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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,  
J A I P U R.

O.A.No. 184/95

: Date of Order: 1-8-1995

Manjeet Singh

: Applicant

Versus

Union of India and others : Respondents.

Mr. K.L.Thawani

: For the applicant

CORAM:

Hon'ble Mr. O.P.Sharma, Member (Administrative)  
Hon'ble Mr. Rattan Prakash, Member (Judicial)

O R D E R

(PER HON'BLE MR. RATTAN PRAKASH, MEMBER (JUDICIAL))

Shri Manjeet Singh has filed this application under Section 19 of the Administrative Tribunal's Act, 1985 to claim the reliefs that the respondents be directed:

- i) to modify the impugned order Annexure A-1 dated 26.5.1980 by revising the grade from Rs.210-270 to Rs.260-350 which is the actual grade of Wireman as per Gazette notification and recruitment rules laid down by the policy of the Government;
- ii) to remove the anomaly of grade of pay amongst the equals viz. Wiremen and grant grade of Wireman to the applicant i.e. Rs.260-350;
- iii) to grant correct grade of pay to the applicant from the date of initial appointment with all consequential benefits.

2. Briefly put the facts of this case are that the applicant was appointed as Wireman vide order

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dated 26.5.1980 (Annexure A-1) and was posted at Sikar in the grade of Rs.210-270 and thereafter was transferred to Jaipur City Postal Division where he is working at present. It is the case of the applicant that respondent No.5 Shri Ram Swaroop was also appointed in Kota Division as Wireman but was given the grade of Rs.260-350 vide order dated 15.3.1980 (Annexure A-3). The applicant made a representation about this discrimination to the respondents whereupon the grade of Shri Ram Swaroop, respondent No.5 was also brought-down to Rs. 210-270 from Rs. 260-350. Shri Ram Swaroop, the respondent No.5 aggrieved by the order of the Senior Superintendent, Post Offices Kota filed a Civil Suit in the Court of Munsif Magistrate(North) Kota which on transfer to the Tribunal was decided by order dated 15.2.1993 (Annexure A-4), whereby the order of the respondents dated 9.9.1981 (Annexure A-5) was quashed and the respondents were directed to refund the amount if recovered from Shri Ram Swaroop and to pay him the arrears of pay and allowances. Similar decision was rendered by this Tribunal in the case of Nand Lal Vs. Union of India in OA No.163/90 vide order dated 12.8.1993. The applicant after coming to know of the aforesaid two judgments of the Tribunal made a representation to the Chief Post Master General on 22.3.1994 through Senior Superintendent of Post Offices Jaipur City, Jaipur (Annexure A-6) to treat the applicant at par with

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other Wiremen who were granted grade of Wireman viz. Rs.260-350. The applicant also made another representation to the Senior Superintendent of Post Offices Jaipur City, Jaipur on 4.4.1994 (Annexure A-7) to the same effect but having received no response he has been constrained to file this application to claim the aforesaid reliefs. The applicant has also filed a separate MA No.198/1995 for condonation of delay in filing the original application.

3. We heard the learned counsel for the applicant at the admission stage and have perused the record in great detail.

4. It has been vehemently argued by the learned counsel for the applicant Shri K.L.Thawani that the applicant being similarly placed person has been discriminated in the grant of pay scale for the post of Wireman, which is violative of principles of natural justice and Articles 14 and 16 of the Constitution of India. In support of his argument, the learned counsel has also relied upon the judgments referred to above besides a judgment of the Tribunal dated 9.8.1994 in CA No.247/93 Ram Dayal Agarwal and others Vs. Union of India and others.

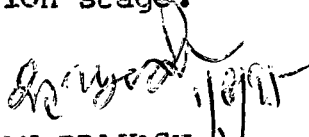
5. We have given anxious thought to the arguments advanced by the learned counsel

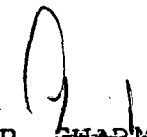
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for the applicant. During arguments a request has been made on behalf of the applicant by the learned counsel that the ends of justice would meet if the representations made by the applicant on 22.3.1994 (Annexure A-6) and on 4.4.1994 (Annexure A-7) are considered by the respondents in the background of judgments given by this Tribunal in the case of Rajendra Kumar and Ram Swaroop (supra) as also in the case of Nand Lal (supra).

6. Accordingly while accepting the request made on behalf of the applicant and without expressing any opinion on the merits of the case, the respondents are directed to consider and examine the representation of the applicant dated 22.3.1994 (Annexure A-6) and 4.4.1994 (Annexure A-7) in the light of the judgments given by this bench in the case of TA No.351/92 Rajendra Kumar and Ram Swaroop Vs. Senior Superintendent of Post Offices decided on 15.2.1993 and Nand Lal Kalwar Vs. Union of India and others (Annexure A-5) decided on 12.8.1993 and pass a speaking order within three months of the receipt of the copy of this order.

7. Original application as also the Misc. Application are accordingly disposed of at the admission stage.

  
( RATTAN PRAKASH )  
MEMBER (J)

  
( O.P. SHARMA )  
MEMBER (A)