

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. *54/2000* OF 199

Applicant(s)

Shri Kaushek Chakrabarty and ors.

Respondent(s)

Union of India and ors.

Advocate for Applicant(s)

Mr. P. D. Gogoi

Mr. P. K. Barua

Advocate for Respondent(s)

C. G. S.

Notes of the Registry	Date	Order of the Tribunal
<p>the application is to be filed within time C. F. of Rs. 50/- deposited vide IPO No. <i>45813</i> dated <i>2.2.2000</i></p> <p><i>11/10/2000</i> <i>10/12/2000</i></p> <p><i>RS</i></p>	<p>11.2.2000</p>	<p>286 applicants have approached this Tribunal by filing this application with a prayer to allow them to join in this single application under the provision of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. permission is granted.</p> <p>Application is admitted. Issue usual notice.</p> <p>List on 14.3.2000 for written statement and further orders.</p> <p>Mr P.D.Gogoi, learned counsel for the applicants prays for an interim order of stay of recovery of overpayment. Mr A.Deb Roy, learned Sr.C.G.S.C submits that he has no instruction.</p> <p>Issue notice to show cause as to why the interim order as prayed for shall not be granted. Notice is returnable</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>24-2-2000</u> Steps received today and notices prepared and sent to D-Section for issuing of the same to the respondents through Regd. post with A/D. vide D.Nos <u>606 to 608 dt 24.2.2000</u></p>	<p>11.2.2000 pg NS 21/2/2000</p>	<p>by four weeks. Till then recovery shall not be made.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><u>13-3-00</u> 1) Service Reports are awaited 2) W/statement is not seen till now.</p>	<p>14.3.00 trd 30.3.2000</p>	<p>Two weeks time is allowed for filing of written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C.</p> <p>List on 30.4.00 for written statement and further orders.</p> <p><i>[Signature]</i> Member (J)</p> <p><i>[Signature]</i> Member (A)</p> <p>Two weeks time allowed for filing of written statement on the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C.</p> <p>List on 24.4.2000 for written statement and further orders.</p>
<p><u>29-3-00</u> 1) Service Reports are awaited 2) W/statement is not seen till now.</p>	<p>24.4.00 lm</p>	<p>Division Bench is not available to-day. List for hearing on 6.6.00.</p> <p><i>[Signature]</i> Member</p>
<p><u>19-7-2000</u> Notice duly served on R No-2. No W/S has been filed.</p>	<p>6.6.00 21.8.00</p>	<p>There is no bench today. Adjourn 21.8.00</p> <p><i>[Signature]</i> Member</p>
<p>With statement has been filed by the respondents.</p>	<p>21.8.00</p>	<p>There is no bench. Adjourn 2-14.12-00</p> <p><i>[Signature]</i></p>

24 606 to 608 dt 24.2.2000

13/3

25/7 Notice duly served on R No-2.

21/8 8.5.00

No W/S has been filed.

21.

19-7-2000

With statement has been filed by the respondents.

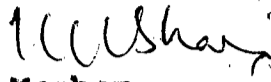
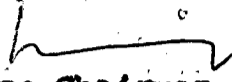
18/10

18/10

18/10



Notes of the Registry	Date	Order of the Tribunal
<p>The case is ready for hearing as regards W/S.</p>	14.12.00	<p>Left over on 10.1.2001.</p>
<p>13/12/2000</p>	lm	<p>Member Vice-Chairman</p>
<p>The case is ready for hearing.</p>	10-1-	<p>Adjourned to 2.2.2001.</p>
<p>9.1.2001</p>	2.2.2001	<p>Adj. to 9-3-2001.</p>
	Shillony	<p>By order NB-</p>
	12-3-01	<p>None present for the ^{applicant} parties on call. List on 16.3.01.</p>
	16.3.01	<p>Mr P.D.Gogoi, learned counsel for the applicant submitted that he has received the written statement only today and he need be allowed to go through it. The applicant may file rejoinder within two weeks.</p>
	pg	<p>List on 24.4.01 for hearing. Office to show the names of the counsel for the applicant correctly.</p>
	24.4.01	<p>On the prayer of learned counsel for the applicant case is adjourned to 15.7.01 for hearing.</p>
<p>lm</p>	lm	<p>Member Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>24.5.2001</p> <p>Copy of the budget has been sent to the Office for study the line to the applicant's bill to the L/Adm for the Regdn</p> <p>st.</p>	<p>17.5.01</p> <p>lm</p>	<p>Judgment delivered in open Court. Kept in separate sheets. Application is dismissed. No costs.</p> <p>  Member </p> <p>  Vice-Chairman </p>

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. **54 of 2000** . of

DATE OF DECISION **17.5.01**

Kaushik Chakraborty and Ors.

APPLICANT(S)

P.D.GOGOI, Mr.P.K.Baruah

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr.A.Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE **MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN**

THE HON'BLE **MR.K.K.SHARMA, ADMINISTRATIVE MEMBER**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5.

