

No.2-13/2014-PAP  
Government of India  
Ministry of Communications  
Department of Posts  
[Establishment Division / PAP Section]  
Dak Bhawan, Sansad Marg,  
New Delhi – 110 001

Dated: 27.03.2019.

To

1. All Chief Postmasters General / Postmasters General,
2. Chief General Manager, BD Directorate / Parcel Directorates / PLI Directorate,
3. Director, RAKNPA / GM CEPT / Directors of All PTCs,
4. Addl. Director General, Army Postal Services, R.K. Puram, New Delhi,
5. All General Managers (Finance) / DAP / DDAP.


Sub :- Regarding anomaly in fixation of pay on promotion.

I am directed to forward herewith a copy of order dated 05.09.2018 of the Hon'ble High Court, Jodhpur Bench in DBCWP No. 2810/2014 filed by Shri Ram Swaroop Joshi V/s UOI, & others on the above mentioned subject wherein it has been ordered that:-

**“The Tribunal has correctly noted that the anomaly is not on account of promotion but on account of the fixation of pay in the new pay scale.”**

You are requested to kindly circulate these orders to all your subordinate offices for information/defending such cases in CAT.

Encl.: As above.

  
[S. B. Vyavahare]  
Asstt. Director General [ESTT.]

Copy forwarded to:-

1. Sr, PPS to Secretary (Posts) / Sr, PPS to Director General Postal Services,
2. PPS / PS to Addl. DG (Co-ordination) / Member (Banking) / Member (O) / Member (P) / Member (Plg & HRD) Member PLI / Member (Tech.),
3. AS & FA
4. Sr. DDG (Vigilance) & CVO
5. Sr. Deputy Director General (PAF) / Director General P&T (Audit),
6. Secretary, Postal Service Board / All Deputy Directors General,
7. Chief Engineer (Civil) Postal Directorate,
8. Budget Section/PA Wing/STI Section of Postal Directorate,
9. All other Sections of Postal Directorate,
10. All recognized (Postal) Federations / Union / Associations,
11. GM, CEPT for uploading the order on the India Posts web site,
12. Guard File,
13. Spare Copies.

HIGH COURT OF JUDICATURE FOR RAJASTHAN  
JODHPUR

D.B. Civil Writ No. 2810/2014

Ram Swaroop Joshi

Versus

Union Of India And Ors.

----Respondent

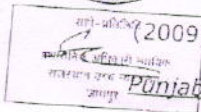
For Petitioner(s) : Mr. Dinesh Ojha.  
For Respondent(s) : Mr. Vipul Singhvi.

HON'BLE THE CHIEF JUSTICE MR. PRADEEP NANDRAJOG  
HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

05/09/2018

1. Heard learned counsel for the parties.
2. Case of the writ petitioner is that concededly Ramesh Chand is junior to him and thus as per the petitioner his pay needs to be stepped up on the principle that a junior cannot receive salary more than the senior. Counsel cited the decision reported as (2009) 1 SCC (L&S) 578 Gurcharan Singh Grewal & ors. vs. Punjab State Electricity Board & ors.



30 DEC 2018 The decision is an authority on the point on which it is rendered keeping in view the facts of the case. The decision of the Supreme Court concerns an anomaly when difference in increments in the scale resulted in a junior getting more pay than the senior.

3. In the instant case what has happened as noted by the Tribunal that the writ petitioner earned a promotion on 17.11.1995. He sought for and was granted one increment in the pay-scale applicable i.e. ₹800-1150. Ramesh Chand was to be

promoted on 22.11.1995 but due to being on leave he joined on 18.02.1996. By then the revised pay-scale of ₹ 2550-3200 had come into being. Thus, the benefit of the increment granted to the Ramesh Chand Soni was in the revised pay-scale. It is apparent that the petitioner did not opt for date of his increment to be deferred. If he done so he would be got same benefit as Ramesh Chand Soni.

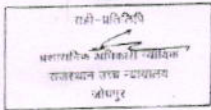
4. The Tribunal has correctly noted that that the anomaly is not on account of promotion but on account of the fixation of pay in the new pay-scale.

5. The writ petition is dismissed.

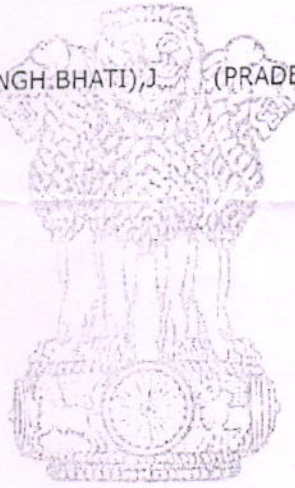
(Dr. PUSHPENDRA SINGH BHATI), J. (PRADEEP NANDRAJOG), CJ



Shutosh



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