

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 27.3.2001

OA No.42/99

1. Ashok Kumar, S/o Shri Pratap Rai, presently working as Hindi Typist, O/o Sr.Superintendent of Post Offices, Jaipur City Division, Jaipur.

.. Applicant

Versus

1. Union of India through Secretary Communications, Department of Post, Dak Bhawan, New Delhi-1.
2. The Chief Postmaster General, Rajasthan Postal Circle, Sardar Patel Marg, Jaipur.
3. Senior Superintendent of Post Offices, Jaipur City Division, Jaipur.
4. Senior Postmaster, Jaipur GPO, M.I.Road, Jaipur.

.. Respondents

Mr. K.S.Sharma, counsel for the applicants

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

CORAM:

Hon'ble Mr.Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

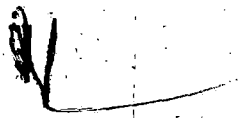
The applicant is Hindi Typist. He has challenged Annx.A1 contending that the applicant is entitled to the pay scale Rs.4000-6000 and the impugned order holding that the applicant and other persons similarly situated are entitled to the pay scale Rs.3200-4900, is illegal. The learned counsel for the applicant brought to our notice a judgment of the Jodhpur Bench of the Tribunal dated 21.8.2000 in O.A No.20/99 and contended that the Tribunal has already held that the Hindi Typists are entitled to the pay scale



Rs.4000-6000. The learned counsel for the applicant further submitted that the said order of the Tribunal has already been upheld by the Rajasthan High Court in D.B.Civil Writ Petition No.4830/2000 on 4.1.2000, therefore, the applicant is entitled to the same relief. He further submitted that the impugned order providing the applicant the pay scale Rs.3200-4900 is illegal and contrary to the law declared by the Tribunal and the Hon'ble Rajasthan High Court. He also brought to our notice that in O.A No. 275/99 even the Jaipur Bench of the Tribunal also took the same view vide order dated 7.11.2000 and held that the Hindi Typists are entitled to the pay scale Rs.4000-6000. Therefore, the applicant is entitled to the relief as prayed for.

2. By filing reply and further rejoinder to rejoinder, the respondents denied the case of the applicant and have contended that the impugned order is legal and in accordance with law. They further stated that the qualifications and the nature of duties of Hindi Typists and Postal Assistants are entirely different, therefore, the applicant and other Hindi Typists are not entitled to the pay scale Rs.4000-6000. The learned counsel for the respondents further contended that this Tribunal cannot direct the respondents to provide a particular pay scale than the one fixed by the government. Therefore, there are no merits in this application.

3. In our considered opinion the matter is no more a res integra. As we have noticed above the Jodhpur Bench of the Tribunal vide order dated 21.8.2000 allowed O.A No.20/99 filed by similarly situated Hindi Typist and directed the respondents to accord him the pay scale Rs.4000-6000. The said order has already been confirmed by Hon'ble the Rajasthan High Court in D.B.Civil Writ Petition No.4830/2000 and the batch. But the learned counsel for the respondents further submitted that there was some other



judgments of this Bench in O.A No.45/99 decided on 18.7.2000, taking a contrary view. But from the judgment of the Hon'ble Rajasthan High Court, we find that even this judgment of Jaipur Bench of the Tribunal in O.A No.45/99 was considered by the Hon'ble High Court of Rajasthan and ultimately the High Court held that the said judgment of the Jaipur Bench of the Tribunal is not relevant for the purpose. Moreover, subsequent judgment of the Jaipur Bench of the Tribunal in O.A No.275/99 dated 7.11.2000 also held that the Hindi Typists are entitled to the pay scale Rs.4000-6000. These judgments are binding on us, therefore, by following those judgments, the Application deserves to be allowed. Accordingly we pass the order as under:

The impugned order Annx.A1 is quashed so far as it relates to the applicant with the direction that the applicant is entitled to the pay scale Rs.4000-6000 at par with the Postal Assistants, with all consequential benefits. However, it is made clear that the applicant would not be entitled to any arrears from the date prior to 3 years preceding the date of filing of this application.

No costs.


(N.P.Nawani)

Member (A).


(B.S.Raikote)

Vice Chairman.