

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A.No.020/01159/2015

Date of CAV:19.12.2018.

Date of Order :13.02.2019.

Between :

1. CH.V.Krishnaiah, s/o CH.Ramaiah,
Aged about 48 yrs, Occ:Contingent Leave Substitute,
r/o H.No.11/256, Ashok Nagar, Gudur-524101.

2. P.Srinivasulu, s/o P.Masthanaiah,
Aged about 47 yrs, Occ:Contingent Leave Substitute,
r/o H.No.27-10-329, 1st Street, Rayapupalem,
Saraswathi Nagar, SH Peta, Nellore-2.

3. K.Vasantha Rao, s/o K.Achtaiah,
Aged about 50 yrs, Occ:Contingent Leave Substitute,
r/o D.Nof.27-1-387, Patha Goud Hostel, Nellore.

4. S.K.Tajuddin, s/o SK.Khadervali,
Aged about 45 yrs, Occ:Contingent Leave Substitute,
r/o H.No.20/3/167, Mansoor Nagar, 4th Street,
Kotamitta, Nellore-524 001.

5. MD.Khaja Masthan, s/o M.A.Salam,
Aged about 47 yrs, Occ:Contingent Leave Substitute,
r/o D.No.27-01-82, Maszid Street,
Balaji Nagar, Nellore-524 002.

6. K.Asheer, s/o K.John, aged about 38 yrs,
Occ:Contingent Leave Substitute,
r/o H.No.W-1/461-181, Indira Nagar, Gudur.

7. M.Ajay Kumar, s/o M.Sree Ramulu,
Aged about 29 yrs, Occ:Contingent Leave Substitute,
r/o H.No.26-3-1839, Kondaya Palem,
A.K.Nagar, Nellore-524 004.

8. P.Murali, s/o P.Srinivasa Murthy,
Aged about 26 yrs, Occ:Contingent Leave Substitute,
r/o H.No.1/210, EVR Palli, M.V.Nagar,
Gudur Mandal, SPSR Nellore-524 102.

9. T.Rambabu, s/o T.Bodaiah, aged about 35 yrs,
Occ:Contingent Leave Substitute,
r/o E.V.R.Palli, M.V.Nagar, Gudur Mandal,
SPSR Nellore-524 102.

10. S.Bujjamma, w/o S.Jones, aged about 40 yrs,
Occ:Contingent Leave Substitute,
r/o Kodurpadu Village, Nellore District-524 314.

11. M.Giri Babu, s/o M.Ramanaiah,
Aged about 43 yrs, Occ:Contingent Leave Substitute,
r/o H.No.28-3-427, Aravinda Nagar, Mypadu Road,
Nellore-524 102.

12. Y.Suresh, s/o Y.Subbanna,
Aged about 31 yrs, Occ:Contingent Leave Substitute,
r/o N.V.Gardens, Dr.Ambedkar Nagar,
Nellore-524002.

13. V.Vijayakumar, s/o V.S.N.Murthy,
Aged about 26 yrs, Occ:Contingent Leave Substitute,
r/o D.No.28/3/1509, H.Nagar New Colony,
Stonehousepet, Nellore-524 002.

14. G.Murali Krishna, s/o G.Ramanaiah,
Aged about 30 yrs, Occ:Contingent Leave Substitute,
r/o H.Nfo.2/65, Navalakula Gardens, Ambedkar Nagar,
Stonehousepet, Nellore-524 002.

15. R.Venugopal, s/o R.Seshaiah,
Aged about 47 yrs, Occ:Contingent Leave Substitute,
r/o H.No.12/15, Gamalapalem Street, Gudur.

16. P.Sudhakar, s/o P.Subramanyam,
Aged about 44 yrs, Occ:Contingent Leave Substitute,
r/o Sanjay Gandhi Nagar, 1st line, Podalakur Road,
Nellore-524 604.

...Applicants

And

1. The Union of India, rep., by its Secretary,
M/o Communications & IT, Govt. of India,
Dept. Of Posts-India, Dak Bhavan, Sansad Marg,
New Delhi-110 001.