Judgment delivered by Hon'ble **VICE-CHAIRMAN**

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.54 of 2000

Date of Order : This is the 17th Day of May 2001.

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN

HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Shri Kaushik Chakraborty, Postman and 285 others.
Barbazar, P.O.
Meghalaya Division,
Shillong

By Advocate Mr.P.D.Gogoi, Mr.P.K.Baruah

-Vs-

1. Union of India
4 represented by the Secretary to the Govt. of India,
Ministry of Communication, Deptt. of Posts.
New Delhi-110001.
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-110001.

By Advocate Mr. A Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.):

The application under Section 19 of the Administrative Tribunals Act is directed against the order to recover of overpayment allegedly due to wrong fixation of pay in respect of Postman from 1.1.96. By the impugned communication the respondents indicated that the payment of Postmen were made due to erroneous fixation of pay from 1.1.96 in Assam Circle resulting over payment. By the said communication the concerned authorities were directed to take steps for the recovery in instalment.

Mr.P.D.Gogoi, learned counsel for the applicant assailing the impugned action of the respondents contended that by restricting the effect of revised scale of pay of

Contd/-

B

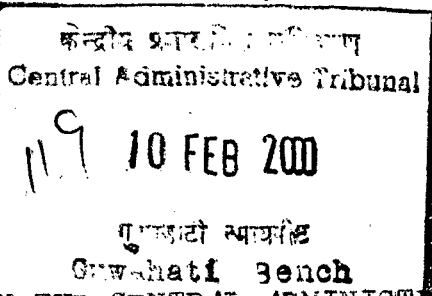
Rs.3050/-4590/- from 10.10.1997 onwards and not from 1.1.96 submitted that the aforementioned actions are arbitrary and discriminatory. On which date the revised pay would be given effect to is a matter to be determined to the Administration depending only on the fact situation. Fixing from 10.10.97 as the cut off date instead of 1.1.97 itself cannot be said arbitrary and discriminatory. We also relied upon the decision rendered by C.A.T., Bangalore Bench dated 16th February, 2001 which was brought to our notice by Mr. A. Deb Roy, Sr. C.G.S.C.

Upon hearing the learned counsel Mr.P.D.Gogoi appearing on behalf of the applicant and Mr.A.Deb Roy, Sr.C.G.S.C. for the respondents and considering the materials on records we do not find any ground for interference in this application. Accordingly, Application is dismissed. There shall, however, no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE-CHAIRMAN

LM



IN THE ~~CENTRAL ADMINISTRATIVE TRIBUNAL~~: GUWAHATI BENCH:

GUWAHATI.

O.A. No. 54 OF 2000

BETWEEN

Shri Kaushik Chakrabarty

& Others Applicants.

AND

Union of India

and Others Respondents.

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Date of filing
or
Date of receipt
by post:-

Registration No.

Filed by :- P.K. Barua
(P.K.Barua)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI.

10
filed by
B. K. Baruah
(B.K. Baruah)
Advocate.

BETWEEN

1. Shri Kaushik Chakrabarty Postman,
Barabazar P.O.
Meghalaya Division,
Shillong.
2. Sri Bhim Bahadur Chhetri , Postman, Barabazar P.O.
Meghalaya Division,
Shillong.
3. " Prabhat Sen , -do- -do-
4. Sashanka Sekar Das -do-
5. "Rupak Bhattacharjee -do-
6. Rolla Murboniang -do-
7. Steelson Dholing -do-
8. Bonison Kharnaor -do-
9. Badal Chakraborty -do-
10. Dilip Kumar -do-
11. M. Pyngrope -do-
12. L. Nongbri -do-
13. Subudh Das -do-
14. M. Kharchandan -do-
15. Sarbanskig Giri -do-
16. G Gabind Thepa -do-
17. Susil Sarkar -do-
18. M. Khyllap -do-
19. T. Kharchandan -do-

20.	Sri L. Sohtun	Postman,	Shillong P.O. Shillong Meghalaya Divn. Shillong.
21.	" Arabinda Dey	-do-	-do-
22.	Hanti Kharmalki	-do-	-do-
23.	B. Nongkenrih	-do-	-do-
24.	B.B. Sarki	-do-	-do-
25.	Sangamlal Sah	-do-	-do-
26.	B. Lyndem	-do-	-do-
27.	B. Ksanlah	-do-	-do-
28.	B. Saikia	-do-	-do-
29.	Ratan YADAV	-do-	-do-
30.	Gibanda Kundu	-do-	-do-
31.	Nirmal Suklabyadha	-do-	-do-
32.	N.R. Das	-do-	-do-
33.	Birchand Yadav	-do-	-do-
34.	R.N. Thekur	-do-	-do-
35.	K.S. Kharkongar	-do-	-do-
36.	Prisebon Sharkangar	-do-	-do-
37.	Prem sing Thapa	-do-	-do-
38.	Cantly Sabtun	-do-	-do-
39.	L.W. Dholing	-do-	-do-
40.	Birbal Sen	-do-	-do-

(contd...)

