

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
OFFICE OF THE CHIEF POSTMASTER GENERAL,  
पश्चिम बंगाल सर्किल / WEST BENGAL CIRCLE, कोलकाता / KOLKATA - 700012.

Email: estbwb@gmail.com

To

1. The Postmaster General, Kolkata Region, Kolkata -700012/South Bengal Region, Kolkata -700012/M & BD, Kolkata -700012/North Bengal Region, Siliguri-734001.
2. The Postmaster General, A&N Islands, Port Blair-744101.
3. The General Manager (PAF), Yogayog Bhawan, Kolkata-700012.
4. The Director, Kolkata GPO, Kolkata -700001.
5. The SSPOs, North Kolkata Divn, Kolkata-700037/SSPOs, East Kolkata Divn, Kolkata-700014/SSPOs South Kolkata Divn, Kolkata-700029/SSPOs, Central Kolkata Divn, Kolkata-700007/SSPOs, Barrackpore Dn, Kolkata 700120/SSPOs, Asansol Divn, Asansol-713301/SSPOs Bankura Divn, Bankura-722101/SSPOs Burdwan Divn, Burdwan-713101/SSPOs Howrah Divn, Howrah -711101/SSPOs Midnapore Divn, Midnapore-721101/SSPOs South Hooghly Divn, Shree rampore-712201.
6. The SPOs, Baruipur Divn, Baruipore -700144/SPOs, Nadia North Divn, Krishnagar -741101/SPOs Nadia South Divn, Kalyani-741235/SPOs Barasat Division, Kolkata -700124/SPOs, Murshidabad Divn, Berhampore (WB)-742101/SPOs Birbhum Divn, Suri -731101/SPOs, North Hoogly Divn, Chinsurah-712101/SPOs Purulia Divn, Purulia -723101/SPOs, Contai Divn, Contai-721401/SPOs Tamuk Divn, Tamuk-721401/SPOs Darjeeling Divn, Darjeeling -734101/SPOs Jalpaiguri Divn, Jalpaiguri-735101/SPOs Cooch Behar Divn, Coochbehar -736101/SPOs, Dakhn Dinajpur Divn, Balurghat -733101/SPOs, Uttar Dinajpur Divn, Raiganj-733134/SPOs Malda Divn, Malda-732101.
7. The Dy. SPOs, Sikkim, Gangtok -737101.
8. The Supdt. Postal Store Depot, Kolkata -700001/Foreign Post, Kolkata -700001.
9. The SSRMs Kolkata RMS Divn, Kolkata -700001/SSRMs, AP Stg Divn Kolkata -700004/SSRMs WB Divn, Howrah -711101.
10. The SRMs, RMS SB Divn, Howrah-700001/RMS SG Divn, Siliguri -734001/RMS H Divn, Kolkata -700004.
11. The Sr. Manager, MMS, Kolkata -700015.
12. The Manager, RLO, Kolkata -700001.
13. The ADPS (TO), Circle Office, Kolkata -12 for uploading the copy in Circle website.
14. The ADPS (Staff), Circle Office, Kolkata-12.
15. All Group Officers, Circle Office, Kolkata -700012 (Except sl. No. 17 & 18).
16. The Sr. PS to CPMG, WB Circle, Kolkata -700012.
17. The PS to PMG, M & BD, WB Circle, Kolkata-700012.
18. The PS to DPS (HQ), Kolkata -700012.
19. The Office Supdt. Circle Office, Kolkata -700012.

No. Est/B/Z-7<sup>th</sup> CPC (MACPS)/2016

Dated at Kolkata-12, the 13.07.2023.

**Subject:** Implementation of Hon'ble CAT Hyderabad Bench orders dated 02.12.2021 in OA No. 506/2021-ragarding

With reference to the above mentioned subject, a copy of the Directorate letter No. 2-25/2019-PCC dated 19.06.2023 along with Hon'ble CAT Hyderabad Bench orders dated 02.12.2021 is enclosed herewith for kind information, guidance and taking necessary action.

**Encl:** As stated above.

*Sey* 13/07/23  
**ADPS(Estt,PN,P&SR)**  
O/o the Chief Postmaster General  
West Bengal Circle, Kolkata-12.

**Copy to :-**

1. The Circle secretary, All India Association of Inspector and ASP, West Bengal Circle at o/o the SRM, RMS H Division, Kolkata -700004. A copy of the Directorate letter No. 2-25/2019-PCC dated 19.06.2023 along with Hon'ble CAT Hyderabad Bench orders dated 02.12.2021 is enclosed herewith for kind information.

In this regard, he is requested kindly to furnish the list of members who will fulfill the Criteria as mentioned therein.

**Encl:** As stated above.

*Sey* 13/07/23  
**ADPS(Estt,PN,P&SR)**  
O/o the Chief Postmaster General  
West Bengal Circle, Kolkata-12.

2-25/2019-PCC

I/74695/2023

OM No. 2-25/2019-PCC  
Government of India  
Ministry of Communications  
Department of Posts

Dak Bhawan, Sansad Marg,  
New Delhi – 110001  
Dated: 19.06.2023

**Sub:- Implementation of Hon'ble CAT Hyderabad Bench Orders dated 02.12.2021 in OA No. 506/2021 - reg.**

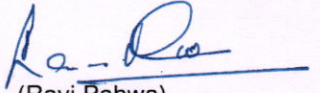
All concerned are requested to refer to the Order dated 02.12.2021 of Hon'ble CAT, Hyderabad Bench in OA No. 506/2021 and Orders dated 03.01.2023 of Hon'ble Telangana High Court in Writ Petition No.43155/2022 regarding grant of non-functional Grade pay of Rs.5400/- in the PB of Rs.9300-34800, or Level-9 of the Pay Matrix on completion of four years in the Grade Pay of Rs. 4800 of PB-2 or Level-8 of the Pay Matrix, as the case may be. Copies of the orders are attached herewith.

2. The Department of Expenditure, Ministry of Finance after examination of the matter, vide their ID Note No. 6(3)/E.III(B)/2018(Pt.II) dated 21.04.2021 has agreed to extend the aforesaid benefit to the applicants of the OA No.506/2021, if they are otherwise eligible for the same.

3. Accordingly, it has been decided with the approval of the competent authority to implement the order dated 02.12.2021 of Hon'ble CAT Hyderabad Bench in OA No.506/2021 by extending the benefit to the eligible applicants in terms of clause 1(x)(e) of Ministry of Finance Resolution No. 1/1/2008 IC dated 29.08.2008. For the sake of clarity, the benefit is to be conferred on the 3 applicants and the **eligible members** of the All India Association of Inspectors & Asstt. Supdt. of Posts (AIAIASP) **as on 22.07.2021**, i.e., the date of filing the OA No. 506/2021. For ascertaining the membership of the eligible applicants, the Circles/Units are requested to refer to Article-5, 37, 38, 41 & 42 of the Constitution of the AIAIASP. A copy of the Constitution of the AIAIASP is attached. The list of members who fulfill the above criteria be obtained from the Association for implementation.

4. Telangana Circle is requested to file a compliance affidavit before the Hon'ble CAT Hyderabad Bench in consultation with Government Counsel/DSG in CP (No.46/2022) and ensure the interest of the Government of India.

5. A compliance report may be furnished forthwith by all concerned Circles/Units. In case of no eligible applicant in any of the Circles/Units, a Nil Report may be furnished.

  
(Ravi Pahwa)

Assistant Director General (GDS/PCC)

(RAVI PAHWA)  
सहायक महानिदेशक  
Assistant Director General  
डाक विभाग/Deptt. of Posts  
डाक भवन/Dak Bhawan  
नई दिल्ली/New Delhi-110001

P.T.O.

