

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00136/2017

DATED THIS THE 12TH DAY OF DECEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

T. Ramesh Babu
Aged about 49 years,
S/o A.S. Thambidurai
Working as Postman,
Rajajinagar H.O.
Bengaluru – 560 010
Residing at No. 831/17 – 10th Cross,
Laggere, Bangalore – 560 058

.....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Rep. by Director General of Post
Department of Post,
Dak Bhavan,
New Delhi – 110 006

2. Chie Post Master General,
Karnataka Circle,
Bengaluru – 560 001

3. Senior Supt. Of Post Offices,
Bengaluru West Division,
Bengaluru – 560 086

4. Senior Post Master,
Rajajinagar H.O.,
Bengaluru – 560 010

5. M.P. Shivakumaran
Postman
Rajajinagar HO,
Bangalore – 560 010

.....Respondents

(By Shri S. Sugumaran, Counsel for Respondent No. 1-4)

ORDER (ORAL)

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

Heard. The applicant was in the general division-wise gradation list as Sl. No. 26 and his junior as Sl. No. 190. The response of the respondents is that it is to be taken as unit-wise and not division-wise and therefore applicant cannot be said to be senior to the concerned private party. But then this matter is covered by the judgment of the Hon'ble High Court of Karnataka in Writ Petition No. 36923/2016 and other connected cases dated 25.08.2016 which we quote below:

“ORDER”

As in all matters, common questions arise for consideration, they are being considered simultaneously.

2. Present petitions are directed against the orders dated 11.02.2016, 30.06.2015 and 20.07.2015 passed by the Tribunal whereby, Tribunal for the reasons recorded in the order has allowed the petitions and has directed revision of pay scale on 01.01.2006 at Rs.6460/- with grade pay of Rs.2000/. It has further directed for pay fixation and consequential benefits.

3. We have heard Mr.Pramod, learned Central Government Counsel appearing for petitioners and Mr. Kamaleshan P., learned counsel appearing for respondent1 to 10 in W.P.Nos. 32846-855/2016 and 32858- 867/2016.

4. Contention raised on behalf of the petitioners is that even if it is considered that for new direct recruits, entry pay scale is minimum of Rs.6460/- with grade pay of Rs.2000/- but so far as earlier direct recruits are concerned, pay scale was different and under the revision of pay scale, ratio for the purpose of revision is with the multiplication factor of 1.86 and to be rounded off to the next multiple of 10. Accordingly, pay

scale fixed would come to Rs.6,240/- It was submitted that only when in a particular unit direct recruits appointed after 01.01.2006 were working and their pay scale was as per the new pay scale of Rs.6,460/- with grade pay of Rs.2000/-, stepping up was permitted but not in respect of all since it was not a case where juniors pay scale were higher than that of a senior. Learned counsel submitted that when the rule provided for revision of pay scale by applying multiplication factor of 1.86, the Tribunal could not have ordered higher pay scale than fixed by the department at Rs.6240/- + grade pay of Rs.2000/- Hence, this Court may interfere.

5. Contention may *prima-facie* show substance but on close scrutiny, it appears that same cannot be accepted for the reasons recorded hereinafter. It is the admitted position that for the new direct recruits who are in the same post and who are to be appointed or may be appointed after 01.01.2006, pay scale is Rs.6460/- with grade pay of Rs.2000/- So far as the applicants before the Tribunal are concerned, it is true that they were appointed prior to 01.01.2006 and at the time when they joined the service, pay scales were different for the same post. However, it is also true that the very pay scale for the direct recruits are revised and minimum pay scale at the entry level is Rs.6460/- + grade pay of Rs.2000/- Under these circumstances, if one who is appointed prior to 01.01.2006 if considered with the multiplication factor of 1.86, he will get lesser pay scale i.e., Rs.6240/- as against the one who is appointed after 01.01.2006 since pay scale of the person appointed after 01.01.2006 would be Rs.6460/- which cannot be accepted and therefore there would be scope for application of stepping up in order to see that the junior may not get the higher pay scale than the senior.

6. The attempt made by learned counsel appearing for the petitioners to contend that so far as stepping up is concerned, same was so permitted if in a particular unit or division there was an appointee after 01.01.2006 together with the person who was already appointed prior to 01.01.2006, but stepping up cannot be made or considered in respect of the direct recruits for the department. Therefore he submitted that the Tribunal has lost sight of the said aspects.

7. In our view, stepping up is not to be considered to a particular unit or a particular division. It is not the case of the petitioners that pay scale was fixed on the basis of a particular unit or division wise nor it is the case of the petitioner that in respect of any direct recruit appointed after 01.01.2006, pay scale is less than Rs.6460/- + grade pay of Rs.2,000/- In these circumstances, parity or for the purpose of stepping up, comparison of the pay scale is to be made cadrewise and cannot be made as unitwise or divisionwise. It is not in dispute that cadre is the same. When cadre is same, whether one works in one unit or another division would hardly make any distinction. If the cadre is same, resultant position would be the junior who had entered service after 01.01.2006

will draw the pay scale at Rs.6460/- + grade pay of Rs.2000/-, whereas, another officer who joined the service for same post prior to 01.01.2006 will be drawing the lesser pay at Rs.6420/- + grade pay of Rs.2000/-, which cannot be permitted and therefore stepping up was required in case of direct recruits appointed prior to 01.01.2006 in revision of pay scale. Such has been so found and ordered by the Tribunal.

8. In view of the above, we do not find any case is made out for interference. Hence, all the petitions are meritless and they are dismissed."

2. In paragraph 6 and 7 the Hon'ble High Court had clearly indicated that it cannot be made unit-wise, therefore, the contentions of the respondents is rejected. Applicant is held to be eligible to the stepping up of pay on par with the private respondent herein.
3. The OA is allowed. Benefits to be made available within two months next. No order as to costs.

(C V SANKAR)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No.170/00136/2017

Annexure-A1: Copy of the SSPO letter dated 04.07.1994

- Annexure-A2: Copy of the gradation list of postman at Rajajinagar HO
- Annexure-A3: Copy of the SSPO letter dated 08.12.2016
- Annexure-A4: Copy of the representation of the applicant dated 21.12.2016
- Annexure-A5: Copy of the Post Master, Rajajinagar letter dated 27.02.2017
- Annexure-A6: Copy of the pay slip of applicant and private respondent for the month of August, 2016
- Annexure-A7: Copy of the ruling on stepping up of pay under FR 22

Annexures with reply statement

Nil
