

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
 AT HYDERABAD

OA.642/99

dt.8-9-99

Between

1. B. Subramanyam
2. Smt. Mavilla Seshamma
3. Smt. A. Nagarathnamma
4. T. J. Dan
5. Sk. Rasool Bee
6. SK. Basha
7. B. Audilakshmi

: Applicants

and

1. Union of India, rep. by
 Director General
 Dept. of Posts, Dak Bhavan
 Sansad marg, New Delhi
2. Chief Postmaster General
 AP Circle, Dakshadan
 Abids, Hyderabad
3. Supdt. of Post Office
 Badga Gudur Division,
 Gudur
4. Postmaster
 Head post Office
 Dargamitta, Nellore-3
5. Sub Postmaster
 Stonehousepetta
 Nellore 2

: Respondents

Counsel for the applicants

: Krishna Devan
 Advocate

Counsel for the respondents

: J.R. Gopal Rao
 SC for Central Govt.

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Order

Oral order (per Hon. Mr. Justice D.H. Nasir, Vice Chairman)

Heard Mr. Krishna Devan for the applicant and Ms. Shakti for Mr. J.R. Gopal Rao for the respondents.

1. There are seven applicants in this OA. They are praying for a declaration that they are entitled for revision of basic pay and DA and ADA with effect from 1-1-1996 on par with Group-D whose pay was revised consequent to the recommendations of the V Pay Commission, by holding that the action of the respondents as contemplated in letter No.1-3/97-PAP dated 3-11-1998 was arbitrary, discriminatory, illegal, and violative of Articles 14, 16 and 21 of the Constitution of India and to set aside the same and also that the CPMG letter dated 26-11-1998 and letter dated 1-1-1999 passed by Respondent-3 was also illegal.

It is further urged that consequent upon extension of the said benefits to the applicants the respondents should consider the applicant eligible for revision of pay in the minimum of pay scale applicable to Group-D on 1-1-1996 and to pay arrears from 1-1-1996 after deducting the arrears already paid for the period from 1-11-1997 to 2-11-1998 upon revision of basic pay, DA etc.

2. The same question had fallen for consideration of this Tribunal in OA.1685/93 and batch, which was decided on 29-4-99, wherein similar relief was prayed as in the present OA, by holding that the applicant was entitled to be awarded the pay revision according to the recommendations of the V Pay Commission right from 1-1-1996 and not from any subsequent date as it would amount to discrimination under Articles 14 and 16 of the Constitution of India. Having expressed such view the

the Tribunal disposed of the batch with the following directions:

Since the regular Group D employees have already been granted the revised pay scale with effect from 1-1-1996, there is no rhyme or reason why similar benefits be denied to the casual mazdoors who are the applicants before us in the group of OAs, in spite of the fact that temporary status may not have been conferred upon them, as already discussed earlier.

3. In view of what is stated above there is no reason why the present OA also be not disposed of with similar direction. Hence it is hereby ordered and directed as follows:

- a) The office memorandum No.1-3/97-PAP dated 3-11-1998 determining the date of applicability to be 3-11-1998 as well as another office letter No.EST/1-60/PCC/97-98/Corr dated 26-11-1998 directing recoveries to be made from the wages of the present applicants are hereby quashed.
- b) The respondents are directed to give the applicants the minimum of the pay scales corresponding to regular Group-D employees in the revised pay scale on pro-rata basis with effect from 1-1-1996.

No order as to costs.

D.H. Nasir
(D.H. Nasir)
Vice Chairman

Dated : September 8, 1999
Dictated in Open Court

JK
JK

sk

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A
1st AND 2nd COURT

COPY TO :-

1. HON. J
2. HON. M (A)
3. HON. M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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.R.RAGARAJAN :
MEMBER (ADMN.)

THE HON'BLE MR.B.S.SAI PARAMESWAR :
MEMBER (JUD)

* * *
DATE OF ORDER: 8/9/99

MA/RA/CP. NO. .

IN
RA. NO. 642/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP. CLOSED

RA. CLOSED

CA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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