2-25/2019-PCC

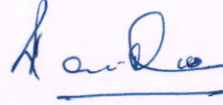
I/74695/2023

Encl :

- i) Order dated 02.12.2021 of Hon'ble CAT, Hyderabad Bench in OA No. 506/2021
- ii) Order dated 03.01.2023 of Hon'ble Telangana High Court in Writ Petition No.43155/2022
- iii) Copy of the Constitution of AIAIASP

Copy to:

1. All Chief Postmasters General.
2. CGM, Parcel Directorate / PLI Directorate / BD Directorate.
3. Director, RAKNPA / GM, CEPT / Directors of All PTCs
4. Addl. Director General, Army Postal Service, R.K.Puram, New Delhi.
5. Deputy Director General (Personnel), Dak Bhawan.
6. All India IP&ASP Association.
7. Guard file / Spare copies.



19/06/2023  
(रवि पाहवा)

(RAVI PAHWA)

सहायक महानिदेशक  
Assistant Director General  
डाक विभाग/Deptt. of Posts  
डाक भवन/Dak Bhawan  
नई दिल्ली/New Delhi-110001



**All India Association of  
Inspectors and Assistant Superintendents of Posts  
(AIAIASP)**

**CONSTITUTION**

(Corrected upto 31st March, 2021)

***Compiled by:-***

**PITABASA JENA**  
General Secretary

**The All India Association of Inspectors and Assistant Superintendents of Posts**

Central Headquarters (CHQ), Qtr No. 12, Khurshid Square,  
P&T Colony, Civil Lines, New Delhi 110054

**CONSTITUTION**  
of  
**The All India Association of Inspectors  
and Assistant Superintendents, Posts**

**PART I – GENERAL**

1. (a) **Name :**

The name of the Association shall be "**The All India Association of Inspectors and Assistant Superintendents, Posts**".

(b) **Headquarters:**

(i) The Headquarters of the **Central Association** shall ordinarily be at the Headquarters of the Director-General, Department of Posts.

(ii) The Headquarters of the **Circle Association** shall ordinarily be at the Headquarters of the Postal Circle.

2. **Aims & Objects:**

(a) To safeguard and promote the Common Service Interests, rights, and privileges of the members of the Association and to get redressal of such grievances as may be brought to the notice of the Association by all constitutional means.

(b) To consider and suggest improvements in their conditions of service, pay, allowances etc.

(c) To co-operate with the Department in exploring ways and means to promote efficiency in the Department.

(d) To promote social, educational and economic uplift of the members.

(e) [**Deleted as per Department of Posts (SR Section) No.T-15/2/2020-SR dated 24<sup>th</sup> July, 2020**].

(f) To do all such other things as are incidental and conducive to the attainment of the above objects or any one of them.

**Note:** The Association shall not, however, take up individual cases.

3. **Registration:**

[**Deleted as per Department of Posts (SR Section) No.T-15/2/2020-SR dated 24<sup>th</sup> July, 2020**].

4. **Constituent Units:**

The Association shall consist of Central and Circle Associations, as its constituent units. Regional/Divisional Groups may also be formed, for organisational purpose wherever found expedient.

5. **Membership:**

- (i) All officials in the cadre of Inspector Posts, Assistant Superintendent Posts, Postmasters/Deputy Postmasters/Sub Post Masters in HSG I (Inspector Posts line), all the officials (Inspector Posts line) officiating in Postal Services Group 'B' on ad-hoc basis **and Assistant Managers working in MMS.**
- (ii) The members of the Circle Association shall be Ex- officio members of the Central Association also.
- (iii) No dual membership shall be allowed (except as Honorary office bearers of their Associations) as allowed by Director General, Posts from time to time.
- (iv) The membership of the Government servant shall be automatically discontinued on his ceasing to belong to such distinct category.

**[Amendment approved vide Directorate No.15-03/2016-SR dated 22/03/2016]**

5 (A) **Membership Register:**

- (i) Membership Registers are to be maintained by the Circle Branches of the Associations. A copy of the membership Register, as also corrections, alterations and additions if any should be sent to the Central Headquarters (C.H.Q) in the month of January every year.
- (ii) This register shall be made available for inspection by any office bearer of the Association.

6. **Admission:**

- (a) Members shall be admitted on application in the manner provided for the Article 5 of the Constitution and CCS (RSA) Rules 1993 and on expressing agreement to abide by the Constitution of the Association.
- (b) Primary membership shall be with the Circle Association only.

7. **Accounting Year**

The Accounting Year of the Association shall be from 1<sup>st</sup> April to 31<sup>st</sup> March.

**8. Funds:**

- (i) The funds of the Association shall be by way of subscriptions and donations from members.
- (ii) The funds of the Association shall be deposited in any scheduled Bank or as the Working Committee may decide. The Account shall stand in the name of the Association and shall be jointly operated by the Secretary and the Treasurer.

**9. Application of Funds:**

The funds of the Association shall be applied for furthering the objectives of the Association as under:

- (a) Payment of salaries, allowances and expenses to office-bearers and representatives of the Association.
- (b) Payment of expenses for the administration of the Association including audit of the accounts of the Association.
- (c) The upkeep of a periodical or journal published by taking approval of the Government.
- (d) The payment of contributions and such other sums to the Circle Branches, as may be determined from time to time:
- (e) The prosecution or defence of any legal proceedings to which the Association or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any right of the Association as such or any right arising out of the relations of any member with his employer.
- (f) The funds of the Association shall be utilised solely for furthering the objectives of the Association.

**10. Sanction of Expenditure:**

- (i) All expenses of recurring nature and of an item of expenditure beyond Rs.5,000/- shall be incurred by the General Secretary with the sanction of the Working Committee.
- (ii) In emergent cases, the General Secretary may spend such sum of money not exceeding Rs.5,000/- with the previous sanction of the President or the Vice-President.

11. **Right of Members:**

The office-bearers and members shall have the right of inspection of the account books, the registers of branches and other similar records on application and the Secretary shall afford every facility for inspection of the documents. All members of the Association shall be entitled to the benefits provided by the Association only as long as they continue to be the members of the Association.

12. **Voting:** Same as provided for elsewhere, resolutions shall be carried by a simple majority vote.

13. **Dissolution of the Association:**

The Association shall not be dissolved except by at least 4/5<sup>th</sup> votes of the delegates at the annual session or at any special session called for the purpose provided that at least 2/3<sup>rd</sup> of the constituent units participate in the voting.

14 (a) **Interpretation of Constitution:**

This constitution shall be construed with reference to the provisions of the Central Civil Services (Recognition of Service Association) Rules, 1993 and the Rules/Guidelines related to recognition of Associations. If any question arises as to the interpretation of the above Rules/Guidelines, the Government's decision shall be final.

**[Substituted as per Department of Posts (SR Section) No.T-15/2/2020-SR dated 24<sup>th</sup> July, 2020]**

14 (b) (1) Any amendment to the constitution shall be made only with prior approval of the Government.

(2) No amendments to the constitution shall be carried except by 51% majority of the voting strength of All India Conference combined with simple majority of the Circles represented in the All India Conference.

15. **Requisition of Meetings:**

(a) The General Secretary shall convene Central Working Committee meetings on requisition being received by the president by half of the Central Working Committee members provided the members are from at least half different circles. The requisition shall state clearly the subject to be discussed in the meeting. The meeting should be convened within a month from the date of receipt of the requisition.