Kaushik Chakrabarty

41. Sri R. Marpana	Postman	Shillong P.O. Meghalaya Division, Shillong.
42. H.C.M. Ngap	-do-	-do-
43. S.B. Das	-do-	-do-
44. S.C. Chanda	Head Postman,	-do-
45. C.R. Bey	Cash Overseer,	Shillong P.O. Meghalaya Division, Shillong.
46. J.C. Dey	-do-	-do-
47. S. Prasad,	Stg. POSTMAN,	-do-
48. P.C. Malakar	-do-	-do-
49. S. Deb	Stamp Vendor	-do-
50. Syltimai Syiem	-do-	-do-
51. B.B. Thapa	-do-	-do-
52. Meghasingh	Overseer ,	Manipur Division Imphal.
53. Jay Kumar	Postman.	-do-
54. Md. Salander	-do-	-do-
55. Md. Sale	-do-	-do-
56. Ibomosha	-do-	-do-
57. Md. Halal Uddin	-do-	-do-
58. Md. Zusud	-do-	-do-
59. Md. Grasoaudon	-do-	-do-
60. Md. Kainunkhon	-do-	-do-

(contd....)
Kaushey Chakrabarty

PLACEMENT LIST

61. Md. Rasmuddem	Operseer,	
	Manipur Division, Imphal.	
62. L. Lakhi Rail	-do-	-do-
63. T.H. Gbrlo	-do-	-do-
64. S.R. Saikia	-do-	Assam Rifles, P.O. Meghalaya Divn, Shillong.
65. I. Shalong	-do-	-do- Barabazar P.O.
66. W. Shabong	-do-	-do-
67. S. Rani	Stamp vendor,	Barabazar P.O. Meghalaya Division, Shillong.
68. S.N. Thakur	Postman,	-do-
69. S. Lyngdoh	-do-	- do-
70. R.A. Ram	O/S	-do-
71. R. Khysion	Postman	-do-
72. C.L. Tron	-do-	-do-
73. K. Satum	-do-	-do-
74. L. Marboniang	-do-	-do-
75. K. D asgupta	-do-	-do-
76. D. Maipona	-do-	Barapani P.O. Meghalaya Division.
77. P. Sharma	-do-	-do-
78. S. Ram	-do-	Charapunjee P.O. Meghalaya Division.

(contd..)
Kaushik Chakrabarty

VM

79. Sri M. Shome	Postman, Cherapunjee, P.O.	
	Meghalaya Division,	
80. G.T. Warjee	-do-	-do-
81. H.K. Barman	Stg Postman, Laitumkhra S.O. "	
82. Bijan Dey	Postman	-do-
83. Manindra Ch.Mahanta	-do-	-do-
84. H.K. Deb	-do-	-do-
85. Md. Kafiluddin Sk	-do-	-do-
86. S. Bamon	-do-	-do-
87. Kajal Das	-do-	-do-
88. Tarun Chakraborty	-do-	-do-
89. Nantu Chanda	-do-	-do-
90. Willson Khonglah	-do-	-do-
91. Ashok Dey	-do-	-do-
92. Sewa Singh	-do-	-do-
93. Dinesh Singh	-do-	-do-
94. MRS. Arpona Rani Deb	-do-	-do-
95. Co-Exstan de Khorkongor	-do-	-do-
96. Sri M. Wankhar	-do-	-do-
97. H.R. Choudhury	O/S	-do-
98. Subodh Bhattacharjee	Postman	LabanS.O.
		Meghalaya Division,
		Shillong.

Kaushik Chakraborty (contd.)

PLACE OF POSTING

99. Smt. Boxis Dkhar	Postman Laban S.O.	
	Meghalaya Division, Shillong.	
100. Prodip Sunn	-do-	-do-
101 K.M. Syiem	-do -	-do-
102. E.R. Thongni	-do-	-do-
103. D.N. Das	-do-	-do-
104. Charles Shyne	-do-	-do-
105. Jermon Kongdhar	-do-	-do-
106. Oldain Gatpho	-do-	-do-
107. M . Kharkrang	-do-	-do-
108. I. Khorkoroo	-do-	Madanriting S.O.
		Meghalaya Division,
		Shillong.
109. Cosmos Wanniang	- do-	Mawpat S.O.
		Meghalaya Division,
		Shillong.
110. Ferdinend Massar	-do-	Nonglyer S.O.
111. M.L. Pyngrope	-do-	
112. Smt. K. Khongsit	-do-	Nondpoh S.O.
113. Eloden Khorkondor	Postman, Nongstain S.O.	
		Meghalaya Division, Shillong
114. A. Lyngdoh	-do-	-do-
115. D.R.F. Kyndtrikar	-do-	-do-
116. Nikhil Ch. Das	-do-	, Nongthymmai S.O. "

(contd....)

