
SINGLE APPLICATION.

*Issued*  
*7/8/97*  
*19-9-97*

*Satyanarayana CO*

No reply has been filed to the  
MA. Looking to the facts of the case  
and common grievance of the applicants  
they are allowed to file a single  
petition. Register the OA.

Thus the MA is disposed of.

Mr. B.S.A. Satyanarayana  
COUNSEL FOR THE APPLICANTS

AND

Mr. K. Ramulu

~~Mr.~~ Addl. Standing Counsel  
for C.G.R.s.

sk

*20/3*  
HBSJP  
M(J) *19.9.97*

*26/3/97*  
HHRP  
M(A)