- (b) The Circle Secretary shall convene all meetings of the General body or Circle working Committee as the case may be, on requisition being received by the President at least 1/5<sup>th</sup> of the total membership on roll in case of general body meeting and half of the Circle working committee members in case of Circle Working Committee meeting stating clearly the subject to be discussed at the meeting. The meeting should be convened within a fortnight from the date of receipt of such requisition.
- (c) If the General Secretary/Circle Secretary fails to convene the requisitioned meeting on direction of the President within the specified period of a month/fortnight as the case may be, the President himself / herself will convene the meeting. If the President also fails to convene the meeting, the first signatory of the requisition for meeting shall be competent to hold the meeting after giving due notice to the members and intimating the All India/Circle Branch of the Association concerned. The Meeting thus held shall be valid.

## PART II – CENTRAL ASSOCIATION

16. **Name:** The name of the Association shall be “**The All India Association of Inspectors and Assistant Superintendents, Posts, Central Head Quarters.**”
17. **Headquarters:** The Headquarters of the Central Association shall ordinarily be at the Headquarters of the Director-General, Department of Posts.
18. **Structure:**
- (i) Every member of the Association shall be a member of the Central Association.
  - (ii) Every Circle Association shall be a branch of the Central Association.
19. **Management:** The Management of the Association shall vest in the following bodies
- (a) All India Conference, which shall meet at least once in two years. If elections are not held within three months of expiry of the term, the office bearer would cease to be duly elected representatives of the Association. (A Special Session of the All India Conference shall be convened, as the exigencies may require for the specific purposes only,

by the General Secretary. He/she shall also convene such sessions of All India Conference on the requisition by a simple majority of the Constituent Units of the Association.)

(b) The Central Working Committee, which shall ordinarily meet once in six months, but at least once a year.

20. **Office-bearers:** The Central Association shall have the following Office bearers:

(a)	President-01 (One)
(b)	Vice Presidents-02 (Two)
(c)	General Secretary-01 (One)
(d)	<b>Organising Secretaries-04 (Four)</b>
(e)	<b>Assistant General Secretaries-05 (Five)</b>
(f)	Treasurer-01 (One)
(g)	Assistant Treasurer-01 (One)

**[Amendment approved vide Directorate No.15-03/2016-SR dated 26<sup>th</sup> June, 2020]**

**Note:** The election of office-bearers at items (a) to (g) shall be by secret ballot, if so demanded even by a single member.

20A. Auditor shall be, by appointment from among the members by the All India Conference.

21. **Duration of Office:** All office-bearers shall hold office for the term not exceeding two years and if election is not held within three months of expiry of the term, the office bearers would cease to be duly elected representatives of the Association.

21A. **Vacancies in elected office or post:** Save as provided for elsewhere, in the Constitution, if the post of an office bearer falls vacant by death, acceptance of resignation, expulsion or termination of office or post by expression of no confidence shall be filled as follows:

- a. The office bearers of All India Association by the Central Working Committee.
- b. The office bearers of Circle Association, by the Circle Working Committee.

22. **Channel:** Only the Central Association shall have the right to take up the matters with the Director General / Secretary, Department of Postsand/or other high officers of the Directorate.

**Note:** This shall not, however, prohibit Circle Secretaries from interviewing the Director General/ Secretary, Department of Posts and/or other high officers of the Directorate, while he/she/they is/are on tour, in respect of cases of a local nature.

23. **All India Conference (AIC):**

The All India conference (AIC) shall be the supreme deliberative and legislative body of the Association and shall have absolute control over the affairs and property of the Association. It shall have among others the following specific powers:

- a. To elect office-bearers referred to in Article 20 above.
- b. To consider and adopt the annual report and accounts of the Association.
- c. To adopt the budget estimates of the Association.
- d. To effect change in the Constitution of the Association by  $\frac{3}{4}$ <sup>th</sup> vote of the members present.
- e. To discuss and decide all questions of policy of the Department and the Association.
- f. To formulate the policy of the Association and discussion and decide all questions arising out of the Policy of the department.
- g. To issue rules and bye-laws for the management of affairs of the Association.
- h. To act as a Court of appeal against the suspension or expulsion of any member or office-bearer or any employee of the Association.

24. **Composition:**

**(a) The All India Conference (A.I.C) shall consist of:**

- (i) The elected delegates representing the Circle Associations on the basis of one representative for every 10 members, or part thereof.
- (ii) Ex-officio delegates who shall be the officer-bearers of the Central Association and Circle Secretaries.

**(b) Qualifications:**

- (i) No member who is not on the roll for at least six months prior to the month in which the conference is held and who is in arrears of

subscription for the previous two quarters shall be eligible to be elected as a delegate or office-bearer.

(ii) No circle which is in arrears of payment of quota of subscription to the Central association shall be eligible to be represented at the Conference provided, however, that nothing in the foregoing shall debar a newly affiliated branch from being represented at the Conference in the manner prescribed in Sub-Clause (a) of this article.

**(c) Strength of membership:** The strength of membership of each branch shall be determined on the basis of the average amount of quota of subscriptions remitted by it to the Central Association in between the two conferences viz. after last conference to the next/ensuing conference.

**(d) Voting:** The voting strength in the conference shall be the cumulative voting power of the Circle Association with the Ex-officio delegates who shall each carry one vote. The voting power of a Circle Association/Branch shall be calculated on the basis of total amount of quota of subscriptions remitted to Central Association in between the two conferences viz. after last conference to next/ensuing conference.

25. **Notice of Meetings:** Notice of meeting of the All India Conference shall be served at least 30 days before the date thereof.
26. **Quorum:** The quorum for the All India Conference shall be 5% of the total membership on rolls provided that at least half of the total number of Circle Associations is represented.
27. **Expenses of Delegates to the A.I.C.:** Subject to availability of funds, the Central Association shall bear the traveling and other expenses of the Central Office bearers mentioned in Article-20 and members of the Central Working Committee and Auditor. The expenses of other delegates shall be borne by the respective Circle Associations.
28. **Venue of the Conference:** The venue of the conference shall be the station chosen by the Reception Committee which shall be constituted by the Circle Association which invites the Conference.
29. **Reception Committee:** The Reception committee of the Conference shall be solely responsible for lodging, boarding and reception arrangements and for holding the conference and all expenses in connection therewith. It shall

function under the aegis of the Circle Association concerned and the overall supervision of the General Secretary.

**30. Central Working Committee:**

- (a) The Central Working Committee of the Association shall consist of the office-bearers of the Central Association and Circle Secretaries of the Circle Associations. In the event of any Circle Secretary being unable to attend any meeting, he/she shall be empowered to depute his/her nominee who shall be a member of the Circle Working Committee.
- (b) The Central Working Committee shall ordinarily meet once in every six months, but at least once a year, after due notice of 14 days.
- (c) The quorum for a meeting of the Central Working Committee shall be not less than 1/3<sup>rd</sup> of the members provided, however, that at least three Circle Associations are represented. No quorum is necessary for adjourned meetings. However, the date of the adjourned meeting shall be notified to the Working Committee members.
- (d) In between the sessions of the All India Conference, the Central Working Committee shall exercise all the powers of the All India Conference except those specified in items (a) to (g) of Art 23 provided that the Working Committee's decisions shall be subject to ratification by the All India Conference. The Central Working Committee shall also have the power to accept the resignation of office bearers and fill in vacancies of office-bearers.
- (e) Resolutions shall be carried by a simple majority vote.
- (f) In exceptional cases, the General Secretary of the Association may refer important questions to the votes of all the members of the Association in such manner as may be determined by the Committee. In all such cases, the decision should be by the votes of the majority of the members.
- (g) It shall be the responsibility of the Central Working Committee to place before the All India Conference the annual report, budget estimates and audited accounts.

