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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

O.A. No. 524/1996  
T.A. No.

199

DATE OF DECISION 13.05.1999

Udai Ram

Petitioner

Mr. C.B.Sharma

Advocate for the Petitioner (s)

Versus

Union of India and Ors.

Respondent

Mr. K.N.Shrimal

Advocate for the Respondent (s)

**CORAM :**

**The Hon'ble Mr.** GOPAL KRISHNA, VICE CHAIRMAN

**The Hon'ble Mr.** GOPAL SINGH, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*.
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

*Gopal Singh*  
(GOPAL SINGH)  
Adm. Member

*G.Krishna*  
(GOPAL KRISHNA)  
Vice Chairman

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 13.5.99

OA No.524/96

Udai Ram S/o Shri Bal Mukund Mehra, aged about 51 years r/o H.No.467  
Rishi Galav Nagar, Galta Road, Jaipur, presently working on the post  
of Attendant Cum Khansama, Inspection Quarter, Jaipur G.P.O.

.. Applicant

Versus

1. Union of India through Secretary to the Govt. of India,  
Ministry of Communications, Department of Posts, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Offices, Jaipur City Postal  
Division, Jaipur.
4. Senior Post Master, Jaipur G.P.O., Jaipur.

.. Respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

Mr. C.B.Sharma, counsel for the applicant

Mr. K.N.Shrimal, counsel for the respondents

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Udai Ram, has filed this application under Section  
19 of the Administrative Tribunals Act, 1985, mainly praying for a  
direction to the respondents to allow the scale of Rs. 825-1200  
w.e.f. 1.9.88.

2. We have heard the learned counsel for the parties. Records of  
the case have been carefully perused.

3. The case of the applicant is that he was initially appointed  
as a Group-D employee on 22.1.70. Thereafter, he was allowed higher  
scale Rs. 800-1150 in the year 1986 on completion of 16 years service  
under one time bound promotion scheme which had come into effect from  
30.11.1983. On 1.9.98, he was directed to perform the duties of

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Attendant-cum-Khansama in : 2 :  
the Inspection Quarters of the Jaipur  
G.P.O. Prior to him, one Shri Ram Narain was working on the said post  
and he was drawing pay in the scale of Rs. 225-308 in the pre-revised  
scale which was later revised to Rs. 825-1200 w.e.f. 1.1.1986.

4. The grievance of the applicant that despite his working as  
Attendant-cum-Khansama w.e.f. 1.9.88, the respondents did not allow  
him to draw pay and allowances in the scale of Rs. 825-1200, which is  
meant for the existing post.

5. The respondents in their reply has contested the application  
and have brought to our notice the recommendations of the 4th Pay  
Commission marked as Ann.A5 and have further asserted that since the  
pay scales recommended by the 4th Pay Commission were effective from  
1.1.86, the scale prescribed for the post of Attendant-cum-Khansama  
consequent upon a review in terms of the 4th Pay Commission  
recommendations by the respondents vide their letter dated 17.6.96  
would be effective from 1.1.86. They have further averred that since  
the applicant was appointed as Attendant-cum-Khansama much later than  
1.1.86, he was entitled to the scale of Rs. 800-1150. It has also  
been submitted by the respondents that the incumbents on the posts of  
Attendant-cum-Khansama who were holding the post prior to 1.1.86 in  
the scale of Rs. 825-1200 would only be entitled to continue in that  
scale as personal to them. Thus the applicant is not entitled to the  
scale of Rs. 825-1200 for holding the post of Attendant-cum-Khansama,  
since his appointment to the post was after 1.1.86.

6. It would be appropriate to go through the recommendations of  
the 4th Pay Commission in this regard and consequent review  
undertaken by the respondents. The recommendations of the 4th Pay  
Commission, in this regard, reads as under:

"The Ministries/Departments should review the work content of  
the posts carrying the scale of Rs. 225-308 so that they are  
classified as carrying either the scale of Rs. 800-1150 or  
950-1500. But the existing incumbents of these posts will  
continue in the revised scale of Rs. 825-15-900-EB-20-1200 as

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personal to them unless they are found fit for being placed in the scale of Rs. 950-1500."

In terms of the recommendations of the 4th Pay Commission mentioned above, the respondents reviewed the position and they have issued directions in this regard vide their letter dated 17.6.96 marked as Ann.R1. It is seen from this letter dated 17.6.96 that consequent upon the review, it was decided that the newly sanctioned posts of Attendant-cum-Khansama attached to the Inspection Quarters will be placed in the scale of Rs. 800-1150. It was also provided in this letter that the existing incumbents on the posts will, however, continue in the revised scale of Rs. 825-1200 as personal to them. Further, these orders have been made effective from the date of issue of this order i.e. 17.6.96. As has been mentioned above, the applicant was appointed as Attendant-cum-Khansama on 1.9.88 and as per the stipulation in this order dated 17.6.96, he is entitled to the scale of Rs. 825-1200 as personal to him for holding the post of Attendant-cum-Khansama. The scale of Rs. 800-1150 would be applicable to the fresh appointees to the post, who are appointed as such after 17.6.96.

7. It has also been contended on behalf of the respondents that the post of Attendant-cum-Khansama is not a permanent sanctioned post. It has been categorically admitted by the respondents in their reply that the applicant was posted on the post of Attendant-cum-Khansama in the Inspection Quarters, G.P.O. Jaipur w.e.f. 1.9.88. A perusal of the records also reveals that the post was converted into a permanent post w.e.f. 1.3.79 as seen from Ann.A7. Thus the contention of the respondents that the post is not a permanent sanctioned post is not tenable.

7. In the circumstances, we are of the view that the applicant is entitled to the scale of Rs. 825-1200 w.e.f. 1.9.88, the date from which he is holding the post of Attendant-cum-Khansama in the Inspection Quarters, G.P.O. Jaipur.

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8. This application is allowed accordingly with no order as to costs.

Gopal Singh  
(GOPAL SINGH)

Adm. Member

Gopal Krishna  
(GOPAL KRISHNA)

Vice Chairman