

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00735/2018

DATED THIS THE 28th DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Sri V.V.Balan, Aged 86 years
S/o Late V.L.Vedarama Iyer
No.75 – Mudappa Road Cross
Bangalore – 560 033.

....Applicant

(Party-in-person)

Vs.

1. Union of India
Represented by the Secretary
Department of Posts, Dak Bhavan
New Delhi-110 001.

2. The Chief Post Master General
Karnataka Circle
Bangalore-560 001.

3. The General Manager Finance (Postal Accounts)
Bangalore GPO, Bangalore-560001.

....Respondents

(By Advocate Sri Vishnu Bhat)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The applicant's case is that he was working as Asst.Suptd. of Railway Mail(ASRM) since 1985 to 1989 and retired voluntarily on 8.5.1989. The scale to the post of ASRM and ASPOs are similar as these posts are the feeder cadre for promotion to Group B(Gazetted). The scale for both the posts was Rs.5500-175-9000. As per Dept. of Posts OM dtd.24.10.2017, the ASPOs shall continue to lie in the Grade Pay

of Rs.4600 in PB-2. This is in compliance of the order in OA.No.289/2013 of the CAT, Ernakulam Bench. It is also stated that this has the approval of the Min. of Finance. The applicant submits that in his case the pay scale has been wrongly fixed by the respondents in the scale of Rs.5500-9000 plus Grade Pay of Rs.4200 instead of Rs.6500-200-10500 plus GP Rs.4600 as is being drawn by all ASPOs and ASRMs in India. The applicant represented the authorities on 31.12.2017(Annexure-A1) for giving the grade pay of Rs.4600 which was forwarded to the Postal Accounts on 5.2.2018(Annexure-A2) and in the reply dtd.27.4.2018(Annexure-A3), the pay scale was known as 6500-10500. Then again the applicant represented on 5.5.2018(Annexure-A4) for which no reply is received. The applicant states that he belongs to the same cadre as that of other ASPOs and ASRMs. For no fault of his, he is losing the pay and allowances to an extent of Rs.1000 plus GP 400 from 1.1.2006 in addition to his additional pension on completion of 80 and 85 years of age plus proportionate DA and other allowances for 12 years continuously and the denial of higher pay to the applicant is against the principles of natural justice. Hence, he filed the present OA praying for a direction to the respondents to grant the scale applicable to the cadre plus GP of Rs.4600 from 1.1.2006 and revise the pension from 1.1.2006 accordingly along with compensation for filing the case.

2. The respondents, on the other hand, have submitted in their reply statement that the applicant was working in the Dept. of Posts as ASRM at the time of taking voluntary retirement from service w.e.f. 8.5.1989. As per the service records of the applicant, he served as SRM for a brief period from 9.7.88 to 3.2.89 only. From 4.2.89, till the date of his retirement, he served as ASRM only, his substantive cadre. The applicant was drawing a pay of Rs.2420/- in the substantive cadre scale

of pay Rs.1640-2900. The corresponding scale under the CCS(RP) Rules 1.1.1996(V CPC) was Rs.5500-9000. Accordingly, the notional pay was fixed and pension was revised. The original pension of Rs.1247/- was subsequently revised in accordance with the revised pension rules and clarifications received thereon from time to time w.e.f. 1.1.1996, 1.1.2006 and 1.1.2016 as Rs.3,767/-, Rs.8,515/- and Rs.23,800/-. The revision of pension is based on the existing pension as on the date of revision and in accordance with the notified provisions and rules, ready reckoners, concordance tables etc., as approved by the Govt. of India/Postal Directorate. These tabulations and documents take into account the existing pension, notional pension corresponding to the upgraded scales(wherever applicable) revised rules etc. in line with the various pay commission recommendations. Therefore, every time a revision takes place, it is comprehensive encompassing all elements that affect the pay/pension of the Govt. servant or a pensioner. The pension revision is always with reference to the scale of pay the Govt. servant was in at the time of retirement. The DOP OM dtd.24.10.2017 was issued in a completely different context and absolutely has no relevance to the case in hand. Consequent on the implementation of the 6th CPC, ASPOs in the DOP were accorded a Grade Pay of Rs.4600 w.e.f. 1.1.2006. When the Inspector of Posts approached the Ernakulam Bench of the Tribunal for grant of Grade Pay of Rs.4600 to them also as was granted to the Inspectors in the CBEC and CBDT, the Tribunal has passed favourable orders. Then the DOP with the approval of the Min. of Finance accorded GP of Rs.4600 to IPs. This meant that the IPs and ASPs who are in the same line of hierarchy were given the same Grade Pay of Rs.4600/- which is applicable only to post 2006 retirees. As per DOP&PW OM dtd.11.2.2009(Annexure-R1) the benefit of upgradation subsequent to their