**31. Functions of office-bearers:**

**(i) President:**

The President shall preside over the meetings of the Working Committee, and the All India Conference and exercise general supervision over the work of the Association.

(ii) **Vice-Presidents:**

The Vice-President shall exercise all the powers of the President in his/her absence and shall assist him/her in his/her work.

(iii) **General Secretary (GS):**

The General Secretary shall be the Executive of the Association and shall administer the affairs of the Association under the control and direction of the Central Managing Body of the Association. He/she shall be ex-officio and the Editor of the Journal of the Central Association, if published by taking approval of the Government.

(iv) **Assistant General Secretaries (AGS):**

The Assistant General Secretaries shall assist the General Secretary in administering the affairs of the Association. In the absence of the General Secretary, one of the AGS preferably AGS-I shall assume the functions of the General Secretary.

(v) **Organising Secretaries (OGS):**

The organising secretaries shall assist the General Secretary in organisational matters.

(vi) **Treasurer:**

The Treasurer shall exercise general control over the funds and the accounts of the Association. His/her specific duties shall be as under:

- (a) He/she shall be personally responsible for the funds of the Association and the records pertaining thereto.
- (b) He/she shall receive contributions, donations and all dues from the Branches and all others and grant proper receipts for all amounts received by him.
- (c) He/she shall retain in hand only the amount necessary for current expenditure and deposit and invest the surplus amount in the manner specified in Article-8(ii).
- (d) He/she shall make payments after getting the vouchers attested by the General Secretary and maintain vouchers for all payments made.
- (e) He/she shall maintain daybooks and other account books and place the accounts month before the General Secretary for scrutiny, approval and signature.

- (f) The accounts shall be maintained in a manner to show under separate heads the income and expenditure as suggested by the Auditor, as the General Secretary may require and in such manner as may be deemed expedient.
- (vii) **Assistant Treasurer:** He/she shall assist the Treasurer. In his/her absence, he/she shall act as the Treasurer.
- 31-A. **Auditor:** The auditor shall audit the accounts of the Association.
32. **Suspension and Expulsion:** The All India Conference or the Central Working Committee shall have the right of suspending and/or expelling any office-bearer of the Association, who shall be furnished with a list of charges in writing and be allowed 21 days from the date of receipt of the charges to submit his defence. If the defence is not submitted within the prescribed period, expert decision shall be taken. Such expulsions or suspension shall be done only with 2/3<sup>rd</sup> majority votes of the delegates or members present. The Suspended or expelled member shall have the right of appeal from the Central Working Committee to the next All India Conference.
- 32-A. In the event of any dispute in the Circle Branch which retards the efficient functioning of the Circle Branch or in the event of the Circle Branch failing to adhere to the constitution of the Association or to the instructions, the direction or decisions of the All India Association delegating General Secretary who is the Chief Executive of the Association to appoint an ad-hoc committee entrusting thereto the entire power of the Circle Branch till such time a Circle Conference is held.
33. **No-Confidence or Censure:** No resolution of No-confidence or censure against any office-bearer or member of the Association shall be taken up at the All India Conference unless 21 days clear notice shall have been previously given to the office bearer or member concerned who shall have the right to submit a defence either in person or in writing.

**PART III – CIRCLE ASSOCIATION**

34. **Name:** The name of the Association shall be "The All India Association of Inspectors and Assistant Superintendents, Posts, \_\_\_\_\_ Circle.
35. **Headquarters:** The Headquarters of the Association shall ordinarily be at the Headquarters of the Postal Circle.
36. **Jurisdiction:** The jurisdiction of the Circle Association shall be co-extensive with the jurisdiction of the Postal Circle.
37. **Admission to Membership:** Any official desiring to become a member of the Association shall fill in, sign and deliver to the Circle Secretary, an application in the prescribed form (Appx. 'A') and pay the prescribed entrance fee and subscription. The Circle Secretary on receipt of the application, the entrance fee of Rs.1/- and subscription shall admit the applicant to membership provided that it shall be within the discretion of the Working Committee to reject any application for membership assigning reasons thereof. A member refused admission shall have the right to appeal to the Central Association.
38. **Subscription:** The monthly subscription shall be **Rs. 100/-** (Rupees **One Hundred only**) per member, payable monthly through check off system by deductions from the salaries by Drawing & Disbursing Officers (DDOs) @ **Rs. 100/-** (Rupees **One Hundred only**) per month. However, in case of new members, they can exercise their option in the month of April and deduction of subscription @ **Rs. 100/-** (Rupees **One Hundred only**) per month will be made by the DDO concerned from 1<sup>st</sup> July of that year. Entire deducted subscription will be remitted to the Circle Branch. 40% of the subscription will be allocated to CHQ and the remaining 60% to Circle Branch (by Circle Secretary).
- [Amendment approved vide Directorate No.15-03/2016-SR dated 19<sup>th</sup> March, 2019]** \* Amendment approved vide Directorate letter No. SR-15/03/2022-SR-DOP dt 14/11/22
39. **Allocation of Subscription:**
- (a) Every Circle Association shall remit to the Central Association 40% of the total subscription realized from its members.



- (b) The Circle Association may allot to the Divisional Group up to a maximum of 10% of the subscription realized by them for their functioning.
40. **Receipts:** Proper receipts shall be granted for money received showing details.
41. **Termination of Membership:** A member's connection with the Association shall terminate.
- (a) On voluntary resignation by a letter addressed to the Secretary and acceptance of the same by the Working Committee.
- (b) On failure to pay subscription for six consecutive months, and
- (c) By expulsion for gross misconduct by a vote not less than three fourth of members present at a General Body meeting.
42. **Readmission:** A defaulting member whose membership has been terminated under Article-41(b) may be re-admitted on payment of arrears of subscription subject to the approval of the Working Committee.
43. **Management:** The Management of the Circle Association shall vest in the following bodies.
- (a) Circle Conference, which shall meet at least once in two years.
- (b) Circle Working Committee, which shall meet at least once between two Conferences.
- (c) General Body meeting which shall be convened as often as necessary after due notice.
44. **Circle Conference:** The Circle conference shall be the supreme deliberative and legislative body of the Circle Association, it shall among others have following specific powers:
- (a) To elect the following office-bearers:

(i)	President-01 (One)
(ii)	Vice Presidents-02 (Two)
(iii)	Circle Secretary-01 (One)
(iv)	Assistant Circle Secretaries-03 (Three)
(v)	Organising Secretaries-04 (Four)
(vi)	Treasurer-01 (One)
(vii)	Assistant Treasurer-01 (One)

**Note: 1.** The election of office-bearers at items (i) to (vii) above shall be by secret ballot, if so, demanded even by a single member.

**Note: 2** If the Circle Conference of a particular Circle desires to have more Organising Secretary or Assistant Circle Secretary they may be so elected.

- (b) To appoint the auditor from among the members.
- (c) To elect the members of the Circle Working Committee not exceeding twenty five.
- (d) To elect the delegates for the All India Conference.
- (e) To consider and adopt the annual report, accounts and budget estimates.
- (g) To adopt resolutions on problems of the members and to devise ways and means to implement the Center's Policy and Directives.

**[Amendment approved vide Directorate No.15/4/2002-SR dated 12<sup>th</sup> July, 2012]**

**45. Composition & Voting:**

- (a) The Circle Conference shall consist of members of the Circle Association.
- (b) Voting shall be decided by a simple majority. In case of division, the President shall have a casting vote.

