

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.838 of 1999.

DATE OF ORDER:21-3-2000.

Between:

1. B.Swamy.
2. EPA.Anand.
3. J.Sakkubai.
4. J.Ramulu.
5. Sharada Bai.
6. K.Janamma.

....Applicants

a n d

1. Senior Post Master,
Khairtabad Head Post Office,
Khairtabad, Hyderabad.
2. Senior Superintendent of Post
Offices, Hyderabad City Division,
Hyderabad.
3. Chief Post Master General,
AP Circle, Hyderabad.

....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.N.Saida Rao

COUNSEL FOR THE RESPONDENTS :: Mr.K.Narahari

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

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

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

None for the Applicants.

Heard Mr.K.Narahari, learned Standing Counsel for the
Respondents.2

R

N

2. There are six applicants in this OA. They are working as Watchman, Chowkidar, Sweeper, Frash and Scavenger. By Order No.EST/1-60/PCC/97-98/Corr., dated 9-12-1997, (Annexure.4, page 12 to the OA), the part-time casual labourers are to be paid the revised scales on prorata basis with effect from 1-11-1997 due to the introduction of the Vth Pay Commission scales of pay. It is stated that the payments thus ordered will be subject to adjustment, based on further orders from the Directorate. The above orders will also apply from 1-11-1997, only for the substitute arrangements in the leave vacancies of Postman/Group-'D'. Accordingly, the applicants were paid the revised scales of pay with effect from 1-11-1997. But by the impugned Order No.EST/1-60/PCC/98/Corr, dated 14-1-1999, (Annexure-2, page 9 to the OA), the revised scales to the contingent staff are to be paid from 3-11-1998. Hence, the excess payments from 1-11-1997 to 2-11-1998 are sought to be recovered.

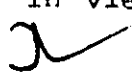
3. The applicants, aggrieved by the above, have filed this OA to set aside the impugned Order No.EST/1-60/PCC/98/Corr., dated 14-1-1999 to recover the amount paid to the applicants from 1-11-1997 to 2-11-1998 as illegal, improper and unsustainable, and to declare that the action of the respondents in not extending the minimum of pay in revised pay scales to the applicants with effect from 1-1-1996 in view of the recommendations of Vth Pay Commission as illegal, improper and against the Fundamental rights of

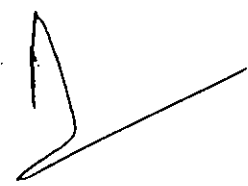
.....3

the applicants, and for a consequential direction to the respondents to pay the minimum of pay in the revised pay scales with effect from 1-1-1996 instead of 3-11-1998 and pay the arrears with effect from 1-1-1996 in pro-rata basis as that of the regular employees.

4. A reading of the OA clearly indicates that the applicants are primarily praying for the relief ^{of} ~~to~~ not to recover the excess amount paid from 1-11-1997 to 2-11-1998 in view of the impugned Order dated 14-1-1999. The OA does not indicate reasons as to why they are entitled to get the revised scales with effect from 1-1-1996, except saying that the Vth Pay Commission scales of pay came into existence from 1-1-1996. There are number of cases where casual labourers were given the revised scales even after 1-1-1996. On the basis of the date of revision of the scales of pay by the Department and in the absence of any reason to pray so, the prayer of the applicants to give them the revised pay scales from 1-1-1996, cannot be granted. However, the applicants are at liberty to take up their case with the Department for that relief, if they are so advised.

5. In the reply the respondents only state that the part-time casual labourers in Hyderabad GPO and Khairatabad HO were paid revised wages in view of the earlier letter dated 9-12-1997 with effect from 1-11-1997. They further add that the revised wages are to be paid from 3-11-1998 in view of the Circle Office letter dated 12-11-1998.



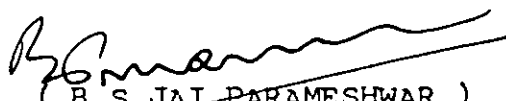



30

The Circle Office in their letter dated 26-11-1998 further directed all the Subordinate Offices to give effect to the revised allowances from the date of issue of the Directorate orders i.e., 3-11-1998 and also to recover the excess amount paid. The reply does not say anywhere as to why the revised wages are to be paid from 3-11-1998 instead of 1-11-1997. It is only a repetition of the letters without giving any reasons for fixing the date as 3-11-1998 instead of 1-11-1997. Such a reply cannot be a reasonable cause for allowing the Department to revise the scales from 3-11-1998. The respondents reply does not touch the fringe of the case.

6. Hence, no recovery should be effected from the applicants for the period from 1-11-1997 to 2-11-1998.

7. The OA is ordered accordingly as above. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
21.3.2000


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 21st day of March, 2000

Dictated in the Open Court

DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON'BLE

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

2. HON'BLE (ADMN) MEMBER.

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

3. HON'BLE M. (JUDL)

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

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

21/3/00

MA/RA/CF. NO

IN

C.A. NO.

838/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

2 copies

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

- 4 APR 2000

Despatch
RECEIVED

अ. प्र. नं. 100/2000/100