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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.Shrimai

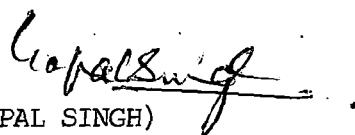
Advocate for the Respondent (s)

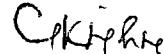
CORAM :

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)
Adm. Member


(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.Shrimai, 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

Gopal

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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