

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR

O.A.No. 362/2002

Date of decision: 20.3.2003

Mahendra Singh Ferera, S/o Surajmal aged about 43 years
resident of 203, B.K.Kaul Nagar, Near Iton Ka Bhata, Fye
Sagar Road, Ajmer 305 001 and working as Hindi Typist
Office office the Superintendent Postal Stores Depot,
Ajmer. 305 001

: Applicant.

-versus-

1. Union of India through the Secretary to the Government of India Department of Posts, Ministry of Communications, New Delhi 110 001.
2. Post Master General, Rajasthan Southern Region, AJMER. 305 001
3. Senior Superintendent of Post Offices, Ajmer Division, AJMER. 305 001
4. Superintendent, Postal Stores Depot AJMER. 305 001.

: Respondents.

Mr. K.L.Thawani : Counsel for the applicant.

Mr. N.C.Goyal : Counsel for the respondents.

CORAM : The Hon'ble Mr. Justice G.L.Gupta,
Vice Chairman.

: The Hon'ble Mr. A.P.Nagrath
Administrative Member.



ORDER

Per Mr. Justice G.L.Gupta:

The only question to be determined in this case is whether the applicant who was initially appointed as Hindi Typist is entitled to the pay scale of Rs.4000-6000/- which is available to Postal Assistants.

2. The facts. The applicant was initially appointed as Hindi Typist on 18.2.82. Vide order dated 26.10.87, Hindi Typist cadre was merged in LDCs cadre and the Hindi Typists working in the Circle and Regional Administrative Offices were brought at par with LDCs and they were redesignated as Postal Assistants. It is stated that after the recommendations of the V Pay Commission the Postal Assistants were allowed the pay scale of Rs.4000-6000/-, which is the replacement scale of Rs.975-1660/-, but the applicant has been allowed the pay scale of 3200-4900/- His grievance is that he should have been allowed the pay scale of Rs.4000-6000/- which is the pay scale of Postal Assistants.

3. The respondents' case is that the Director General, Posts, New Delhi, in his letter dated 3.1.99, has allowed the pay scale of Rs.3200-4900/- only to Hindi Typists and therefore the applicant cannot be granted the benefit of higher pay scale of Rs.4000-6000/-

4. We have heard the learned counsel for the parties and perused the documents placed on record.

5. Mr. Tawani, learned counsel for the applicant contends that in various cases decided by this Tribunal, it has been held that the Hindi Typists are entitled to the pay scale of Rs.4000-6000. In this connection he cites the decision of the Jodhpur Bench in the case of Guru Prasad Dahiya and others vs. UOI and others (O.A. No. 20/99 and batch decided on 21.8.2000) and orders of this Tribunal in O.A. No. 1/2002 dated 2.5.2002 and O.A. No. 381/2002 dated 20.3.2003. He

further points out that the decision of the Jodhpur Bench in O.A. No. 20/99 and batch has been upheld by the High Court of Rajasthan in W.P. No. 4830/2000 (Union of India vs. Shri Ram Kishan Verma.

6. The learned counsel for the respondents does not dispute the fact that the Tribunal has allowed the pay scale of Rs.4000-6000/- to Hindi Typists which post now is known as Postal Assistant. His only contention was that the Director General, Posts, New Delhi, has not allowed the pay scale of Rs.4000-6000/- to the Hindi Typists.

7. It is not disputed before us that the respondents have implemented the orders of Jodhpur Bench in O.A. No. 20/99 and batch, dated 21.8.2000. When the respondents have implemented the order of the Tribunal granting the pay scale of Rs.4000-6000/- to Hindi Typists, redesignated as Postal Assistants, there cannot be any justification to deny the same pay scale to the applicant. It is not disputed that the cadre of Hindi Typists was merged with the cadre of LDCs, in terms of the order dated 26.10.87, and the Hindi Typists posts were redesignated as Postal Assistants and the Postal Assistants have been paid in the pay scale of Rs.4000-6000/-. There is no cause to take a view different than the one taken in the cases referred to above. The applicant is entitled to the pay scale of Rs.4000-6000/-

8. The learned counsel for the applicant states that in this O.A, his client does not want to press the relief of ACP scheme and for that he will make fresh representation and if he is aggrieved he will approach this Tribunal again. That being so, we are not considering the relief prayed for by the applicant in this regard.

9. Consequently, we allow this O.A and direct the respondents to grant the benefit of the pay scale of Rs.4000-6000/- to the applicant.

10. No order as to costs.

(A.P.Nagrath)
Administrative Member.

jsv


(G.L.Gupta)
Vice Chairman.