retirement would not be admissible to pre-2006 pensioners. Since the applicant retired on 8.5.1989 in the scale of Rs.5500-9000 which corresponds to PB 9300-34800 + GP 4200, the benefit of upgradation is not applicable to him. In fact GP of Rs.4600 has not been given to pre 2006 pensioners who were actually in the scale of pay Rs.6500-10500 at the time of retirement. A reference in this regard by the DOP&PW to the DOE was turned down. When pre 2006 retirees who were actually in the 6500-10500 scale were not given the upgraded GP of Rs.4600/-, the argument of the applicant who retired in the scale of Rs.5500-9000(GP Rs.4200) that he should be accorded GP Rs.4600 is farfetched. The pension of the applicant has been correctly revised and is perfectly in consonance with the rules on the subject. The pension revision is neither faulty nor does he suffer loss in pension as claimed by him. Therefore, the OA being devoid of merit is liable to be dismissed.

3. The applicant has filed rejoinder reiterating the submission already made in the OA and submits that the contention of the respondents that the DOP order dtd.24.10.2017 was issued in a completely different context and absolutely has no relevance to the case in hand, is not correct as in the same order, the respondents confirmed that consequent on the implementation of VI CPC, ASPOs in the DOP were accorded the GP Rs.4600 w.e.f. 1.1.2006. Thus there cannot be a different pay scale for the applicant who is also worked as ASRM till the date of retirement. The pension and the Grade Pay are fixed according to the table given by the Government and as such there cannot be a different treatment to the serving ASPOs and retired ASRM when the cadre is one and same and there cannot be a different treatment among officials in respect of pay and pension. As per DOP letter dtd.23.10.2018(Annexure-R2), it is clarified that ASPOs carry higher responsibilities than that of IPOs.

4. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. The main reason for the request of the applicant is the DOP order dtd.24.10.2017 wherein the Grade Pay of ASPOs is mentioned as Rs.4600 w.e.f. 1.1.2006. The applicant would claim that he had worked at the time of his retirement as ASRM which is equivalent to the post of ASPO and therefore he is also eligible to be considered for the Grade Pay of Rs.4600. The respondents would contend that the pension revision is always with reference to the scale of pay the Govt. servant was in at the time of retirement. As admitted by the applicant himself, at the time of his retirement, he was in the category of S10 i.e. Rs.5500-9000 scale. In fact as contended by the respondents persons who were in one higher scale than the applicant at the time of retirement viz., Rs.6500-10500 have also been given the same Grade pay of Rs.4200 as per the 6th pay commission recommendation. The applicant would also cite the order of this Tribunal in OA.No.731/2017 where for persons who were in the pre-revised pay scale of Rs.6500-10500 as on 1.1.2006 will be eligible for a Grade Pay of Rs.4600 corresponding to the pre-revised scale of Rs.7400-11500. The applicant having been only in the pay scale of Rs.5500-9000 cannot claim parity as given to the applicant in the afore mentioned OA. Further the Dept. of Posts OM dtd.24.10.2017 has been given based on an application filed by the All India Association of Inspectors of Posts and Assistant Superintendent of Posts relating to the grant of the Grade Pay of Rs.4600 to the Inspector of Posts from 1.1.2006. This will not be relevant to the applicant since his pension can only be drawn based on the fitment with respect to the scale of pay the Govt.servant was getting at the time of retirement. The respondents have also rightly pointed out that the Dept. of Expenditure, Min. of Finance had not agreed even for upgrading the Grade Pay of

pre-2006 retirees who were in the pre-revised scale of Rs.6500-10500 to the higher Grade Pay. As such the applicant would clearly not eligible for the relief he has prayed for. The OA is therefore dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

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

/ps/

Annexures referred by the applicant in OA.No.170/00735/2018

Annexure-A1: Representation dtd.31.12.2017

Annexure-A2: Reply dtd.5.2.2018

Annexure-A3: Reply dtd.27.4.2018

Annexure-A4: Representation dtd.5.5.2018

Annexures with reply statement:

Annexure-R1: Copy of the OM No.F.No.38/37/08-P&PW(A) dtd.11.2.2009

Annexures with rejoinder:

-NIL-