**46. Circle Working Committee (CWC):**

- (a) The Circle Working Committee shall consist of the office bearers of the Circle Association and the Committee Members. It shall exercise all powers of the Conference in between the two Conferences except those specified in (a) to (e) of Article 44, provided that the decisions of the Working Committee shall be subject to ratification by the Circle Conference. The Circle Working Committee shall also have power to accept the resignation of office-bearers and to fill in vacancies of office-bearers.
- (b) The quorum for a meeting of the Circle Working Committee shall be 1/3<sup>rd</sup> of the strength of the Committee. No quorum is however, necessary for adjourned meetings. However, the date of the adjourned meeting shall be notified to the Working Committee Members.
- (c) Resolutions shall be carried by a simple majority vote.
- (d) It shall be the responsibility of the CWC to place before the Circle Conference Annual Report, budget estimates and audited accounts.

**47. General Body Meetings:** In between sessions of the Conference, the General Body Meetings shall be convened for seeking redressal of the

grievances of members and to instill a spirit of discipline and loyalty to the organisation.

48. **Notice of Meetings:** Notice of the Circle Conference shall be served at least 14 days before the date thereof, notice of General Body Meetings shall be served at least 14 days before the date thereof and notice of the Circle Working Committee meeting shall be served at least 7 days before the date thereof.

Extra-ordinary General Body Meetings and Circle Working Committee meetings may be convened at short notice.

49. **Quorum:** The quorum for the Circle Conference shall be 1/5<sup>th</sup> of the strength of membership or 50 members including office-bearers whichever is less, and at least 1/3<sup>rd</sup> of the total number of groups in the Circle, if there be any is represented.

The quorum for the General Body meetings shall be 1/5<sup>th</sup> of membership or 20 members including office-bearers whichever is less and for the Circle Working Committee Meetings, 1/3<sup>rd</sup> of its strength.

50. **Functions of Office-bearers:**

(i) **President:** The President shall preside over the meetings of the Circle Working Committee, General Body meetings and the Circle Conference and shall exercise general supervision.

(ii) **Vice-Presidents:** The Vice-president shall exercise all the powers of the President in his/her absence and shall assist him in his/her work.

(iii) **Circle Secretary (CS):** The Circle Secretary shall conduct the affairs of the Circle Association under the direction of the Circle Working Committee, the Circle Conference and the General Body. He/she shall maintain the records of the Association and keep minutes of the proceedings of all meetings. He/she shall be the Editor of the Journal of the Circle Association, if published by taking approval of the Government.

(iv) **Assistant Circle Secretaries (ACS):** The Assistant Circle Secretaries shall assist the Circle Secretary in the discharge of his/her duties. In the absence of the Circle Secretary, one of the ACS preferably ACS-I shall perform the duties of the Circle Secretary.

(v) **Organising Secretaries:** The Organising Secretaries shall assist the Circle Secretary in organisational matters.

(vi) **Treasurer:** The Treasurer shall be personally responsible for the funds of the Association and the records pertaining thereto. He/she shall receive contribution and all dues from the members and grant receipts in printed forms for all amounts received by him/her. He/she shall make payments after getting the vouchers attested by the Circle Secretary and maintain accounts for the payments made. He/she shall maintain daybooks and other account books and place the accounts every month before the circle Secretary for scrutiny, approval and signature. The accounts shall be maintained in a manner to show, under separate heads, the income and expenditure, as required by the auditor.

(vii) **Assistant Treasurer:** The Assistant Treasurer shall assist the Treasurer in the discharge of his/her duties. In his/her absence, shall function as the Treasurer.

51. **No-Confidence or Censure:** No resolution of No-confidence or censure against any office-bearer or member of the Association shall be taken up at the Circle Conference or General Body meeting unless 21 days clear notice shall have been previously given to the office-bearers or member concerned who shall have the right to submit a defence either in person or in writing.
52. **Suspension and Expulsion:** The General Body or the Circle Conference shall have the right of suspending or expelling any office-bearer or member of the Association, who shall be furnished with a list of charges in writing and be allowed 21 days' time from the date of receipt of the charges to submit the defence. The suspended office-bearer or member shall have the right of appeal to the All India Conference. No member expelled from the Association shall have any right to any money paid by him to the Association during his/her membership.



Compiled by

**Pitabasa Jena**

**General Secretary**

**The All India Association of Inspectors and Assistant Superintendents,  
Posts,**

Central Headquarters (CHQ), New Delhi 110054

No. SR-15/3/2022-SR-DOP  
Government of India  
Ministry of Communications  
Department of Posts  
(SR Section)

Dak Bhawan, Sansad Marg  
New Delhi-110001  
Dated: 11/12/2022

To

The General Secretary,  
All India Association of Inspectors and Assistant Superintendents, Posts  
Qr. No. 12, P&T Colony, Khurshid Square,  
Civil Lines, Delhi-110054

Subject: Amendments in the constitution of All India Association of Inspectors and Assistant Superintendents, Posts - reg.

Sir,

I am directed to refer to your letter No CHQ/AIAIASP/AIC-Ooty/ Amendment/2022 dated 27.07.2022, on the subject cited above and to inform you that competent authority has approved the following proposed amendment to your Constitution. The amended version will now read as under:

SL.NO.	EXISTING	PROPOSED
1.	<p><b>Article 38: Subscription:-</b></p> <p>The monthly subscription shall be <b>Rs. 100/- (Rupees One Hundred only)</b> per member, payable monthly through check off system by deductions from the salaries by Drawing &amp; Disbursing Officers (DDOs) @ <b>Rs.100/- (Rupees One Hundred only)</b> per month. However, in case of new members, they can exercise their option in the month of April and deduction of subscription @ <b>Rs.100/- (Rupees One Hundred only)</b> per month will be made by the DDO concerned from 1<sup>st</sup> July of that year. Entire deduction subscription will be remitted to the Circle Branch. 40% of the subscription will be allocated to CHQ and the remaining 60% to Circle Branch (by Circle Secretary). <b>[Amendment approved vide directorate No.15-03/2016-SR dated 19<sup>th</sup> March, 2019].</b></p>	<p><b>Article 38: Subscription:-</b></p> <p>The monthly subscription shall be <b>Rs. 150/- (Rupees One Hundred Fifty only)</b> per member, payable monthly through check off system by deductions from the salaries by Drawing &amp; Disbursing Officers (DDOs) @ <b>Rs. 150/- (Rupees One Hundred Fifty only)</b> per month. However, in case of new members, they can exercise their option in the month of April and deduction of subscription @ <b>Rs. 150/- (Rupees One Hundred only)</b> per month will be made by the DDO concerned from 1<sup>st</sup> July of that year. Entire deduction subscription will be remitted to the Circle Branch. 40% of the subscription will be allocated to CHQ and the remaining 60% to Circle Branch (by Circle Secretary).</p>

2. This may be incorporated in the existing constitution of the said Association and a revised copy of the constitution may be submitted on priority basis to this office for official record.

Yours faithfully,

(Nahar Singh Meena)

Asstt. Director General (SR & Legal)

Copy to:

All Head of Circles - for information and necessary action.

