

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00853/2015**

**Monday, this the 25<sup>th</sup> day of November, 2019**

**CORAM:**

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**  
**Hon'ble Mr. Ashish Kalia, Judicial Member**

A.Sasidharan, Sorting Assistant,  
HRO, RMS TV Division, Thiruvananthapuram-  
695 036, Residing at C-7, Postal Quarters,  
Kesavadasapuram, Thiruvannathapuram – 695 004. .... **Applicant**

**(By Advocate : Mr. Vishnu S. Chempazhanthiyil)**

**V e r s u s**

1. The Senior Superintendent, RMS TV Division,  
Thiruvananthapuram – 695 036.
2. Chief Postmaster General, Kerala Circle,  
Thiruvananthapuram – 695 033.
3. Union of India, represented by the Director General,  
Department of Posts, Dak Bhavan,  
New Delhi – 110 116. .... **Respondents**

**(By Advocate : Mr. N. Anilkumar, SCGSC)**

This application having been heard on 20.11.2019 the Tribunal on  
25.11.2019 delivered the following:

**ORDER**

**Hon'ble Mr. Ashish Kalia, Judicial Member –**

The relief claimed by the applicant are as under:

- “1. Call for the records leading to the issue of Annexure A4 and A5 and set aside Annexure A4 and A5.
- 2. Direct the respondents to step up the pay of the applicant on par with that of his junior Ravi Manohar Dhas P and C. Rajeevkumar.
- 3. Any other further relief or order as this Hon'ble Tribunal may deem

fit and proper to meet the ends of justice.

4. Award the cost of these proceedings to the applicant.”

2. The brief facts of the case are that the applicant is presently working as a Sorting Assistant in RMS, TV Division. He was initially promoted to the cadre of Sorting Assistant in 1989 in RMS CT Division. Later got transferred to RMS, TV Division. His juniors in the cadre of Sorting Assistant are drawing higher pay than him. The basic pay of the applicant is Rs. 18,730/-, whereas the pay of his junior Shri Ravi Manohara Dhas P. is Rs. 18,880/-. The applicant submitted a representation to the respondents to rectify the anomaly. The 1<sup>st</sup> respondent rejected the claim of the applicant stating that the anomaly occurred on account of applicant's junior being placed on TBOP on 27.6.2006 i.e. after implementation of the VIth CPC while the applicant was placed on TBOP on 27.5.2005 i.e. before VIth CPC. Annexure A4 is illegal, arbitrary and is opposed to well settled position of service law that juniors shall not draw more pay than seniors. The applicant is entitled to have his pay stepped up on par with that of his junior. Aggrieved the applicant has filed the present OA.

3. Notices were issued to the respondents. They entered appearance through Shri N. Anilkumar, SCGSC who filed a reply statement contending that the applicant was given financial upgradation under TBOP scheme w.e.f. 16.5.2005 upon completion of 16 years of service in the cadre of Sorting Assistant. The applicant was further granted third financial upgradation under MACP scheme upon completion of 30 years of service

on 19.7.2012 in the Grade Pay of Rs. 4,200/- . The applicant retired from service on 30.11.2015. The respondents submit that the difference in pay between the applicant and his junior Shri Ravimanoohara Das is due to the fact that the applicant was placed under TBOP before the implementation of VIth CPC whereas the junior was placed under TBOP after the implementation of the VIth CPC. TBOP/BCR schemes are merely financial upgradations and placement in the next immediate higher pay scale based on the length of service of the officials concerned and not on the criteria of seniority. Respondents pray for dismissing the OA.

4. Heard Shri Vishnu S. Chempazhanthiyil learned counsel for the applicant and Mr. N. Anilkumar, SCGSC learned counsel appearing for the respondents. Perused the record.

5. The applicant was initially promoted to the cadre of Sorting Assistant in 1989 in RMS CT Division and later got transferred to RMS, TV Division. The applicant was granted financial upgradation under TBOP scheme w.e.f. 16.5.2005 upon completion of 16 years of service in the cadre of Sorting Assistant before the implementation of the VIth CPC. Thereafter he was granted third financial upgradation under MACP upon completion of 30 years of service on 19.7.2012 in the Grade Pay of Rs. 4,200/- . The applicant retired from service on 30.11.2015. The claim of the applicant is that his junior Shri Ravi Manohara Dhas P. in the cadre of Sorting Assistant is drawing higher pay than him. The basic pay of the applicant is Rs. 18,730/-, whereas the pay of his junior Shri Ravi Manohara Dhas P. is Rs. 18,880/-.