Kaushtik Chakraborty

<u>S. N. O.</u>	<u>NAME</u>	<u>PLACE OF POSTING</u>
117.	Sri J. Thapa	Postman Cherapunjee ,Meghalaya Divn.
118.	N. Chakraborty	-do- Heppy Velley S.O. Meghalaya Division, Shillong
119.	S.K. Thakuri	-do- -do-
120.	P. Bhattacharjee	-do- -do-
121.	T.K. Hajong	-do- -do-
122.	J.L. Pundit	-do- -do-
123.	S. Shylla	-do- -do-
124.	B. Thakheen	-do- Nongtummai S.O.
125.	W. Thonghr	O/S Central Sub-Division, Meghalaya Division, Shillong.
126.	O.S. Lyngdoh	O/S, -do-
127.	W. Lyngdoh	-do- North Division, "
128.	B.R. Deb Choudhury	-do- Balat "
129.	R.B. Yadav	-do- South Division , "
130.	C. Rynjah	-do- North Division
131.	Basaimoit	Postman, Phudmawri S.O. Meghalaya Division.
132.	D. Lyngdoh	-do- -do-
133.	T. Wallang	-do- -do-
134.	M. Choudhury	-do- Rynjah S.O.
135.	A. Sohtum	-do- -do-
136.	A. Ch. Marak	-do- N.C.C. S.O. "

Kaushik Chakrabarty (contd.)

137. K. Lalhmaingliwaa	O/S	Aizwal, Mizoram Division
138. T. Lawmthanga	-do-	-do-
139. Thazawana	-do-	-do-
140. C. Palbula	-do-	-do-
141. C. Palbula	-do-	-do-
142. C. Lallianzama	-do-	-do-
143. Lalthingliama	-do-	-do-
144. Biaksailora	Postman	-do-
145. F. Hekima	-do-	-do-
146. K. Khawlliwaa	-do-	-do-
147. J. Bhattacharjee	Postman	Dharmanagar Division, Tripura
148. N.K. Das	-do-	-do-
149. S. Roy	-do-	-do-
150. N. Das	-do-	-do-
151. P. Sengupta	-do-	-do-
152. P.C. Das	-do-	-do-
153. P. Paul	-do-	-do-
154. H.A. Dutta	-do-	-do-
155. L. Deb	-do-	-do-

(contd...)

J. Kaushik-Chakrabarty

18

156. A. Mia	Tura H.O. , Meghalaya Division	
	Tura.	
157. K. Ahmed	-do-	-do-
158. K. Koch	-do-	-do-
159. D. Kil Koris	-do-	-do-
160. G.K. Sil.	-do-	-do-
161. F. Boro	-do-	-do-
162. L.R. Das	-do-	-do-
163. L. Bora	-do-	-do-
164. C.C. Modak	-do-	-do-
165. K. Hajong	-do-	-do-
166. T. MArak	-do-	-do-
167. B. Sangma	-do-	-do-
168. T.K. Sil	-do-	-do-
169. B. Barman	-do-	-do-
170. J. Sarkar	-do-	-do-
171. P.T.R. Dingdoh	-do-	Nongthymai, -do- Shillong.
172. B.K. Rawani	-do-	-do-
173. T. Sohtun	-do-	-do-
174. K. Goswami	-do-	Agartala H.O. Agartala.

Kaushik Chakrabarty (contd.)

A

175. M. Bhattacharjee	Postman, Agartala H.O. , Agartala
176. T.C. Baro	-do- Itanagar H.O. Arunachal Division.
177. K. Lalhmingliwna	O/S Aizwel ,Mizoram Division.
178. T. Lawmthanga	-do- -do-
179. Thanzawana	-do- -do-
180. C. Palbula	-do- -do-
181. C. Lallianzama	-do- -do-
182. Lalhmingliama	-do- -do-
183. Biaksailova	Postment -do- -do-
184. F. Hskima	-do- -do-
185. K. Khawlliwna	-do- -do-
186. Lalzarliwna	-do- -do-
187. H.C. Zosangliana	-do- -do-
188. Laltlankima	-do- -do-
189. Lalngura	-do- -do-
190. Vanlalliana	-do- -do-
191. Lalhmingliana	-do- -do-
192. Hmingthanzauva	-do- -do-
193. R. Lalnunmawia	-do- -do-
194. T. Palnurpuia	-do- -do-
195. Vancalmauia	-do- -do-

Kaushik Chakrabarty

196. Lalrinmauia	Postman ,Aizwal ,Mizoram Divn.
197. K. Lalropeanga	-do- -do-
198. Lalthanzami	Stamp Vendor -do-
199. Lalawmpuia	Postman, Kulikawn -do-
200. Renjhnuna	-do- -do-
201. Vannunhlimi Chandmovy	-do- -do-
202. Thanjkhanngo	-do- -do- -do;-
203. Zaihlira	-do- -do- -do-
204. Lalchhungmawia	-do- Ramlun -do-
205. H. Vailiana	-do- Zimabwn -do-
206. Chandra Kr. Lumbu Vaivakwnso	-do-
207. Rochungnunga	Postman, Chowngte S.O. -do
208. F. P. Beatnunga	O/S(M) Lungelsab Dn. -do-
209. Beakliana	-do- -do-
210. R. Thanghluana	Postman, Lunglei S.O. -do-
211 R. Chhunjkung	-do- -do-
212. Saptawna	-do- -do- -do-
213. Rohlupuii	Stamp Vendor -do-
214. Malsawma	Postman -do- -do-

(contd..)