एस. आर. अनुभाग

S. R. Section

जारी किया/ISSUED

दिनांक/Date: 14/12/2022



**The All India Association of  
Inspectors and Assistant Superintendents of Posts**  
Central Headquarters (CHQ), Qtr No. 12, Khurshid Square,  
P&T Colony, Civil Lines, New Delhi 110054

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/021/00506/2021**

**Date of CAV : 08.11.2021**

**Date of Pronouncement : 02.12.2021**



**Hon'ble Mr. Ashish Kalia, Judl. Member**  
**Hon'ble Mr.B.V.Sudhakar, Admn. Member**

- 1.All India Association of Inspectors And Assistant, Superintendents, Posts, CHQ New Delhi-110054, Represented by Pitabasa Jena, General Secretary, Aged 49 yrs, Asst Supdt of Posts (Printing), (Group-B), O/o Postal Stores Depot, Bhubaneshwar-751007, Cell No.9437630182, e-mail ID [jpitabasa@gmail.com](mailto:jpitabasa@gmail.com)
- 2.P.Varaprasad S/o P.Aagaiah, (Group-B), Aged about 49 years, Occ : Assistant Supdt. of Post Offices, O/o Superintendents of Post Offices, Hanmakonda Division, Hanmakonda-506001. Cell No.9177434534, e-mail ID [pvaram71@gmail.com](mailto:pvaram71@gmail.com)
3. C.Sri Nagesh, S/o Sitaramanjaneyulu (Group-B), Age 49 years, Occ : Asst.Supdt of Post Offices, O/o CEPT, Hyderabad, Telangana Circle – 500 001. Cell No.9490156725, e-mail ID [challasrinagesh@gmail.com](mailto:challasrinagesh@gmail.com)
- 4.G.Narmada W/o Dasaram (Group-B), Age 45 years, Occ : Assistant Supdt of Post, R/o H.No.8-7-98/30, Plot No.30, DRDL Colony, Hastinapuram Central, Hyderabad-500079. Cell No.7981027956, e-mail ID [narmadagoram9@gmail.com](mailto:narmadagoram9@gmail.com)

...Applicants

(By Advocate : Mr.N.Vijay)

Vs.

- 1.The Union of India, Ministry of Finance, Department of Expenditure, North Block, New Delhi represented by its Secretary.
- 2.The Union of India, Ministry of Communications, Department of Posts, DAK Bhawan, Sansad Marg, New Delhi represented by its Secretary.
- 3.The Director General, Department of Posts, Dak Bhawan, New Delhi.

4.The Additional Secretary and Financial Advisor,  
IFW, Postal Directorate, Department of Posts,  
Dak Bhawan, New Delhi.

5.The Chief Postmaster General, Talangana Circle,  
Dak Sadan, Hyderabad-500 001.

...Respondents

(By Advocate : Mrs.Mega Rani Agarwal, Addl.CGSC)

---





**ORDER**  
(As per Hon'ble Mr. B.V.Sudhakar, Admin. Member)

**Through Video Conferencing:**

2. The OA is filed challenging the denial of grade pay of Rs.5400/- after rendering 4 years of service in the grade pay of Rs.4800/-.



3. Brief facts are that the first applicant is a recognized Association of Inspectors and Asst. Superintendents of Post Offices (ASP). Applicants 2 to 4 are working as ASPs and are members of 1<sup>st</sup> Applicant Association. Being aggrieved that the respondents denied the grade pay of Rs.5400/-, the OA is filed.

4. The contentions of the applicants are that there are various judicial pronouncements in favour of the applicants and that other departments have not refused the benefit even under 7<sup>th</sup> CPC. Surprisingly, Department of Expenditure (for short **DOE**) has turned down the proposal of the Postal Department to grant the relief sought by ignoring clause 1(x)(e) of Government of India Resolution dt. 29.08.2008. The denial decision of Dept. of Expenditure dt. 13.04.2021 is violative of CCS (Revised) Pay Rules, 2008. The enhancement of grade pay is dependent on the number of years served in Grade Pay of Rs.4800/- and not on the post. Respondents have granted similar relief to similarly situated individuals on being directed in OAs No. 296/2014, 1016 of 2020. 7<sup>th</sup> CPC recommended higher grade pay to Inspector posts of Rs.4600/-, ASP Rs.4800/- and to the Superintendent Rs.5400/-. While framing CCS (Revised) Pay Rules of

2016, the relevant rules in CCS (RP) Rules 2008 applicable to the applicants were not repealed to the extent they were not in conflict with 2016 rules (For short 2016 Rules). Indeed, MOF has clarified vide letter dt. 10.04.2017 in consultation with DOE to continue to allow grade pay of Rs.5400/- after 4 years for Superintendent Central Excise/ Customs/ Appraisers of CBEF which was introduced in 6<sup>th</sup> CPC. The benefit stands implemented in Central Excise/ Customs Department. 7<sup>th</sup> CPC recommended the non-functional financial up-gradation from grade pay of Rs.4800/- to GP of Rs.5400/- at paras 11.12.139/11.12.140 for Accounts Officers/ Postal & Railway officers etc. Applicants are working in grade pay of Rs.4800/- since 01.01.2016 and hence eligible for GP of Rs.5400/- w.e.f 01.01.2020. Others ASPs who were similarly placed were granted the benefit prior to implementation of 7<sup>th</sup> CPC. Hence, applicants have been discriminated. Benefits extended in the previous Commissions are never withdrawn.



5. Respondents confirm that they have granted the relief sought to some cadres and continued it under 7<sup>th</sup> CPC. Besides, to some other officers, the benefit was extended under court orders. Requests of some applicants for grant of relief sought was rejected by 2<sup>nd</sup> respondent vide order dt. 28.07.2021 on the grounds that DOE has rejected grant of GP of Rs.5400/-.

6. Heard both the counsel and perused the pleadings on record.

7(I) The dispute is in regard to grant of grade pay of Rs.5400/- after rendering 4 years' service in the grade pay of Rs.4800/-. The Dept. of Posts

has admitted that to some officers, the relief sought was granted and when a proposal was sent to DOE for other similarly placed officers, it was rejected vide ID Note dt. 13.04.2021.



II. To resolve the dispute, it would be beneficial to refer to the accepted recommendations of 6<sup>th</sup> CPC, wherein the benefit of higher grade pay of Rs.5400/- was considered and recommended. The clause 1(x)(e) of the 6<sup>th</sup> CPC is extracted hereunder:

*“Group B officers of Departments of Posts, Revenue, etc will be granted Grade Pay of Rs.5400/- in PB-2 on non-functional basis after 4 years of regular service in the grade pay of Rs.4800/- in PB-2.”*

The Govt. of India accepted the 6<sup>th</sup> CPC recommendations vide Resolution dated 29.08.2008. The recommendation is categorical in allowing the grade pay of Rs.5400/- to Group B officers of the Department of Posts on a non-functional basis after 4 years of regular service in Grade Pay of Rs.4800/-. Based on the 6<sup>th</sup> CPC recommendations, CCS (RP) Rules, 2008 were framed. Rule 3 & 4 are relevant, wherein the Pay structure is defined as under:

Department of Posts

Superintendent (Post)	7500-12000	PB-2	4800	7.15.17
	8000-13500	PB-2	5400	
	(after 4 years)			

The pay structure defined clinches the issue in favour of the applicants.

III. In addition, the same issue was adjudicated in OA 296/2014 and relief was granted on 14.09.2015 by referring to the judgment of the Hon’ble

High Court of Madras. The verdict of the Hon'ble High Court of Madras was upheld by the Hon'ble Supreme Court (Civil) No. 23513 & 3189 of 2015, dt.10.10.2017. Therefore, the findings of the Hon'ble High Court of Madras have attained finality. DOE cannot therefore take a stand contrary to the judicial findings which attained finality. Thus, the basis of rejection of DOE, which is extracted hereunder, is void ab initio:



*“This Department of Expenditure have now clarified that the 4 years period is to be counted w.e.f. the date on which the officer is placed in the pay scale of Rs.7500-1200 (pre-revised). Thus, if an officer has completed 4 years on 01.01.2006 or earlier, he will be given the non-functional upgradation w.e.f. 01.01.2006. If the officer completes 4 years on the date after 01.01.2006, he will be given non functional upgradation from such date on which he completes 4 years in the pay scale of Rs.7500-12000 (pre-revised).”*

IV. Respondents challenged the findings of the Tribunal in OA 296/2014 in Hon'ble High Court at Hyderabad vide WP No. 31576 / 2016 and the outcome was dismissal on 06.11.2018. Respondents thereafter implemented the orders of this Tribunal vide letter dt. 19.08.2019. Applicants claim that similar orders passed by the Hon'ble Chennai and Bangalore Benches of this Tribunal have been implemented and the same has not been refused by the respondents. A similar order granting relief sought in OA No. 1016/2020 dt. 22.01.2020 was implemented vide letter dt. 01.03.2021 of the respondents.

