

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/000301/2018

DATED THIS THE 09TH DAY OF JANUARY, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Sri Madhukar R. Kamble,
Aged about 54 years,
S/o Rathnappa,
Working as Postal Assistant,
Gokak HO-591307,
Residing at Postal Quarters,
Gokak-591307.

..Applicant.

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India
Rep. by the Secretary,
Department of Posts,
Dak Bhavan,
New Delhi – 110 001.
2. Post Master General ,
N.K. Region,
Dharwad-580 001.
3. Chief Post Master General,
Karnataka Circle,
Bangalore-560 001.
4. Senior Superintendent of Post Offices,
Gokak Postal Division,
Gokak-591307.
5. Post Master,
Gokak HO-591307.

...Respondents

(By Standing Counsel Shri Sayed S. Kazi for Respondents 1-3)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH ...MEMBER(J)**

Heard. The matter relates to Review DPC held after 12 years on 17.12.2012. Apparently, vide order issued on 24.09.2003, following the 5th Pay Commission recommendations and its acceptance, 30% of ordinary grade Drivers are to be promoted to Grade-II Drivers and the benefit was granted to the applicant w.e.f. 07.11.2002. But then after 12 years, on 17.12.2012 the Review DPC was held and it held that it should have been given w.e.f. 24.9.2003 only and not from 07.11.2002.

2. We do not want to enter into the rightness or not between 07.11.2002 and 24.09.2003. It is irrelevant. After 12 years, without adequate notice for representation, they cannot have passed such an order behind the back of the applicant. Even otherwise also, after 12 years, such an insignificant thing should not be taken into account at all.

3. Thereafter it is now told that when the applicant was promoted as Grade-II Driver, he was taken into a difference channel as Postal Assistant, which has same pay as Grade-II Driver, but then going by FR 22 (1)(a)(1) when shouldering a higher responsibility, another special benefit is liable to be granted and the authority under the powers which he has under such rule, had granted one increment, which the Audit says it is not correct. Audit is absolutely not correct. Postal Assistant function is much more higher than the driver and involves much more responsibility. Therefore the concerned respondent authority has the power

to grant one increment. There is nothing wrong in all these matters. Even otherwise also the matter is considered by the Hon'ble Apex Court in White Washer's case. Therefore the recovery will not lie in any circumstances. It is hereby quashed. If any money has been recovered, it will be returned within next one month without interest and after that with 10% interest.

4. OA allowed. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA No.170/00301/2018

1. Annexure A1 : Copy of letter dated 24.9.98, M/o Communication, D/o Posts, vide endorsement letter dated 12.11.98 by Supdt. Of Post Offices, Gokak Postal Division.
2. Annexure A2 : Copy of DOPT letter dated 15.2.2001.
3. Annexure A3 : Copy of CPMG, Bangalore letter dated 24.9.2003.
4. Annexure A4 : Copy of Manager Mail Motor Service, Bangalore letter dated 17.12.2012.
5. Annexure A5 : Copy of Chief PMG, Karnataka letter dated 28.2.2013.
6. Annexure A6 : Copy of Post Master Gokak HO letter dated 20.3.2018.
7. Annexure A7 : Copy of representation dated 23.3.2018.
8. Annexure A8 : Copy of M/o Finance, D/o Expenditure, New Delhi letter dated 7.1.2013.
9. Annexure A9 : Copy of Hon'ble Apex Court order dated 18.12.2014 in State of Punjab –vs- Rapiq Messiah (White Washer) in Civil Appeal No.11527/2014.

Annexures referred to by the respondents in the Reply

1. Annexure R1: Copy of pay regulation dated 01.11.2004.
2. Annexure R2 : Copy of ruling of the pay regulation dated 14.3.1963.