Vide the impugned order at Annexure A4 the respondents rejected the representation of the applicant stating that the difference in pay between the applicant and his junior Shri Ravimanhara Das is due to the fact that the applicant was placed under TBOP before the implementation of VIth CPC whereas his junior was placed under TBOP after the implementation of the VIth CPC. To illustrate, the respondents have detailed the service/pay particulars of the applicant and his junior Shri Ravimanhara Das in a tabulated form which is extracted below:

Month and Year	A. Sasidharan		Month and Year	P. Ravimanhara Das	
	Particulars	Pay		Particulars	Pay
04/1982	Entry into department – 5.4.82 as Mailman	196	05/1990	Entry into department – 28.5.1990 as Sorting Assistant	975
05/1989	Promotion to the cadre of Sorting Assistant	846	06/2006	TBOP in the revised scale	9680+ 2800
05/2005	TBOP in the pre-revised scale	5100	06/2010	MACP II	11670 + 4200 (initial fixation)
07/2010		12060 + 2800	07/2020		12560 + 4200 (refixation)
07/2011		12510 + 2800	07/2011		13070 + 4200
07/2012	MACP III with effect from 19.7.2012	13450 + 4200	07/2012		13590 + 4200
07/2013		13980 + 4200	07/2013		14130 + 4200
07/2014		14530 + 4200	07/2014		14680 + 4200
07/2015		15100 + 4200	07/2015		15250 + 4200

6. Therefore we find that the increase in the pay of the junior to the applicant is on account of fixation granted to him on account of TBOP scheme after VIth CPC. In Annexure A5 it has been clarified by the Ministry of Communications & Information Technology, Department of Posts that after examination and in consultation with the Department of Personnel & Training who is the nodal Ministry for issuing clarifications on ACP/MACP schemes and TBOP/BCR schemes that placements under TBOP/BCR scheme are based on the length of service of the officials concerned and not on the criterion of seniority. Therefore, stepping up of pay of senior officials on par with their juniors is not admissible in cases of anomaly arising out of placement to TBOP/BCR schemes. TBOP/BCR schemes are merely financial upgradations and placement in the next immediate higher pay scale based on the length of service of the officials concerned and not on the criteria of seniority. In the present case the pay of the junior to the applicant is higher on account of placement to TBOP/BCR scheme therefore, stepping up of pay to the applicant is not admissible.

7. The applicant has placed reliance on the decisions of this Bench of the Tribunal in OAs Nos. 180/136/2017 and 180/272/2018. We have gone through the orders passed by this Tribunal and we find the above decisions are not applicable to the present case as the issue involved in that cases were with regard to the eligibility of applicants therein for grant of TBOP/BCR benefits and MACP benefit from the date they were substantively appointed as Postal Assistants by treating their appointment in Postal Assistants as direct recruitment. This is not the issue in the present case.

8. After careful consideration of the facts and circumstances of the case we find no merit in the Original Application. Accordingly, the Original Application is dismissed. There shall be no order as to costs.

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

**(E.K. BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

**“SA”**

**Original Application No. 180/00853/2015****APPLICANT'S ANNEXURES**

**Annexure A1** - True copy of the pay slip of the applicant for the month of September, 2014.

**Annexure A2** - True copy of the pay slip of one Ravi Manohara Dhas P. who is applicant's junior for the month of September, 2014.

**Annexure A3** - True copy of the representation dated 11.10.2014 to the 1<sup>st</sup> respondent.

**Annexure A4** - True copy of the order No. B/19/20 dated 1.12.2014 issued by the 1<sup>st</sup> respondent.

**Annexure A5** - True copy of the communication No. 1-3/2007-PAP dated 6.10.2009 issued by the 3<sup>rd</sup> respondent.

**Annexure A6** - True copy of the order in OA No. 109/2011 and connected cases of this Hon'ble Tribunal.

**Annexure A7** - True copy of judgment dated 16.3.2016 in OA No. 180/00008/2014 of the Hon'ble Tribunal.

**Annexure A8** - True copy of the judgment dated 14.3.2013 in OA No. 1088/2011 of the Madras Bench of the Hon'ble Tribunal.

**Annexure A9** - True copy of the judgment dated 4.2.2015 in WP(C) No. 30629/2014 of the Hon'ble High Court of Madras.

**Annexure A10** - True copy of the order dated 16.8.2016 in SLP No. 4848/2016 of the Hon'ble Supreme Court.

**RESPONDENTS' ANNEXURES**

Nil

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