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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 22/11/2001

OA 366/2000

Kailash Narayan Saini, Wireman (Electrical) O/o Supdt. of Post Offices, Jhunjhunu Postal Division, Jhunjhunu.

... Applicant

Versus

1. Union of India through Secretary, Deptt.of Posts, Ministry of Communications, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt.of Post Offices, Jhunjhunu Postal Division, Jhunjhunu.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.C.B.Sharma

For the Respondents ... Mr.Hemant Gupta, proxy counsel
for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs :-

"a) That the respondents may very kindly be directed by an appropriate order that the humble applicant be treated at par in the matter of pay & allowances with their counter

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parts working in the same department and by various pronouncement of this Hon'ble Tribunal, the respondents be directed to allow the pay scale 260/350 w.e.f. 14.10.80, 950-1500 w.e.f. 1.1.86 and further corresponding scale w.e.f. 1.1.96 with all consequential benefits including arrears of pay & allowances after due fixation.

b) That the respondents be further directed to allow the benefits as allowed to the Wireman of Kota and Sawai Madhopur Postal Divisions in the matter of pay scales of Wireman."

2. Facts, as per the applicant, are that he was recruited as a Wireman and allotted to Jhunjhunu Postal Division, where he joined on 14.10.80. In the notification for recruitment, the respondents have indicated the pay scale of Wireman as Rs.210-270, whereas as per the applicant it should have been Rs.260-350. It is stated that in the department the scale of Wireman has been only Rs.260-350, which has been further revised to Rs.950-1500 after Fourth Pay Commission and Rs.3050-4900 after Fifth Pay Commission. The Wiremen in Kota and Sawai Madhopur Postal Divisions in Rajasthan Circle are getting the pay scale of Rs.260-350. This matter was agitated before the Tribunal in various OAs, orders of which have also been annexed to the present OA. The Tribunal had granted relief in all the cases and directed the department to fix the applicants in the grade of Rs.260-350. It has been submitted that in Post Master General's letter dated 8.2.74 it has specifically been mentioned that there shall be two separate grades for Wireman and Assistant Wireman. The grade of Wireman is

higher than the grade of Assistant Wireman and the applicant has been recruited as a Wireman. The department's refusal to grant a correct scale of Wireman to the applicant is arbitrary, discriminatory and violative of the provisions contained in Articles 14, 16 and 300-A of the Constitution.

3. In the reply filed by the respondents it has been stated that the applicant has been assigned correct pay scale of Rs.210-270, to which he was legally entitled. There are two types of Wireman, Wireman Grade-I and Wireman Grade-II. Scale of Wireman Grade-I is Rs.260-350 and Wireman Grade-II is Rs.210-270. The applicant was recruited only as Wireman Grade-II and the pay scale of Rs.210-270 was allowed to him. Controverting the stand of the applicant in respect of Post Master General, Rajasthan Circle's letter dated 8.2.74, it has been stated that there is no mention in the said letter that there shall be two separate grades for Wireman and Assistant Wireman. On the contrary, in the PMG Jaipur's letter dated 26.3.74 pay scales of Wireman Grade-I and Wireman Grade-II have been separately indicated and this circular was effective w.e.f. 1.1.73. Consequently, as per respondents, there is no discrimination and their action is neither arbitrary nor violative of Articles 14, 16 and 300 A of the Constitution.

4. We have heard the learned counsel for the parties and have perused the entire records.

5. We find that the issue involved in this OA had arisen in OAs 322/94, 127/95, 286/95, 296/95, 320/95, 321/95, 165/96 and 629/96 before Jaipur and Jodhpur Benches of this Tribunal and the entire controversy has ^{been} set at rest. we

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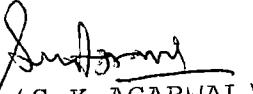
find the facts in this case and the relief sought is also similar.

6. Following the principle decided in the aforesaid cases, we accordingly hold that the present applicant is also entitled to the pay scale of Rs.260-350 with effect from his date of appointment. However, regarding the arrears of salary, as held by this Bench and followed also by the Jodhpur Bench, the applicant is entitled to the arrears with effect from three years preceding the date of his application before this Tribunal. Accordingly, we pass the order as under :-

The applicant is entitled to the pay scale of Rs.260-350 and to equivalent pay scales as revised from time to time from the date of his appointment. Further, he is also entitled to difference in the pay scale as also the arrears only for a period of three years preceding the date of his application before this Tribunal. The OA stands disposed of accordingly with no order as to costs.


(A.P. NAGRATH)

MEMBER (A)


(S.K. AGARWAL)

MEMBER (J)