Kausik Chakrabarty

215. LALAAPLIANA		Postman Kalasib S.O.		
		Mizoram Division.		
216. H. Lalrengluanga		Postman, Kalaseb S.O.	-do-	
217. P.C. Bonunsango		-do-	-do-	-do-
218. Vanlalkunga		-do-	Sherchip S.O.	-do-
219. Dengsailoua M/C		-do-	-do-	-do-
220. Chhuanawma		-do-	-do-	-do-
221. Laldanbanga		-do-	-do-	-do-
222. Lohmongliana		-do-	-do-	-do-
223. Saihmawla		-do-	-do-	-do-
224. Lalsangzuala		-do-	Vairengle S.O.	-do-
225. Lalsangzuala		-do-	Vairengle S.O.	-do-
226. Diliana		-do-	Dorlawa	-do-
227. Suimang	MpS.	Tutsairanj		-do-
228. C. Ropeanga	M/C	Khawzawl		-do-
229. C. Zolhuama		O/S (m) Imtuipui Dist.		Sub.Dn. "
230. J. Hranjkhala		-do-	-do-	-do-
231. K. Hmunkunga		Postman, Lawnjthalai		-do-
232. Sanglawnaa		-do-	-do-	-do-
233. C. Laltiana		-do-	Ngopa	-do-
234. Lalenjleana M/C		-do-	-do-	-do-
235. R Laltanouia		Postman Chanphai		-do-
		<i>Kaushtik Chakrabarty</i>		

236.	H. Chaldailova	Postman, Chanphai , Mizoram Divn.		
237.	T. Lalrenliana	-do-	-do-	-do-
238.	Laldawngliana	-do-	Laydov S.O.	-do-
239.	Lalbeakliana	-do-	Zollanj S.O.	-do-
240.	Madan Gharty	-postman, Sengau S.O.		-do-
241.	C. Ngonthanga	-do-	-do-	-do-
242.	T. Thanhlira	-do-	Saiha S.O.	-do-
243.	Mabsawna	-do-	Lunglai S.O.	-do-
244.	T. Thangzalhen	-do-	Imphal, Manipur Divn.	
245.	TH. Tambipeshak	Stamp vendor	-do-	-do-
246.	L. Dhanajit Singh	Postman	-do-	-do-
247.	Y. Lakhi Kanta Singh	-do-	-do-	-do-
248.	TH Kameshwar Singh	-do-	-do-	-do-
249.	TH. Iboton Singh	-do-	-do-	-do-
250.	Thangminlun	Vaiphei	-do-	-do -
251.	Shyambabu Singh	-do-	-do-	-do-
252.	Abdul Khan	-do-	-do-	-do-
253.	L. Tochan Singh	-do-	-do-	-do-
254.	Ng. Benasakhi Dai	Stamp Vendor	Imphal Bazar	-do-
255.	TH Jadumani Singh	Postman	-do.	-do-
256.	Md. Shabir Ali	-do-	Imphal	-do-
257.	TH Nemai Chand Sharma	-do-	-do-	-do-

Kaushik Chakrabarty

258.	Md. Ishanmuddin	Postman ,	Imphal,	Manipur Divn.
259.	Md. Khalique	-do-	-do-	-do-
260.	Md. Abdul Khayum Khan	-do-	-do-	-do-
261.	TH. Amulhas Singh	-do-	-do-	-do-
262.	G. Maimu	-do-	-do-	-do-
263.	Abdullah Shah	-do-	-do-	-do-
264.	B. Salhas	-do-	-do-	-do-
265.	W. Robin Maring	-do-	-do-	-do-
266.	CH. Rtaan Singh	-do-	-do-	-do-
267.	N. Kripananda Singh	-do-	-do-	-do-
268.	Md. Ishanmuddin	-do-	-do-	-do-
269.	Md. Yusuf Ali	-do-	-do-	-do-
270.	Thangmang Kepgin	-do-	-do-	-do-
271.	Md. Lahit Ali.	-do-	-do-	-do-
272.	S. Subachana Dai	-do-	-do-	-do-
273.	Md. Shamshul Haque	-do-	-do-	-do-
274.	M.S. Wilson	-do-	-do-	-do-
275.	CH. Tambisana Sing	-do-	Kangkakpi	-do-
276.	TH Jagindar Singh	O/S Mail	Lamlang	-8-do-
277.	P.P. Boskota	O/S Mail	Kangkakpi	-do-

Kaushik Chakrabarty

278.	Lal Khosa	Postman, Imphal, Manipur Division		
279.	Somalini Devi	Stamp vendor , Imphal H.O.	-do-	
280.	Toyab Ali	O/S. Mail	-do-	-do-
281.	Ng Renubala Devi	O/S Ast. Stg.	-do-	-do-
282.	Ram Krishna Sharma	O/S Cash	-do-	-do-
283.	R.K. Sanalal Singh	O/S Cash	-do-	-do-
284.	Md. Aanahal Singh	O/S Plg.	-do-	-do-
285.	M. Parimal Singh	Postman	-do-	-do-
286.	K. Iboton Singh	O/S Cash	-do-	-do-

....

