

Civil Writ Petition No.3046-CAT of 2003.

**IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

...

Date of Decision: April 30, 2008.

Kanwar Rajinder Singh and others ... Petitioners

VERSUS

**Central Administrative Tribunal, Chandigarh Bench,
Chandigarh, and another** ... Respondents

**CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA.
HON'BLE MR.JUSTICE MOHINDER PAL.**

1. Whether Reporters of Local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. R.S. Manhas, Advocate,
for the petitioners.

Ms. Renu Bala Sharma, Central Government Standing
Counsel, for respondent No.2.

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MOHINDER PAL, J.

In this petition filed under Articles 226 / 227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of certiorari, thereby quashing the order

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dated May 05, 2002 (Annexure P-4) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') whereby Original Application No.429-PB/2002 filed by the petitioners under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'the Act'), was dismissed.

The facts, in brief, are that the petitioners, who are Extra Departmental Branch Post Masters (for short 'E.D.B.P.Ms'), approached the Tribunal with the plea that the Extra Departmental Delivery Agents (for short 'E.D.D.As'), who are subordinate to them and work under their control, are getting higher pay than the petitioners and claimed the pay scales which are made available to the Postal Assistants in the Posts & Telegraph Department. According to the petitioners, the Postal Assistants are identically placed as the petitioners and perform the same duties and functions.

The respondent-Department contested the claim of the petitioners by pleading that E.D.D.As are not under the administrative control of E.D.B.P.Ms. The E.D.D.As are under the administrative control of Sub Divisional Inspectors (Postal). Both E.D.B.P.Ms and E.D.D.As have their respective spheres of duties and responsibilities and they are equally responsible for their work in their respective fields. So far as the claim of the petitioners that their duties are similar to that of Postal Assistants, the respondent-Department pleaded that

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E.D.B.P.Ms and Postal Assistants perform absolutely different duties. Their mode of appointment and educational qualifications are also different. The Postal Assistants have to take competitive examination for typing test or computer test followed by interview for appointment whereas no such procedure is followed for appointing the E.D.B.P.Ms. Moreover, the Postal Assistants are getting the pay scales on the basis of recommendations made by the Central Pay Commission while the pay of E.D.B.P.Ms are fixed on the basis of recommendations given by Justice Talwar Committee, which had taken into consideration the work-load and the duties performed by the E.D.B.P.Ms. The remuneration of E.D.D.As and E.D.B.P.Ms has been fixed by Justice Talwar Committee basing upon the concept of "Time Related Continuity Allowance" (for short 'T.R.C.A'). Thus, the pay scales of Postal Assistants and T.R.C.A in respect of E.D.D.As and E.D.B.P.Ms were granted on the basis of recommendations of different expert bodies since there is no co-relation between the various aspects of these posts. The Tribunal, taking into consideration all these aspects of the matter, dismissed the claim of the petitioners.

After hearing the learned counsel for the parties and perusing the record, we do not find any reason to interfere with the impugned order in exercise of writ jurisdiction of this Court. So far as the pay scales of the employees are concerned, recommendations made by the expert bodies need be

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respected. As stated above, in this case the mode of recruitment of E.D.B.P.Ms and Postal Assistants is different. Their pay scales are also different based on evaluation of nature of their duties, responsibilities and many other factors which were taken care of by the expert bodies. It has also come on record that the work of E.D.B.P.Ms is treated as of part-time nature and they are free to undertake any other job in their spare time. In this view of the matter, E.D.B.P.Ms cannot claim parity with the Postal Assistants.

For the aforesaid reasons, we do not find any merit in this writ petition and dismiss the same.

(HEMANT GUPTA)
JUDGE

(MOHINDER PAL)
JUDGE

April 30, 2008.
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