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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

B

(DESTRUCTION OF RECORD RULES, 1990)

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31/01/2000 disposal

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R.A/C.P No.
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In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 26/2000 OF 199

Applicant(s) Sri Kaushik Chakraborty.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. P. D. Gogoi

Advocate for Respondent(s) Mr. P. K. Barua.
Mr. A. Deo Ray
vs. C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>Deposited with PO No. <u>456274</u> Dated <u>24/1-2000</u></p> <p><u>24/1/2000</u></p>	<p>25.1.00</p>	<p>On the prayer of Mr. P.D. Gogoi, learned counsel for the applicants the case is adjourned till 31.1.2000.</p> <p><u>[Signature]</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p>
<p><u>24/1</u></p> <p><u>24/1/2000</u></p> <p>Notis Registrati Filed.</p> <p><u>[Signature]</u></p>	<p>trd 31.1.2000</p>	<p>Mr P.D.Gogoi, learned counsel for the applicant prays for withdrawal of the application as there are some mistakes with liberty to file the same alongwith the other similarly situated applicants who are interested in the matter. Prayer is granted.</p> <p>Application is disposed of on withdrawal with a liberty to re-file by the applicant and the other similarly situated persons.</p> <p><u>[Signature]</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p>

Notes of the Registry

Date

Order of the Tribunal

4.2.2000

Copy of the order
has been sent to
the D/Sec. for info
in line to the L/AM
of the parties.

HC

Issued vide J.NOs.
375 & 376

HP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :

GUWAHATI

O.A. NO. 28 OF 2000

BETWEEN

Shri Kaushik Chakrabarty

..... Applicant

AND

Union of India

and Others

..... Respondents

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For Office use

Date of filing

or

Date of receipt

by post :-

Registration No.

Filed by :-

P.K. Barua
(P.K. Barua) 24/1/2000

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH :

GUWAHATI

O.A. No. 26 OF 2000

BETWEEN

Shri Kaushik Chakrabarty,
son of Late Kamakhya Charan Chakraborty,
Acting Circle Secretary, All India Postal Employees
Union Postmen and Group 'D', N.E. Circle Branch, Shillong,
Resident of Laitumkhra, Shillong - 3, Meghalaya.

AND

... .. Applicant.

1. The Union of India,
represented by the Secretary to the Govt. of India,
Ministry of Communication, Deptt. of Posts,
New Delhi - 110 001.
 2. Chief Postmaster General,
North East Circle, Shillong - 1, Meghalaya.
 3. Assistant Director General (Estt.),
Department of Posts, Ministry of Communication,
Govt. of India, New Delhi - 110 001.
- Respondents.

1. Particulars of the against

which application is made :- The application is made
against letter No.1-21/99-PAP
dated 13.8.1999 of the Asstt. Director General
(Estt.), Government of India, Ministry of Communi-
cations, Department of Posts, New Delhi -110 001,
directing recovery of over drawal, resulting from
implementation of new pay scale.

Copy of the letter dated 13.8.1999 is anne-
xed hereto as Annexure -A.

2. Jurisdiction of the Tribunal :- The applicant declares that

Shri Kaushik Chakrabarty

Contd... P/2

Acting Circle Secretary
A.I.P.E.U. Postmen & CR 'D'
N.E. Circle Branch
Shillong-786001

the subject matter of the Order against which he wants redressal is within the jurisdiction of this Tribunal.

3. Limitation :- The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :-(i) That the applicant is a postman in the office of the Chief Postmaster General, Shillong and Acting Circle Secretary, All India Postal Employees Union Postmen and Group 'D', N.E.Circle, Shillong. He has been authorised by the Postmen and Group 'D' employees of N.E.Circle comprising Meghalaya, Mizoram, Tripura, Manipur, Nagaland and Arunachal Pradesh to file this application before this Hon'ble Tribunal in a representative capacity.

(ii) That the pay of Postmen and Mail Guards was initially fixed in the revised scale of pay of Rs.2750 - 4400 with effect from 1.1.1996. Subsequently a new pay scale of Rs.3050 - 4590 was made applicable to them with effect from 10.10.1997, instead of 1.1.1996. After giving effect to this new pay scale, effective from 10.10.1997 anomalies in case of the petitioner employees have cropped up, leading to over drawal of pay by them. This would not have happened if the new pay scale was implemented with effect from 1.1.1996. Recovery of the over drawal amount due to non-implementation of the new pay scale from 1.1.1996 will cause financial hardships to the petitioner employees. The

Contd. ...P/3

Sri Kaushik Chakra
Acting Circle Secretary
A.I.P.E.U. Postmen & CR'D
N. E. Circle Branch
Shillong-7#0001

All India Postal Employees Union has, therefore, taken up the matter with the Union Minister of Communications on November 2, 1999. The Union Minister for Communications though not made any positive commitment, has not refused the Union's demand for implementation of the new pay scale from 1.1.1996 as yet. The Employees Union and the employee petitioners hope that the Union Minister for Communications will send his reply to the Memorandum submitted to him on November 2, 1999 and hope that the reply will be favourable to the employees. If the date of implementation of the new pay scale is effective from 1.1.1996 there would be no overdrawal by the petitioners. The Respondent No.3 by his Letter No.1/21/99 PAP dated 13.8.1999 (vide Annexure -A) ordered for recovery of the overdrawal amount which occurred due to implementation of the new pay scale, effective from 10.10.1997 instead of 1.1.1996. The petitioner employees have no hand in the over drawal of their pay, nor are they responsible for it. It occurred due to discriminatory implementation of the new pay scale by the Respondents. The petitioners are therefore, not under obligation to refund the overdrawal.