ApplicantsAND

1. 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.

(contd....)

Kaushik-Chakrabarty

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1. Particulars of the against which application is made :- The application is made against letter No. 1.21/99-PAP dt.13.8.1999 of the Asstt. Director General (Estt.) Government of India, Ministry of Communication, Department of Posts, New Delhi -110001. A directing recovery of over drawal due to wrong fixation of pay in respect of postman/Mailguards on 1.1.96. Copy of the letter dated 13.8.1999 is annexed herewith as Annexure - A.

2. Jurisdiction of the Tribunal :- The applicants declare that the subject matter of the order against ~~them~~ which they want redressal is within the jurisdiction of this Tribunal.

3. Limitation :

The applicants further declare 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 applicants have a common interest in the matter contained in the application and the applicants pray that the Hon'ble Tribunal may be pleased to permit the applicants to join together and file a single application in the matter under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987.

II. That the applicants are Postmen/Mailguards under the Chief Postmaster General, Shillong Posted in the N.E. Circle, comprising Meghalaya, Manipur, Tripura, Mizoram, and Arunachal Pradesh.

1.1.96

Kaushik Chakraborty

~~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.~~

Down

(iii) 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 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

(contd....)

Kaushik Chakrabarty

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.

The Central Administrative Tribunal, Earnakulam Bench ⁱⁿ vide O.A.817/99 has stayed _{re} operation of the impugned order dated 13.8.99 .

A copy of the order dated ¹³ 8.99 is annexed as Annexure- 'B'.

(contd....)

Kaushik-chakrabarty

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

(ii) For that the All India Postal Union for Postman 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 :- 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

(contd.....)

Kaushik-Chakrabarty

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. An application in the matter was filed in this Hon'ble Tribunal which was registered as O.A. 26 of 2000 but the same was disposed of with the direction to file a fresh application in the matter.

A copy of the said order dated 31.1.2000 is annexed as Annexure 'C'.

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.....)

Kaushik Chakrabarty

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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 P.O of Rs. 50.00 bearing no. 064581 dtd 7.2.2000. is enclosed.

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.

Kaustik Chakrabarty

VERIFICATION

I, Shri Kaushik Chakraborty, son of Late Kamakhya Charan Chakraborty, resident of Shillong, Meghalaya do hereby verify that the contents of paragraphs 1 to 13 of the Application are true to my personal knowledge and that I have not suppressed any material fact.

I have been authorised by the other applicants of the application to verify the contents of the application for them as well which I hereby do as above.

And I sign this verification on this 10th day of February, 2000 at Guwahati.

PLACE : Guwahati

DATE : 10-2-2000

Kaushik Chakraborty
Applicant.

ANNEXURE - A

NO. 1-21/99- PAP

13/8/99

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

Dated 13th 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 clarification issued vide letter No.23-66/
97-PE.I(PCC) dated 10th June, 1999.

9.10.97 ✓
10.6.99

Amended
By me
Associate

2. It has come to the notice of this Directorate
that the pay in respect of Postmen/Mail Guards has 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 immediate effect in instalments
subject to the restriction imposed in Rule- 87 of
Posts & Telegraphs Financial Handbook Vol- I. In case
(contd..)

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 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.)

Attested
Personnel
Advocate

Copy to :

1. AIPFU, Postmen; Group 'D' New Delhi.
2. All recognised Federations.

ANNEXURE . 'B'

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

MONDAY, THE 16TH DAY OF AUGUST, 1999

PRESENT

Hon'ble Mr. A.V. Haridasan Vice Chairman
and

Hon'ble Mr. J.L.NEGI Administrative Member

ORIGINAL APPLICATION NO.: 817/99

AIPC Union Postmen & Gp. 'D' Kerala
Circle and 2 others. : Applicant(s)

- Versus -

UI rep. by the Secretary, M/O Commu-
nications, New Delhi and 4 others : Respondents

Mr. GV Radhakrishnan : Counsel for applicant(s)

Mr. Vishnu rep. S. Krishnamoorthy : Counsel for respondents

O R D E R

MA. G73/99 : This MA has been filed
by the applicants to join together and to
file a single application. MA is not opposed.
MA is allowed.

*Admitted
D. B. N.
Advocate*

OA. Heard. The OA is admitted.

Respondents shall file their reply
statement within four weeks with
a copy to the applicants who may
file rejoinder if any within two
weeks thereafter. List before R.C.
for completion of pleadings on 27.9.99.

