

COURT CASE/MOST IMMEDIATE

F. NO. 2-19/2011-PAP
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS AND I.T.
DEPARTMENT OF POSTS
[ESTABLISHMENT DIVISION: PAP SECTION]

DAK BHAWAN, SANSAD MARG,
NEW DELHI-110001.
Dated: 10 January 2013.

TO

All Chief Postmasters General.

SUBJECT: Implementation of the decision of Hon'ble CAT in OA No. 296/2002, in the matter of S. Mohan Kumar, "on dismissal of WP No. 7593/2003 in the Karnataka High Court, and SLP No.CC 10080/2012 in the Supreme Court of India", regarding treatment of Special Pay/Allowance for fixation of pay on promotion/financial upgradation.

Consequent upon implementation of 5th CPC recommendation contained in Para 109.3 of its report; Special Pay allowed under FR 9(25) was doubled and termed as 'Special Allowance' under DoPT OM No. 4/4/97-Estt.(Pay II) dated 22.04.1998 and given effect to from 01.08.1997. PO & RMS Accountants were in receipt of Special Pay of Rs. 90/- per month before terming the same as special allowance, which was in lieu of separate higher scale. In terms of Ministry of Finance OM No. F.6(1)-E. II(B)/68 dated 08.01.1968; special pay in lieu of separate higher scale drawn in the lower post continuously for a minimum period of three years on the date of promotion/financial upgradation under the normal rules was allowed to be treated as part of basic pay for the purpose of pay fixation.

2. Following dismissal of SLP No. CC 10080/2012 by Apex Court filed by the Union of India against the judgement of Karnataka High Court in WP No. 7593/2003 in the matter of Union of India vs. S Mohan Kumar; the issue of reckoning Special Pay termed as special allowance for the purpose of pay fixation on promotion/financial upgradation (TBOP/BCR) has been examined in consultation with Department of Expenditure, Ministry of Finance. The Nodal Ministry vide ID No. 202660/E-III(A)/2012 dated 21.12.2012 has accorded its concurrence to the implementation of the judgement of CAT Bangalore Bench in OA No. 296/2002 dated 22.10.2002 upheld by Karnataka High Court in WP No. 7593/2003 in respect of Shri S Mohan Kumar and other similarly placed persons, who were promoted after completing three years of service as PO & RMS Accountants before 22.04.1998, and in whose cases, the special pay was Rs. 90/- at the time of promotion.

P. NO. 2~19/2011-PAP q. GOVERNMENT OF INDIA' MINISTRY OF COMMUNICATIONS AND IT.

DEPARTMENT OF POSTS [ESTABLISHMENT DIVISION: PAP SECTTON]

DAK BHAWAN, SANSAD MARG, NEW DELHI-110001. Dated: 10 January 2013.

To

All Chief Postmasters General.

SUEECT: Implementation of the decision of Hon'ble CAT in CA No. 296/2002, in the matter of S. Mohan Kumar, on dismissal of WP No. 753/2003 in the Karnataka Mcoul and SLP N0.CC 1008M2012 in the Supreme Court of Indiflgearding treatment of Special Pay/Allowance for fixation of on promotion/financial uggradation.

Consequent upon implementation of 5th CPC recommendation contained in Para 109.3 of its report; Special Pay allowed under FR 9(25) was doubled and termed as 'Special Allowance' under DoPT OM No. 4/4/97-Estt.(Pay 11) dated 22.04.1998 and given effect to from 01.08.1997. PO 8: RMS Accountants were in receipt of Special Pay of Rs. 90/ - per month before terming the same as special allowance, which was in lieu of separate higher scale. In terms of Ministry of Finance OM No. P.6(1)-E. 11(B) 68 dated 08.01.1968; special pay in lieu of separate higher scale drawn in the lower post continuously for a minimum period of three years on the date of promotion/ financial

upgradation under the normal rules was allowed to be treated as part of basic pay for the purpose of pay fixation.

2. Following dismissal of SLP No. CC 10080/2012 by Apex Court filed by the Union of India against the judgement of Karnataka High Court in WP No. 7593/2003 in the matter of Union of India vs. S Mohan Kurnar; the issue of reckoning Special Pay termed as special allowance for the purpose of pay fixation on promotion/ financial upgradation (TBOP/BCR) has been examined in consultation with Department of Expenditure, Ministry of Finance. The Nodal Ministry vide ID No. 202660/E III(A)/ 2012 dated 21.12.2012 has accorded its concurrence t0 the implementation of the . judgement of CAT Bangalore Bench in GA No. 296/ 2002 dated 22.10.2002 upheld by Karnataka High Court in WP No. 7593/2003 in respect of Shri S Mohan Kurnar and other similarly placed persons, who were promoted after completing three years of service .as PO 8:: RMS Accountants before

22.04.1998, and in whose cases, the special pay was Rs. 90/ - at the time of promotion.



3. I am accordingly directed to convey that the judgements of CAT Bangalore Bench in OA 296/2002 in the matter of S Mohan Kumar, CAT Ernakulam Bench in OAs No. 691/2005 & 347/2006 in the matter of Ms. K Rajeshwari and Ms. Anita K Alexander respectively and CAT Madras Bench in OA 773/2010 in the matter of Ms. Jayalaxmi may be implemented by reckoning the special pay termed as special allowance as part of basic pay for the purpose of pay fixation of the above the then PO & RMS Accountants. The recovery, if any, made from their pay and allowances on this account shall be refunded to them immediately and compliance reported.

4. The aforesaid benefit of pay fixation on promotion/financial upgradation (TBOP/BCR) shall also be extended in all similarly placed cases of the PO & RMS Accountants where the special pay/allowance @ Rs. 90 per month was drawn continuously for three years before 22.04.1998. In cases where the promotion/financial upgradation (TBOP/BCR) has taken place on or after 01.08.1997 but before 22.04.1998, special pay/allowance of Rs. 90/- will only be reckoned for this purpose.

(SURENDER KUMAR)

ASSTT. DIRECTOR GENERAL (ESTT.)

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All GM (Finance/PAF)/Directors of Accounts (Postal) - for information

(SURENDER KUMAR)

ASSTT. DIRECTOR GENERAL (ESTT.)

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I am accordingly directed to convey that the judgements of CAT Bangalore Bench in OA 296/2002 in the matter of S Mohan Kumar, CAT Ernakulam Bench 'm OAs No. 691/2005 & 347/2006 in the matter of Ms. K Rajeshwari and Ms. Anita K Alexander respectively and CAT Madras Bench in OA 773/ 2010 the matter of Ms. Iyalaxmi may be implemented by reckoning the special pay termed as special allowance as part of basic pay for the purpose of pay of the above the then PO 8: RMS Accountants. The recovery, if any, made from their pay and allowances on this account shall be refunded to them immediately and compliance reported.

4. The aforesaid benefit of pay fixation on promotion/ financial upgradation (TBOP/BCR) shall also be extended in all similarly placed cases of the PO & RMS Accountants where the special pa'y/ allowance Rs. 90 per month was drawn continuously for three years before 22.04.1998. In cases where the promotion/ financial upgradation (TBOP/BCR) has taken place on or after 01.08.1997 but before 22.04.1998, special pay / allowance of Rs. 90/ - will only be reckoned for this purpose.

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