

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 Bhuphan Sharma, S/o. Shri Sharma,
aged 48 years, Resident of Kurther
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


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

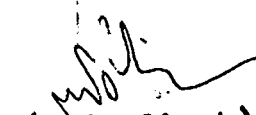
"9. For thereasons recorded above, we allow these OAs and direct the respondents not to make any recovery of the alleged excess payment made to the applicants. In case any recovery has already been made by the respondents, the same will be refunded to the applicants within 2 months from the date of receipt 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

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTING AT GWALIOR

O.A.No. **173** /2004

Sundar Singh Tomar & Ors.

---APPLICANTS

Versus

Union of India and others

---NON-APPLICANTS

SYNOPSIS

List of dates and events

Dates	Events
20.5.2003	The present Original Application filed applicant against the order dated 20.5.2003. Whereby the pay scale of the applicants have been reduced without giving an opportunity of hearing and reviewing the order of Talwar Committee.
1998	The Talwar Committee was recommended the pay scale of employee of the postal department i.e. E.D.D.A., E.D.M.C., E.D.Packer and revised w.e.f 1.1.1996 and the same was given to all the applicants.
2003	That without issuing any notice and giving an opportunity of hearing the pay scale of the applicants were reduced and effected the legitimate claims.
2003	All the applicants had given representation but not yet has been replied. Therefore, the reduction of the pay scale which was recommended by the committee is illegal arbitrary and unsustainable in the eye of law.

Place : Gwalior

Humble Applicants

Date : 23 /02 /2004

through counsel

(Jitendra Maheshwari)
Advocate



Presented on 1/3/2004
by Shri. Jitendra Maheshwari
Paathik, Advocate, Gwalior
Time 4.00 PM
Receptionist

M.A. No. ^{251/2004}

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTING AT GWALIOR

O.A.No. 173 /2004

Sundar Singh Tomar & others

Vs.

Union of India & Others

APPLICATION UNDER RULE 4 (5) (A) OF ADMINISTRATIVE TRIBUNAL PROCEDURE RULE 88 FOR JOINT
HEARING *Reitoo*

May it please this Hon'ble Tribunal.

Applicants humbly submit the memo of application as under:

1. That, The applicants have filed this Original Application against the action of respondents, by which the pay scale of applicants has been determined as 1220-20-1600, instead of 1375-25-2125 which is against the recommendation of the Talwar Committee and also against the pay revision rules. Applicants are further aggrieved by reduction of their pay scale and the action of recovery of salary paid to them. The cause of action of all the applicants are same. In such circumstances permission for joint hearing may be ordered in the interest of justice.

P R A Y E R

It is, therefore, humbly prayed that the application may kindly be allowed and the applicants may be permitted to sue jointly in this Original Application.

Gwalior

Dt. 12 Feb., 2004

Humble applicants
through Counsel;

dr
(Jitendra Maheshwari)
Advocate

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT SITTING AT GWALIOR

O.A.No. **173** /2004

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Place : Gwalior

Humble Applicants

Date : 23/02/2004

through counsel

(Jitenora Maheshwari)
Advocate