2. The Chief Postmaster General, A.P.Circle,
Hyderabad-500 001.

3. Superintendent, Railway Mail Service,
TP Division, Tirupathi 0517 501.

4. The Head Record Officer, Railway Mail Service,
TP Division, Tirupathi 0517 501.

... Respondents

Counsel for the Applicants ... Mr.M.Venkanna
Counsel for the Respondents ... Mrs.L.Pranathi Reddy, Addl.CGSC

CORAM:

THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)

ORDER

(As per Hon'ble Mrs.Naini Jayaseelan, Member (Admn.))

The applicants have filed the present OA seeking directions to the respondents for payment of arrears of pay and allowances that were increased on the recommendations of the R.S.Nataraja Murthi one man commission increasing the Time Related Continuity Allowance (TRCA) with effect from 01.01.2006, which were denied to the applicants, who have discharged their duties against clear vacancies of GDS Mail Man in the Division of the 3rd respondent.

2. **Brief facts of the case:**

The applicants have submitted that they are officiating as Gramin Dak Sevaks Mail Man (GDSMM) against the clear vacancies for many years even prior to 01.01.2006 when the R.S.Nataraja Murthi Commission's Report with regard to enhancement of pay and allowances of GDS Staff came into effect.

3. The applicants have further submitted that the pay scales of the said posts have been revised w.e.f 01.01.2006 and therefore the arrears to the tune of difference w.e.f. 01.01.2006 to 09.10.2009 have been sanctioned and before the arrears could be drawn and disbursed, the same had been withdrawn as a result of which the applicants were discriminated in payment of arrears of wages for which they are entitled to.

4. The applicants have further submitted that the respondents have drawn arrears of pay and allowances as per the increased TRCA w.e.f. 01.01.2006 to 09.10.2009 to some of the applicants in O.A.No.32/2013, who have worked against the clear vacancies and subsequently, arrears paid to them were sought to be recovered despite their representations therein stating that their request cannot be considered in view of the DG Posts Memo dated 30.05.2012 and the same was communicated, vide memo dated 05.11.2012. Aggrieved by the action of the respondents, the applicants in OA.No.32/2013, similar to the present applicants, have approached this Tribunal by way of filing OA.No.32/2013 and the said OA was allowed, vide order dated 06.09.2014 by setting aside the action of the respondents in effecting recovery of arrears of pay paid to the applicants and directed the respondents to refund the amounts, if already recovered from the applicants therein within a period of three months from the date of the order.

5. The applicants have further submitted that they have made a representation dated 23.1.2015 to the respondents, but in vain. Hence, they have approached this Tribunal seeking a direction to the respondents to draw and disburse the arrears of revision of TRCA w.e.f 1.1.2006 to 9.10.2009 to the applicants in the light of the orders dated 6.9.2014 passed in OA.No.32/2013 by this Tribunal.

6. It is the case of the applicants that there can be no discrimination on the ground that there were no clear cut vacancies as long as the applicants were engaged by the department and were discharging their duties in a satisfactory manner.

7. It is the contention of the Counsel for the Respondents that the applicants herein worked in vacant posts as outsiders, but not worked in leave vacancies.

8. The decision of this Tribunal in O.A.No.32/2013, dated 06.09.2014 clearly states that since there is no denial that the applicants have discharged the duties of GDSMM from 1.1.2006 to 9.10.2009 and there is nothing to support the distinction being drawn between substitutes, who worked against leave vacancies and the applicants, who have apparently worked in vacant posts and are not leave substitutes, the OA was allowed and the action of the respondents in effecting recovery of arrears of pay

paid to the applicants was set aside. In the instant case, the amount has not been paid to the applicants.

9. In view of the above, the OA is allowed with a direction to the respondents for payment of arrears and allowances to the applicants on account of the recommendations of the R.S.Nataraja Murti one man commission increasing the TRCA with effect from 01.01.2006. No order as to costs.

Sd/-

(NAINI JAYASEELAN)
MEMBER (ADMN.)

Dated this the 13th day of February, 2019

Dsn.