

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING HELD AT GWALIOR

Original Application No. 171 of 2004
Original Application No. 173 of 2004
Original Application No. 174 of 2004

Gwalior, this the 24th day of February, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

1. Original Application No. 171 of 2004 -

Gajendra Singh Tomar, S/o. late
Shri Bhagi Ram, aged 56 years,
Occupation - Service posted as
GDSMC, Resident of B.O. Kasmada
Attachment Ruar, District Morena (MP),

and 6 others. ... Applicants

(By Advocate - Shri D.P. Singh)

V e r s u s

1. Union of India, through its Secretary, Department of Post and Telegraph, New Delhi.
2. The Chief Post Master General, Postal Service, (M.P. Circle Office of the General Post Master B-12).
3. The Director, Postal Services, Indore (MP).
4. The Superintendent of Post Office, Chambal Division, Morena (MP).
5. The Sub-Divisional Inspector, Post Office, Morena (MP). ... Respondents

(By Advocate - Shri P.N. Kelkar)

2. Original Application No. 173 of 2004 -

Sundar Singh Tomar, S/o. late Shri Harikishan Singh Tomar, aged 54 years, Occupation - Service, posted as GDSMC/ DA, Resident of village and post Khand Ka Pura, Tehsil Ambha (MP),

and 2 others. ... Applicants

(By Advocate - Shri D.P. Singh)

V e r s u s

Union of India, through its Secretary, Department of Post and Telegraph, New Delhi,

and 4 others.

... Respondents

(By Advocate - Shri P.N. Kelkar)

3. Original Application No. 174 of 2004 -

Brij Bhushan Sharma, S/o. Shri Sharma,
aged 48 years, Resident of Kurthar
Alampur,

and 67 others.

... Applicants

(By Advocate - Shri D.P. Singh)

V e r s u s

Union of India, through its Secretary,
Department of Post and Telegraph,
New Delhi,

and 4 others.

... Respondents

(By Advocate - Shri P.N. Kelkar)

O R D E R (Common)

By Madan Mohan, Judicial Member -

Since the issue involved in all the cases is common and the facts and the grounds raised are identical, for the sake of convenience these Original Applications are being disposed of by this common order.

2. By filing these Original Applications the applicants have claimed the following main reliefs :

"(1) the order Annexure A-1 may kindly be quashed with a further direction to grant the scale as per recommendation of the Talwar Committee, as applicants are getting the scale w.e.f. 1.1.1996 or revised,

(2) the respondents be directed to make the payment which is already been deducted by applying, the order Annexure A-1 with interest to the applicants."

3. The brief facts of the cases are that the applicants are aggrieved by the order dated 20.5.2003 issued by the respondent No. 4, Superintendent of Post Office, Chambal Division. By this order the pay scale of the applicants has been determined as 1220-20-1600/- instead of 1375-25-2125 which is not permissible as per the recommendation



of the Talwar Committee and also against the pay revision rules. The applicants are further aggrieved by reduction of their pay scale i.e. 1740-30-2640/- which they were getting w.e.f. 1.1.1996 into 1545-25-2020/-, and the action of initiation of recovery of salary paid to them. Hence, these Original Applications are filed.

4. Heard the learned counsel for the parties and carefully perused the pleadings and records.

5. It is argued on behalf of the applicant that a similar matter was considered by this Bench of the Tribunal in OA No. 622/2002 and other connected matters vide order dated 6th February, 2004. The facts of the present OAs are fully covered by this order of the Tribunal referred to above.

6. The learned counsel for the respondents argued that in their reply they have mentioned that these OAs are similar to the OA No. 622/2002 and other connected matters decided on 6.2.2004. They further submitted that in order to implement the directions given by this Tribunal in the aforesaid OAs, the Chief Post Master General, M.P. Circle, Bhopal vide his letter dated 29th March, 2004 has initially directed all the Senior Superintendent of Post Offices in Indore Region to take various steps as mentioned in the said letter.

7. After hearing the learned counsel for both the parties and on careful perusal of the judgment, pleadings and records, we find that the similar issue has already been dealt with by this Tribunal in the above referred case. The facts of the present cases are squarely covered by all fours of the judgment of the Tribunal dated 6th February, 2004

referred to above. The relevant portion of the order passed by the Tribunal is extracted below :

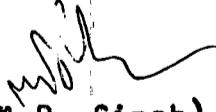
"9. For the reasons recorded above, we allow these OAs and direct the respondents not to make any recovery of the alleged excess payment made to the applicants. In case any recovery has already been made by the respondents, the same will be refunded to the applicants within 2 months from the date of receipt of a copy of this order. As regard recalculating of their allowances, the respondents have issued the order dated 28.5.2003 (Annexure A-2) and similar orders passed by the other divisions, the respondents will issue notice to the applicants and give an opportunity of hearing to them before taking final decision on the matter."

The decision so taken by the Tribunal quoted above shall mutatis mutandis applicable to the present cases also.

8. In view of the aforesaid the Original Applications are allowed and the respondents are directed not to make any recovery of the alleged excess payment made to the applicants. In case any recovery has already been made by the respondents, the same will be refunded to the applicants within 2 months from the date of receipt of a copy of this order. As regards recalculating of the allowances, the respondents are directed that they will issue notices to the applicants and give opportunity of hearing, before taking final decision on the matter. No costs.

9. The Registry is directed to supply the copy of the memo of parties to the concerned parties, while issuing the certified copies of this order.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman