

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 11.4.2002

OA No. 108/2001

Jagdish Narayan Gupta son of shri Bhanwar Lal Gupta aged about 42 years, resident of 1896, Nahar Garh Road, Chandpole Bazar, Jaipur and presently working as Wireman (Electrical) Offi of uperintendent of Post Offices, Jaipur (M) Postal Divisio, jaipur.

...Applicant.

VERSUS

1. Union of india through its Secretary to the Government of india, Department of Posts, Ministry of communications, Dak Bhawan, New Delhi.
2. Chief Post Master General Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices Jaipur (M) Postal Division, Jaipur.

....Respondents.

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

Mr. N.C. Goyal, counsel for the respondents.

CORAM

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicia)

ORDER

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

This application has been filed u/s 19 of the Administrative Tribunal's Act, 1985, praying for the

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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 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. 27.5.80, 950-1500 w.e.f. 1.1.1986 and further corresponding scale w.e.f. 1.1.1996 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 Kota and Sawaimadhopur Postal Division in the matter of pay scales of Wireman.

(c) Any other benefit which the Hon'ble Tribunal deem proper be ordered to be given to protect the principle of Equal pay for Equal work."

2. When this matter was taken up for hearing, it was admitted on either side that this case be is squarely covered by the judgement of this Tribunal, Jodhpur Bench in OA No. 165/96 (Annexure A/11), which was decided on 25.4.2000. The operative para is as under :-

The applicants are entitled to the pay scale at Rs. 260-350 and to equivalent pay scales, effective from time to time, right from the date of their respective appointments. Further they are also entitled to difference in pay scale as arrears only for a period of three years preceding the date of their respective applications in the Tribunal. Accordingly, the OA stands disposed of. No costs."

A copy of the order of Hon'ble Supreme court in SLP No. 11283-11284/2001 dated 1.3.2002 has been placed before us, which reads as under :-

"Inasmuch as the tribunal has followed its earlier



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order in the matter and it is now brought to our notice that in similar matters the order made by the Tribunal has been given effect to, no useful purpose will be served in interfering with the order made by the tribunal as affirmed by the High Court except to the extent to state that the High Court ought not to have granted full arrears of salary and should have limited the same for a period of three years preceding the date of the respective applications filed before the Tribunal. Subject to the modification made above, this Special Leave petition stands dismissed."

3. Apparently the order of this Tribunal has been upheld. In this background we see no reasons to hold any different view. This OA is liable to be allowed with the same observations as mentioned above in OA No. 165/96.

4. This OA succeeds. The applicant shall be entitled to the pay scale of Rs. 260-350 and to equivalent pay scale, effective from time to time, right from the date of his appointment. He is also entitled to difference in pay scales as arrears but only for a period of three years preceding the date of this application. The OA stands disposed of accordingly. No costs.

J.K. Kaushik
(J.K. KAUSHIK)

MEMBER (J)

A.P. Nagrath
(A.P. NAGRATH)

MEMBER (A)

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