



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**ORIGINAL APPLICATION NO.60/721/2021  
DATED THIS THE 21<sup>st</sup> DAY OF APRIL, 2023**

**CORAM:**

**HON'BLE MR. SURESH KUMAR BATRA, MEMBER (J)  
HON'BLE MRS. RASHMI SAXENA SAHNI, MEMBER (A)**

1. Hari Mohan S/o Sh. Krishan Pal Verma, (age 60 Years), Sr. Supdt. of Post Offices (Retd.), Ludhiana City Division (Adhoc), NOW Residence of H. No.954, Sector 21, Panchkula, Haryana. (Group B) Email ID: painihmohan@gmail.com PIN-124112
2. M.L. Gulati S/o Late Sh. Mool Chand, (age 68 Years), Asstt. Director (Retd.), O/o CPMG, Punjab Circle, Chandigarh, NOW Residence of H. No.159, Sector 30, Chandigarh. (Group B) PIN-160030
3. R.D. Kalia S/o Sh. Dina Nath, (age 68 Years), Asstt. Director (Retd.), O/o PMG, Punjab West Region, Chandigarh, NOW Residence of H. No. 98, Kendriya Vihar, Sector 14, Panchkula, Haryana. (Group B) PIN-174112.
4. Gurdeep Singh Brar S/o Sh. Wazir Singh, (age 59 Years), Supdt. Post Offices (Retd.), Bathinda Division, Bathinda, NOW Residence of H. No. 129, Aman Nagar, Zira, Distt. Ferozepur, Punjab. (Group B) PIN-142047
5. Dilbagh Singh Suri S/o Sh. Rattan Singh, (age 61 Years), Supdt. PSD, Ludhiana (Retd.), NOW Residence of Gali No.6, Punia Colony, Sangrur, Punjab. (Group B) PIN-148001.

.... Applicant

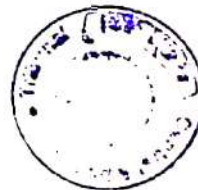
(By Advocate: Sh. Ravinder Pal Singh)

Versus

1. Union of India through the Secretary (Postal), Govt. of India, Ministry of Communication and Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi 110001. Email Id:- secretary-post@indiapost.gov.in.
2. Secretary, Department of Expenditure, Ministry of Finance, North secyexp@nic.in Block. New 110001. Delhi. E-mail:
3. Director General (Posts). Department of Posts, Dak Bhawan, Sansad Marg, New Delhi 110001. Email Id dgposts@indiapost.gov.in.
4. Chief Post Master General, Punjab Circle, SandeshBhawan, Sector 17, Chandigarh. Email Id cpmg pun@indiapost.gov.in 160017.

.... Respondents

(By Advocate: Sh. Sanjay Goyal).



ORDER (ORAL)



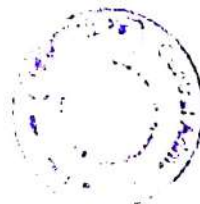
PER: RASHMI SAXENA SAHNI, MEMBER (A)

1. This O.A. has been filed against the order of Chief Post Master General, Punjab Circle, with regard to grant of Grade Pay of Rs.5400/- in pay band 2 on non-functional basis w.e.f. the date of completion of 4 years in grade pay of Rs.4800/-. M.A. No.060/1158/2021 filed by applicants seeking to file joint original application before the Tribunal has been allowed on 19.07.2021.
2. The applicants have sought for quashing of the order dated 08.06.2021 (Annexure A-6).
3. As per facts on record applicants were initially appointed as Postal Assistants then promoted to 'Inspector of Posts', then Assistant Superintendent of post which is a Gazetted Group-B post in PB-2 carrying grade pay of Rs.4600/-. Subsequently on grant of MACP which is only financial upgradation and not promotion, they were granted grade pay of Rs.4800/- and sought enhanced grade pay of Rs.5400/- w.e.f. date on which they completed four years of service. However, their claim was rejected by respondent No.1 vide order dated 08.06.2021 (Annexure A-6).





4. According to the respondents, applicants are not entitled to grant of grade pay of Rs.5400/- in PB-2, not having worked grade pay of Rs.4800/- but having got it by virtue of MACP. According to respondents "Applicants were not appointed to the post of Superintendent in the grade pay of Rs.4800/- but merely drew grade pay of Rs.4800/- by virtue of MACP while holding the lower post than the Superintendent post". Hence applicants being in the Assistant Superintendent cadre are not entitled to NFSG of Rs.5400/- which is meant for Superintendent post.
5. We have heard learned counsels for both the parties and perused pleadings on record.
6. The applicants have relied upon the decision of the Madras High Court in the case of **M. Subramaniam vs. Union of India and others** (W.P. No.132225 of 2010 decided on 06.09.2010) CWP No.13225 of 2010 decided on 06.09.2010 against which the SLP has also been dismissed. They have also relied upon the order dated 21.01.2022 of the Principal Bench in O.A. No.1907/2021, Hyderabad Bench order dated 03.11.2020 in O.A. No.021/00304/2020 and Bangalore Bench order dated 13.11.2019 and also this Tribunal's order dated 06.02.2023 in O.A. No.063/362/2022.





7. This issue has been examined in detail by the Hon'ble Madras High Court and held that if officer completes four years regular service on 01.01.2006, he/she will be entitled/given NFSG from the date on which he/she completes four years in the pay scale of Rs.7500-12000 (pre-revised) and will get grade pay of Rs.4500/-.

c- 8. In fact, Govt. of India having accepted recommendations of 6<sup>th</sup> CPC, issued a Resolution dated 29.08.2008 granting grade pay of Rs.5400/- to the Group B officer in pay band-2 on non-functional basis after 4 years of regular service in grade pay of Rs.4800 in pay band-2. This enhancement of grade pay is not dependent on the post but on completion of 4 years regular service in grade pay of Rs.4800/- in PB-2.

e 9. The above decision of the Hon'ble Madras High Court is also applicable to the facts of the present case. The issue has also been considered in depth by Bangalore Bench in O.As. No.850, 859 and 892 of 2014 decided on 13.11.2019 as also Hyderabad Bench, Principal Bench and this Bench vide order dated 06.02.2023.

10. This being a covered matter, we are of the view that the applicants are entitled to relief. In view of above, the O.A. is allowed and Annexure A-6 is quashed. The respondents

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are directed to grant higher grade pay of Rs.5400/- w.e.f. the date of completion of 4 years of regular service in grade pay of Rs.4800/-. Consequently, respondents are to refix pay along with one increment as laid down in Rule 13 (1) CCS RP Rules, 2008 as claimed vide letter dated 07.10.2009 (Annexure A-2). Respondents are directed as above to refix pay, retiral dues and release arrears within six weeks from the date of receipt of copy of this order.

11. No order as to costs:

(RASHMI SAXENA SAHNI)  
MEMBER (A)

(SURESH KUMAR BATRA)  
MEMBER (J)

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Certified True Copy/प्रमाणित सत्य प्रतिलिपि

अनुभाग अधिकारी (न्याय) / Section officer (Jud.)

कर्मचारी प्रशासनिक अधिकार्य

Central Administrative Tribunal

चण्डीगढ़ / Chandigarh Bench

चण्डीगढ़ / Chandigarh

Sany 12/05/2023