Applicants have prayed for an interim relief of stay of operation of the impugned orders A8 to A.10. After hearing the learned Counsel on either side, we are of the view that the interests of justice would be met if the recovery on the basis of the impugned orders are kept in abeyance until further orders,

In respect of the members of the 1st applicant Union and order accordingly.

Sd/-

J.L. Negi
Administrative Member

Sd/-

A.V. Haridasan
Vice Chairman.

CERTIFIED TRUE COPY

Date 17.8.99.

Sd/-
Deputy Registrar.

To

1. AIPE Union Postmen and Group 'D' Kerala Circle rep. by its Secretary, A. Kunhanandan, P&T House, Trivandrum-1 P.Sylen and T. Gangadharan (Applicants) through Mr. O.V. Radhakrishnan, Advocate, Kochi.
2. UOI Rep. by Secretary, M/O Communications, New Delhi (RI)
3. DG of Posts Dak Bhavan, New Delhi- (R2)
4. Chief PMG, Kerala Circle, Trivandrum (R3)
5. Sr. Supdt. of Post Offices, Trivandrum (R4)
6. Supdt. of Post offices, Vadakara Division, through Mr. S. Krishnamoorthy, ACCSC

*Miss
O. V. Radhakrishnan
Advocate*

FORM NO. 4

(See Rule 42)

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In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

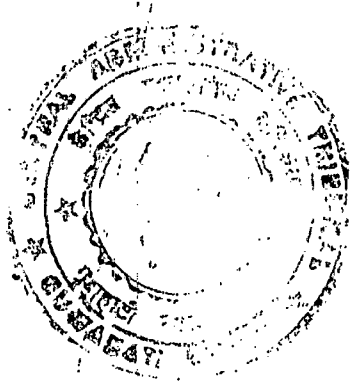
APPLICATION NO. 26/2000 OF 199

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. B. Barua.
Mr. A. Deb Roy
Sr. C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
	trd 31.1.2000	<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>

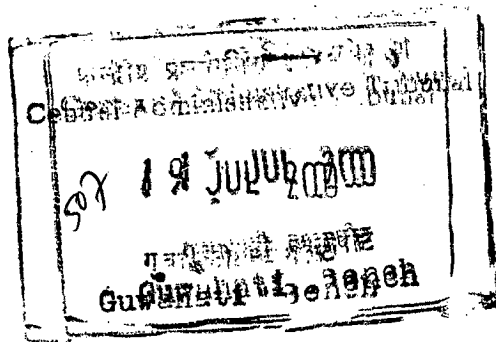
Sd/-VICECHAIRMAN
Sd/MEMBER (A)

Memo. No. 375

Dated 4-2-2000

- Copy for information and necessary action to :
1. Mr. P. D. Gogoi, Advocate, Gauhati High Court, Guwahati.
 2. Mr. A. Deb Roy, Sr. C. G. S. C., CAT, Guwahati Bench, Guwahati.

None
31/1/2000
DEPUTY REGISTRAR.
8/3/2000



Filed by

19/5/2000
(A. DEB/ROY)
Sr. C. C. C.
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 54 of 2000

Shri K. Chakraborty & others ... Applicants

Vs.

Union of India & others ... Respondants

IN THE MATTER OF

Written statement submitted by respondents.

The humble respondents beg to submit their written statement as follows :

1. That with regard to para 4(i) and 4 (ii) the respondents beg to offer no comment.

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2. That with regard to para 4(iii) the respondents beg to say that the pay of Postman and Mail Guards of the department was initially fixed along with other staff of the department in the revised scale of Rs. 2750 – 4400 with effect from 1-1-1996. Accordingly pay of the staff mentioned above was fixed in the revised scale of Rs. 2750-4400 and arrear was drawn and disbursed to the staff with effect from 1-1-1996. Subsequently a new pay scale of Rs. 3050-4580 has been made applicable with effect from 10-10-97 instead of 1-1-96. The revised scale of Rs. 3050-4580 given effect from 10-10-97 is much higher than the pre revised scale of Rs. 2750-4400 given effect from 1-1-96. The arrear of the eligible staff consequent upon revision of the pay scale of Rs. 3050-4580 was drawn and disbursed. ✓

The over drawal amount due to wrong fixation of pay with effect from 1-1-96 has been ordered to be recovered from the individual as per order of the Directorate issued under No. 1-21/99-PAP dated 13-8-99 in instalments so that no financial hardship will cause to the employees. The order of recovery was made as per Dte's order mentioned above. Since the over payment was made to the employees, they are duty bound to refund the over drawal amount to the Govt.

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3. That with regard to para 5(i) of the application the respondents beg to say that since the benefit to the Postman/Mail guards was given by the Govt. with effect from 10-10-97 the over drawal of pay made to them is to be refunded by them. As per order of CAT Jabalpur bench in OA No. 313 of 1993 dated 22-5-95, the payment made under a mistake can be recovered. Similar action of recovery of over drawal payment can be made as per Directorate's instructions issued vide No. 8-1/95-PE.1 dated 1-10-97.

