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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 366 of 2001

Jabalpur, this the 28th day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri A.S. Sanghvi, Judicial Member

Hargovind Namdeo, S/o. late Shri
Nathuram Namdeo, Date of birth
1-8-1954, Sub Divisional Inspector (P),
South Damoh, District, Damoh (MP). Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Post, New Delhi.
2. Chief Postmaster General,
Madhya Pradesh Circle,
Bhopal (MP).
3. Superintendent, Post Offices,
Sagar Division, Sagar (MP). Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main reliefs :

"(B) set aside the impugned order dated 24.4.2001;

(C) command the respondents to extend the benefit of judgments passed by this Hon'ble Tribunal in OA No. 367/90, OA No. 59/95 & OA No. 750/95;

(D) direct the respondents to place the applicant under FR 22 (I) (a) (I) from the date applicant was appointed in IPO cadre with all consequential benefits."

2. The brief facts of the case are that the applicant was initially appointed as Lower Division Clerk in the Postal Department. He was promoted to the post of Upper Division Clerk with effect from 12.2.1982. The applicant then appeared in the departmental examination of Inspector of Post Offices. He was issued with the posting order dated

[Signature]

17.9.1993 in the cadre of IPO in the scale of Rs. 1400-2300/- . The cadre of LDC/UDC in SBCO was merged in the cadre of Postal Assistant. The applicant exercised the option to merge in the cadre of PAs SBCO with effect from 20th August, 1991 in the pay scale of Rs. 975-1660/- . He was promoted as PA in the OTBP scheme in the scale of Rs. earlier 1400-2300/- with effect from 1.10.1991. The applicant was in the scale of Rs. 1400-2300/- before the promotion as IPO in the scale of Rs. 1400-2300/- with effect from 17.9.1993. The applicant was promoted on identical time scale. The main grievance of the applicant is that his pay in the grade of Inspector of Post Offices should have been fixed after giving him the benefit of FR-22(C)/FR-22(1) (a) (i) . The respondents have not granted this benefit of FR-22(C) on the ground that the post of IPO and post held by the applicant as PA carries the same pay scale. The contention of the applicant is that although both the posts are in the same pay scale of Rs. 1400-2300 (pre-revised), but the post of IPO carries higher responsibilities or fulfils greater responsibilities. Therefore the benefit of FR-22(C) should have been given to him. Since he has not been given this benefit he has filed this Original Application claiming the aforesaid reliefs.

3. Heard both the parties and perused the records.

4. The learned counsel for the applicant has drawn our attention towards the judgment of this Tribunal in the case of Bhagwat Prasad Mishra vs. Union of India & Ors. in OA No. 650/2000 decided on 19th March, 2004. The learned counsel for the applicant has stated that the present case is squarely covered in all fours by the aforesaid judgment.

5. We have perused the aforesaid judgment of the

Tribunal in the case of Bhagwat Prasad Mishra (supra) and we find that the present case is squarely covered by the aforesaid judgment. In the said judgment the Tribunal has observed as under :

"7. In view of the facts mentioned above, we allow the present OA and direct the respondents to grant the benefit of FR-22-C (now FR 22 I(a) (1)) to the applicant at the time of his promotion to the post of Inspector of Post, and grant him all consequential benefits including refund of excess amount already recovered from the applicant. The respondents are directed to comply with these directions within a period of three months from the date of communication of this order. No costs."

Since this case is covered by the aforesaid judgment the same will ~~be~~ mutatis-mutandis ~~xxxix~~ apply to the facts of the present case also.

6. Accordingly, the Original Application stands allowed. No costs.

(A.S. Sanghvi)
Judicial Member

mp Singh
(M.P. Singh)
Vice Chairman

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के लगांसल S. Paul
के लगांसल S A T Karmarkar
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