5. Grounds for relief with legal provision :- (i) For that the Respondents have caused discrimination to the petitioner employees by not giving effect to the new pay scale from 1.1.1996 though the benefits of pay revision was given effect to from 1.1.1996 to all other employees of the Union of India and thereby the

Sri. Keeshik Chakraborty

Contd. P/4

Acting Circle Secretary
A.I.P.E.U. Postmen & GR 'D'
N. E. Circle Branch
Shillong-722004

Respondents have violated Articles 14,16 and 21 of the Constitution of India.

(ii) For that the All India Postal Union for Postmen and Group 'D' Employees have taken up the matter with the Minister for Communications, Govt. of India, New Delhi on behalf of the petitioner employees and others and the reply from the Minister of Communication is awaited and therefore, recovery of the over drawal of pay for which the petitioners were not at fault is against equity and fairness.

6. Details of remedies exhausted :- The All India Postal Union for Postmen and Group 'D' Employees have taken up the matter of implementation of the new pay scale with effect from 1.1.1996 with the Minister for Communications, Govt. of India, New Delhi on behalf of the petitioner employees and others and the reply from the Minister for Communications is awaited.
7. Matters not previously filed/pending with any other Court :- The applicant declares that the matter regarding which this application has been made is not pending before any Court of law or any other bench of the Tribunal.
8. Relief sought :- The new pay scale of Rs.3050 - 4590 be implemented with effect from 1.1.1996 instead of 10.10.1997.
9. Interim Order Prayed for :- Pending disposal of the application recovery of overdrawal of pay as ordered by the Respondent No.3 (vide Annexure -A) be stayed.

Contd. ...P/5

Sri Koushik Chakraborty
Acting Circle Secretary
A.I.P.E.U. Postmen & GR 'D'
N. E. Circle Branch
Shillong-790001

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and, if so, he shall attach a self addressed post card or inland letter at which intimation regarding the date of hearing could be sent to him. Not applicable.
11. Particulars of Bank draft/postal order in respect of the application
fee :- 1 PO of Rs. 50.00 (No. 06456874 dtd 24-1-2000).
12. Details of index :- The index in duplicate containing details of the documents to be relied upon is enclosed.
13. List of enclosures :- As shown in the Index.

V E R I F I C A T I O N

I, Shri Kaushik Chakrabarty, son of late Kamakhya Charan Chakrabarty, acting Circle Secretary, All India Postal Employees Union, Postmen and Group 'D' N.E. Circle Branch, Shillong, resident of Laitumkhra, Shillong, Meghalaya do hereby verify that the contents of paragraphs 1, 2, 3, 4, 6 and 7 of the application are true to my personal knowledge and paragraphs 5 and 9 thereof are believed to be true on legal advice and that I have not suppressed any material fact.

Date - 24.1.2000

Place - Guwahati

Shri Kaushik Chakrabarty
(Applicant)
Acting Circle Secretary
A.I.P.E.U. Postmen & GR 'D'
N.E. Circle Branch
Shillong-786001

No.1-21/99- PAP

Government of India
Ministry of Communications,
Department of Posts,
New Delhi - 110 001

Dated 13 th August, 1999

To

All Chief Postmasters General,
All Postmasters General.

Subject : Recovery of overpayments due to wrong fixation
of pay in respect of Postmen/Mail guards on 1/1/
1996.

Sir,

Your attention is invited to this office Memorandum
No.23-8/97-PE.I(PCC) dated 09/10/97 and subsequent clarifi-
cation issued vide letter no. 23-66/97-PE.I(PCC) dated 10th
June, 1999.

2. It has come to the notice of this Directorate that the
pay in respect of postmen/Mail Guardshas been wrongly fixed
on 1/1/96 by some circles which has resulted in overpayment.
Keeping all aspects in view it has now been decided that
recovery of overpayment in such cases may be made with imme-
diate effect in ~~xxx~~ instalments subject to the restriction
imposed in Rule -87 of Posts & Telegraphs Financial Handbook

Ansind
24/11/99
Advocate

VI

Annexure -A

Vol-1. In case any individual postman submits specific undertaking in writing to the competent authority, the recovery may be effected by monthly adjustment against future increments to be drawn by the postman, subject to the same restriction. This option will not be available to those whose increment has been stopped.

3. In case where officials are due to retire in the immediate future and full recovery is not possible before their retirement as per Rule-87 of P&T Financial Handbook Vol.I, the amount remaining unrecovered may be deducted from their DCRG.

4. This issues with the ~~concurrence~~ concurrence of Finance Advice vide their Diary No. 393/FA/99 and in suppression of orders of the Directorate of even number dated 12/8/99.

Yours faithfully,

Sd/- illegible

(MADHURI DABRAL SHARMA)

Asstt. Dir. Genl. (Estt.)

Copy to :

1. AIPEU, postmen : Group 'D' New Delhi .
2. All recognised Federations.

Ansura
Om
24/1/2000