V. In respect of the 7<sup>th</sup> CPC, the accepted recommendations are as follows:

**“Analysis and Recommendations:**

*11.8.21 The Commission has noted that the VI CPC placed Inspector (Posts) at par with Inspectors of CBDT/CBEC. Subsequently, the Inspectors of CBDT/CBEC were elevated to GP Rs.4600. The Commission has further noted that Inspector (Posts) and Inspectors of CBDT/CBEC are recruited through the same combined graduate level examination. The Commission, therefore, recommends that Inspector (Posts) who are*

*presently in the GP Rs.4200 should be upgraded to GP Rs.4600/-. With this upgradation, Inspector (Posts) shall come to lie in an identical grade pay as that of their promotion posts of Assistant Superintendent of Posts (ASPOs). A higher grade would thus need to be extended to ASPOs. Accordingly, the Commission recommends that the promotional post of ASPOs be placed in the next higher GP 4800 and further, the post of Superintendent (Posts), which is presently in the GP Rs.4800, be moved up to GP Rs.5400 (PB-2).*



The recommendation was to increase the grade pay of Inspectors to Rs.4600/-, ASPs to Rs.4800/- and Superintendent of Posts to Rs.5400/-.

Nowhere, has 7<sup>th</sup> CPC denied the grant of grade pay of Rs.5400/- for rendering 4 years' service in GP of Rs.4800/-, as per 6<sup>th</sup> CPC recommendations. Usually, Pay Commissions do not deny the benefits granted in the previous Commission.

VI. It is amusing to note that MOF has clarified vide letter dt. 10.04.2017 in consultation with DOE that relief sought can be granted, as under:

*“The matter has been examined in consultation with Department of Expenditure. Implementation Cell, 7<sup>th</sup> CPC, Department of Expenditure has vide ID Note No. 30-1/17(v)/2016-IC (Pt.I) dated 08.03.2017 clarified that the 7<sup>th</sup> CPC in Para 11.18.63 recommended only normal replacement pay level for Superintendents of Central Excise/ Customs and Appraisers of CBEC. Accordingly, non-functional upgradation (after 4 years of regular service) of Superintendents of Central Excise/ Customs and Appraisers of CBEC introduced on the basis of 6<sup>th</sup> CPC recommendation will continue under the 7<sup>th</sup> CPC regime by replacing the pay structure of Pay Band and Grade Pays with the corresponding Pay Levels/ Cells in Pay Matrix.”*

Though the above order was issued with reference to the Superintendents of Central Excise/ Customs and Appraisers of CBEC, but the principle stipulated applies to all the departments of the Central Government where this issue has to be attended to.

VII. Delving a little deeper into the subject, it would be evident that paras 11.12.139 & 11.12.140, as reproduced hereunder are more specific in granting the relief in question to the Postal and Accounts Officers.

Para 11.12.139

*“The Commission notes that non-functional upgradation from GP 4800 to GP 5400 (PB-3, on completion of four years of service, has been accorded to a number of posts by the Government in 2008 viz., Delhi and Andaman and Nicobar Islands Civil Service, Delhi and Andaman Nicobar Islands Police Service, Officers of the Central Secretariat Service and those of Central Secretariat Stenographers Service as well as other similarly placed Headquarters Services. This has also been extended to Group B Officers of the Departments of Posts and Revenue. While extending this benefit, officers in GP 4800, both in Headquarters and in the field formations of these two organizations have been covered. In 2015, this benefit was also extended to Sections Officers in the Indian Coast Guard.”*

Para 11.12.140

*“The Commission is therefore of the view that there is no justification for excluding officers in the organized accounting Departments who are at GP 4800 from this dispensation. It therefore recommends that all officers in organized accounts cadres (in the Indian Audit and Accounts Department, Defence Accounts Department, Indian Civil Accounts Organization, Railways, Post and Telecommunications) who are in GP 4800 should be upgraded, on completion of four years to GP 5400 (PB-2) viz., Pay Level 9, in the pay matrix.”*

Applying the judicial pronouncements and CPC recommendations cited, the applicants 1 to 3 who worked in the grade pay of Rs.4800/- from 01.01.2016 are eligible for grade pay of Rs.5400 from 01.01.2020 onwards. There can be no iota of doubt in this regard.

VIII. It is also not out of place to state that respondents have granted the relief to similarly placed personnel before implementing 7<sup>th</sup> CPC recommendations. As brought out supra, there is no observation of the 7<sup>th</sup> CPC negating the grant of grade pay of Rs.5400/- after being in grade pay of Rs.4800/-, as recommended by 6<sup>th</sup> CPC and accepted by Government of India. In fact, a quick glance of CCS (RP) Rules, 2016 would reveal that there is no rule repealing the clause of grant of higher grade pay of Rs.5400/- as provided for in CCS (RP) Rules, 2008. In the absence of such repealing provision, DOE has no jurisdiction under the rules to reject the relief sought.

IX. As observed by Hon'ble Supreme Court in a catena of cases, rules are to be followed as under:



In *T.Kannan and ors vs S.K. Nayyar* (1991) 1 SCC 544 where it was held that “*Action in respect of matters covered by rules should be regulated by rules*”. Again in *Seighal’s case* (1992) (1) supp 1 SCC 304 the Hon’ble Supreme Court has stated that “*Wanton or deliberate deviation in implementation of rules should be curbed and snubbed.*” In another judgment reported in (2007) 7 SCJ 353 the Hon’ble Apex court held “*the court cannot de hors rules*”

DOE, therefore could not go back on the stand taken by it, as circulated by MOF vide letter dated 10.04.2017, since it would be infringement of the Hon’ble Supreme Court observations as at above. Further, when the recommendations of 6<sup>th</sup> CPC have been accepted through a cabinet resolution, the DOE cannot supersede the accepted recommendation by an executive ID note dated 13.04.2021. Therefore, the order dated 13.04.2021 lacks jurisdiction and hence, is per se illegal.