Copy of order dated 22-5-95 in OA No. 313/93 is annexed as ANNEXURE-I and instructions dated 1-10-97 is annexed and marked as ANNEXURE-II.

4. That with regard to para 5(ii) and 6 the respondents beg to offer no comment.

5. That with regard to para 7, the respondents beg to offer no comment.

6. That with regard to para 8 the respondents beg to say that in view of the existing instructions of the matter, there is no scope now to implement the new pay scale of Rs. 3050-4580 with effect from 1-1-96 instead of 10-10-97.

7. That with regard to para 9 to 13 the respondents beg to offer no comment.

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A

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VERIFICATION

I Shri Niranjana Das, Assistant Director (Staff) O/O the Chief Postmaster General, N.E. Circle, Shillong do hereby verify that the contents stated in the written statement are true to my knowledge, belief and information and no material fact is suppressed.

And I sign this verification today on this the 17th
day of May 2000.

Niranjana Das

Declarant
Asstt. Director (Staff)
O/O The Chief Postmaster General
N.E. Circle, Shillong-793001

O.A.No.313 of 1993

Smt. Celina Varghese

Applicant

Versus

Annex-I

Union of India & others

Respondents

Counsel:

Shri. J. Mohan

For the applicants

Shri. S.C. Sharma

For the respondents

Coram:

Hon'ble Shri Justice M.V. Tamaskar - Vice Chairman

Hon'ble Shri R. Hariharan - Member (A)

J U D G M E N T

(Passed on this the 22nd day of, September, 1995)

The applicant was a Matriculate Lab. Assistant in the Postal Dispensary at Jabalpur. There was two scales prescribed for the Lab. Assistants, one for the Matriculates and another for Graduates. The applicant being matriculate was entitled to the pay scale of Rs.1200-1800 and not Rs.1350-2200. Certain matriculate Lab. Assistants, who were working in other dispensaries, were given the pay scale of Rs.1350-2200. As such the applicant has come to this Tribunal claiming the same relief.

2. Reply has now been filed showing that the payment made to those persons was under a mistake and action is being taken to revise the pay scale and bring it down to Rs.1200-1800. That being the position, the grievance of the applicant stands removed. The discrepancy in the pay scales will be corrected by the respondents within a month from today.

3. The application is accordingly disposed of. The parties shall bear their own costs.

Sd/—

(R. Hariharan) 22/9/95
Member (A)

Sd/—

(M.V. Tamaskar)
Vice Chairman



(6)

1975

26.5.75

No. OJ/1/2000 Jabalpur, Dt.

Copy Forwarded to:

- (1) The Secretary, High Court Bar Association, Jabalpur.
- (2) The Counsel for applicant, Shri/Smt. XKA - Jabalpur
- (3) The Counsel for respondent, Smt. XKB - Jabalpur
- (4) The Jr. Librarian, C.A., Jabalpur Bench.

for information and necessary action

Can
Deputy Registrar 25/5/75

ANNEX-II

7

IMMEDIATE

No. G-1/95-PE.I
Government of India
Ministry of Communications
Department of Post

Dak Bhavan,
Sansad Marg,
New Delhi-110 001.

Dated: 1/10/97

To

1. All Chief Postmasters General.
2. All Postmasters General (Region).

Subject: Regarding pay scales of Lab. Technicians
working in P&T Dispensaries.

* * *

Sir,

I am directed to say that as per the Recruitment Rules of Lab. Technicians issued vide erstwhile P&T Board Notification No. 29-1/79-NCG dated 18/12/80, the prescribed essential qualification for recruitment to the post of Lab. Technicians was prescribed as Matriculation with Diploma in Medical Laboratory Technology with at least one year's experience in Laboratory work or Science Graduate in Group 'B' stream. The pay scale for the post was prescribed as Rs. 330-560/-. On implementation of the recommendations of the 4th Central Pay Commission, some of Circles erroneously fixed the pay of the Lab. Technicians in the scale of Rs. 1350-2200/- (instead of fixing in the pay scale of Rs. 1200-2040/- which was the replacement scale of erstwhile pay scale of Rs. 330-560/-).

2. In one of the recent judgements a C.A.T. has directed the Department to rectify the above error. Accordingly, it is hereby directed that the pay of Lab. Technicians of P&T Dispensaries may be fixed in the scale of pay of Rs. 1200-2040/- with effect from 1/1/86, if not done already. Over payments made upto 30th September 1997 may be calculated official-wise and year-wise and intimated to this Directorate for further instructions in the matter.

Contd.....2/-

79/c

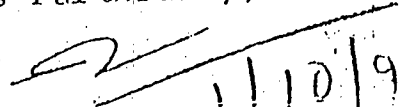
(8)

- 2 -

3. It is requested that necessary action in this regard may be taken and compliance reported to this Directorate immediately.

4. please acknowledge receipt by return mail.

Yours faithfully,



(S.K. Meena)
Asstt. Dir. General (Estt.)

1/10/9-