XI. Moreover, as observed by the Hon’ble Supreme Court in a series of cases, that benefit granted to employees have to be extended to similarly situated individuals without forcing them to approach the courts as under:

***Amrit Lal Berry vs Collector Of Central Excise, (1975) 4 SCC 714:***

*“We may, however, observe that when a citizen aggrieved by the action of a Government Department has approached the Court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the Department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievances to Court.”*

***Inder Pal Yadav Vs. Union of India, 1985 (2) SCC 648:***

*“...those who could not come to the court need not be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly*

*situated, they are entitled to similar treatment if not by anyone else at the hands of this Court.”*

***V CPC report, para 126.5 – Extending judicial decision in matters of a general nature to all similarly placed employees:***

*We have observed that frequently, in cases of service litigation involving many similarly placed employees, the benefit of judgment is only extended to those employees who had agitated the matter before the Tribunal/Court. This generates a lot of needless litigation. It also runs contrary to the judgment given by the Full Bench of Central Administrative Tribunal, Bangalore in the case of C.S. Elias Ahmed & Ors Vs. UOI & Ors, (OA 451 and 541 of 1991), wherein it was held that the entire class of employees who are similarly situated are required to be given the benefit of the decision whether or not they were parties to the original writ. Incidentally, this principle has been upheld by the Supreme Court in this case as well as in numerous other judgments like G.C. Ghosh V. UOI [(1992) 19 ATC 94 (SC)], dt. 20.07.1998; K.I. Shepherd V. UOI [(JT 1987 (3) SC 600)]; Abid Hussain V. UOI [(JT 1987 (1) SC 147)], etc. Accordingly, we recommend that decisions taken in one specific case either by the judiciary or the Government should be applied to all other identical cases without forcing other employees to approach the court of law for an identical remedy or relief. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of Government employees is concerned and not to matters relating to a specific grievance or anomaly of an individual employee.”*

*In a latter case of **Uttaranchal Forest Rangers’ Assn (Direct Recruit) Vs. State of UP (2006) 10 SCC 346**, the Apex Court has referred to the decision in the case of **State of Karnataka Vs. C. Lalitha, 2006 (2) SCC 747**, as under:*

*“29. Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently.”*

XII. It is interesting to note that some employees in the respondents organization have been granted the relief in consultation with DOE, as admitted by the respondents, in their letter dt. 08.06.2021. Further, the Central Excise Department has for similarly placed employees granted the relief. Further, the orders of the superior judicial fora granting similar relief have been implemented as expounded in the paras supra. Denying the same to the applicants is discriminatory, arbitrary, irrational and illegal. It is a clear infringement of Article 14 of the Constitution.





XIII. Therefore, in view of the orders of the superior judicial fora, as well as the 6<sup>th</sup>/7<sup>th</sup> CPC recommendations/ rules being in favour of the applicants, the ID note of DOE dated 13.04.2021 lacks legal sanctity. Therefore, the same along with consequential letter of DOP dt. 08.06.2021 are quashed and set aside. Consequently, respondents are directed to grant the grade pay of Rs.5400 to the applicants from the date they are eligible with consequential benefits thereof. We also make it clear that the judgment is rendered in rem so that other similarly placed employees are not compelled to knock the doors of the Tribunal. Time calendared to implement the verdict is three months from the date of receipt of this order.



XIV. With the above direction, the OA is allowed with no order as to costs.

**(B.V.SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

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

*evr*

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI  
AND  
HON'BLE SRI JUSTICE PULLA KARTHIK  
WRIT PETITION No.43155 of 2022**

**ORDER:** *(Per the Hon'ble Sri Justice Abhinand Kumar Shavili)*

This writ petition is filed aggrieved by the order dated 02.12.2021 in OA.No.00506 of 2021 passed by the Central Administrative Tribunal (for short 'the Tribunal').

2. Heard Smt. Pranathi Reddy, learned Standing Counsel appearing for the petitioners and N.Vijay, learned counsel appearing for the respondents.

3. It has been contended by the petitioner that the 1<sup>st</sup> respondent is an association and respondent Nos.2 to 4 are employees of Postal Department. The respondents have challenged the order passed by the petitioners dated 13.04.2021 before the Tribunal, contending that they are entitled for Rs.5,400/- grade pay.

4. Learned counsel for the petitioners had further contended that respondent Nos. 2 to 4 were appointed as

Postal Assistants initially and subsequently promoted as Assistant Superintendent of Post Offices and they were placed in the grade pay of Rs.4,600/- after granting MACP scales. Thereafter, the grade pay has been enhanced to Rs.4,800/- and the respondents by relying on CCS Revised Pay Rules, 2006, contended that Group-B Officers of the Department of Posts, Revenue etc., were granted grade pay of Rs.5,400/- in PB-2 of non-functional post, after completion of four years of regular service in Grade pay of Rs.4,800/-. The Tribunal vide order dated 02.12.2021 set aside the impugned order dated 13.04.2021 passed by the petitioners and directed the petitioners to grant grade pay of Rs.5,400/- to the respondents from the date on which they are eligible with all consequential benefits. But the Tribunal has rendered the said Judgment in rem by giving a general direction to the petitioners to extend the grade pay of Rs.5,400/- to all such similarly situated persons also without appreciating the fact that all the employees have not

approached the Tribunal. Learned counsel for the petitioner had further contended that the original grade pay of respondents No.2 to 4 was only Rs.4,600/- by extending of MACP grade pay, their pay has been stepped up to Rs.4,800/-. Originally respondent Nos.2 to 4 are not working as Superintendents, the Superintendent scale is Rs.4,800/- and the respondents were not drawing Rs.4,800/- scale. The petitioners have rightly rejected their case vide order dated 13.04.2021. Therefore, appropriate orders be passed in the writ petition by setting aside the order passed by the Tribunal in OA.No.00506 of 2021 and allow the writ petition.

5. Learned counsel appearing for the respondents had contended that the issue raised in the present writ petition is squarely covered by Division Bench of this Court in WP.No.31576 of 2016 dated 06.11.2018 and pursuant to the order passed by this Court only, the petitioners have issued proceedings dated 19.08.2019 and the Tribunal has considered said fact and rightly allowed the OA preferred by

the respondents. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court having considered the rival submissions made by both the parties is of the considered view that the Tribunal has allowed the OA in favour of the respondents with the following observations.

*“It is interesting to note that some employees in the respondents organization have been granted the relief in consultation with DOE, as admitted by the respondents, in their letter dt. 08.06.2021. Further, the Central Excise Department has for similarly placed employees granted the relief. Further, the orders of the superior judicial for a granting similar relief have been implemented as expounded in the paras supra. Denying the same to the applicants is discriminatory, arbitrary, irrational and illegal. It is clear infringement of Article 14 of the Constitution.*

*Therefore, in view of the orders of the superior judicial fora, as well as the 6<sup>th</sup>/7<sup>th</sup> CPC recommendations/rules being in favour of the applications, the ID note of DOE dated 13.04.2021 lacks legal sanctity. Therefore, the same along with consequential letter of DOP dt.08.06.2021 are quashed and set aside. Consequently, respondents are directed to grant the grade pay of Rs.5,400/- to the applicants from the date they are eligible with consequential benefits thereof. We also make it clear*

*that the judgment is rendered in rem so that other similarly placed employees are not compelled to knock the doors of the Tribunal. Time calendared to implement the verdict is three months from the date of receipt of this order.*

*With the above direction, the OA is allowed with no order as to costs”.*

The Tribunal has specifically allowed the OA in favour of the respondents by observing that similar benefit was extended to several other individuals and the same was denied to the respondents, more so, the issue raised in the present writ petition is squarely covered by the Judgment of this Court in WP.No. 31576 of 2016 dated 06.11.2018. Therefore, we are not inclined to interfere with the order passed by the Tribunal. However, the Tribunal ought not to have rendered the Judgment in *rem* when the effected persons were not before the Tribunal. Therefore, we are confining the relief granted only in respect of respondents and that the finding of Tribunal that by awarding relief to the other similarly situated persons in *rem* is set aside. The rest of the order passed by the Tribunal shall stand confirmed.

7. With the above observations, the Writ Petition is partly allowed. No costs.

8. Miscellaneous applications, pending, if any, in this Writ Petition, shall stand closed.

---

**ABHINAND KUMAR SHAVILI, J**

---

**PULLA KARTHIK, J**

*Date: 03.01.2023*

*Pss/prat*

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI  
AND  
HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.43155 of 2022

*Date: 03.01.2023*

*Pss/prat*