



F.No. 01-02/2018-PAP
Department of Posts
[Establishment Division/P.A.P. Section]
Dak Bhawan, Sansad Marg, New Delhi-110001

Dated: 17.09.2019

To

All Heads of Circles.

Sub: Judgment on fixation of pay on re-employment of ex-servicemen by Hon'ble CAT Bangalore Bench.


I am directed to forward a copy of judgment dated 08.08.2019 in OA 170/17/2018 filed by Shri K Keshava Bhat Vs SSP Puttur Dn & Ors in Hon'ble CAT Bengaluru. The subject matter of the case is fixation of pay on re-employment of ex-servicemen in light of DoPT OMs 3/19/2009-Estt (Pay-II) dated 05.04.2010 and 1101965/2015-Estt (Pay-II) dated 28.08.2015.

2.(a) **Case Details:** The applicant, an ex-serviceman was appointed as postal assistant in initial pay Rs 9910 + GP 2400 in 05.04.2011. Then he represented for pay fixation, counting service in Army following annual increments and to permit for exercising option. SSP Puttur (DK) Division rejected the representation and hence the OA.

(b) **Reliefs Sought:** (i) To set aside the orders of SSP Puttur(DK), (ii) Consider his application for pay fixation on re-employment post following one increment each year of Military Service and providing for option, with arrears and consequential benefit, (iii) Grant relief or relief as deemed fit and proper, with costs while applying wrong rules, in the interest of justice and equality.

(c) **Hon'ble Tribunals Judgment:** OA was dismissed, on lack of merits, as the Hon'ble tribunal observed that the contention that the applicant wants his pay to be fixed as per para 16 of the CCS (Fixation of Pay of Re-employed Pensioners) 1986 dated 31.07.1986 but would like his entire pension and other retirement benefits to be untouched cannot be accepted.

3. It is further directed to defend all cases under your jurisdiction of such nature on this ground.


(D. K. Tripathi) 17/9/19

Assistant Director General (Estt.)

Phone – 011-23096191

email- adgestt2@indiapost.gov.in

Encl: as above

- Copy to: 1. DDG (P), Dak Bhawan, New Delhi (for information).
2. GM, CEPT Mysuru, for uploading on IndiaPost website
3. Office copy.

DEPARTMENT OF POSTS, INDIA

Office of the Chief Postmaster General, Karnataka Circle, Bengaluru-560001
(LEGAL CELL): 080-22392590/2591 legal.ka@indiapost.gov.in

Time Bound/With Entry

To:-
wfe ✓
The Director General (Establishment)
PAP Section, Department of Posts
Dak Bhavan, Sansad Marg
New Delhi-110 001

No. LC/2-08/2018 Dated @ Bengaluru-560 001 29/08/2019

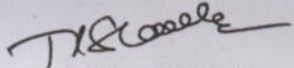
Sub:Order dated 08/08/2019 of Hon'ble Tribunal, Bengaluru in OA No.170/14/2018 filed by Shri. K.Keshava Bhat V/s UOI, & SSPOs Puttur Dn [seeking pay-fixation on re-employed post]-Reg.

Ref: a. Directorate letter No. 1-2/2018-PAP dated 20/02/2018
b. This office letter of even no. dated 27/02/2018.

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The OA came up for pronouncement of orders on 08/08/2019 before the Hon'ble Tribunal, Bengaluru and stands Dismissed. A copy of the order of Hon'ble Tribunal, Bengaluru is enclosed herewith please.

This is for kind information.

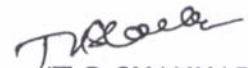
Encl: a/a.

  
(T.R.SHANKAR)  
Asst. Postmaster General (Staff & Legal)  
For Chief Postmaster General  
Karnataka Circle, Bengaluru-560 001

Copy to:

1. The PMG, Legal Cell, South Karnataka Region, Bengaluru-560 001- This has a reference to SK RO letter No. SK/LC/2-4/18 dated 29/10/18. A copy of the order dated 08/08/2019 of Hon'ble Tribunal, Bengaluru in the OA is enclosed herewith for kind information.

29  
Encl: a/a.

  
(T.R.SHANKAR)  
Asst. Postmaster General (Staff & Legal)  
For Chief Postmaster General  
Karnataka Circle, Bengaluru-560 001

AAO-2

ADU(E) Dy 885  
2-9-2019

Dy No. 60/PA7/2019-PND  
2/9/2019

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

1 & 2nd Floors,  
Sri Visvesvaraya Kendriya Bhawan,  
Domlur, Next to CPWD Quarters  
& Domlur Flyover,  
Bengaluru- 560 071,

Dated:- 14 AUG 2019

ORIGINAL APPLICATION NO: 170/00014/2018

APPLICANT(S): Sri Kshava Bhat. K.  
V/s

RESPONDENT(S): Senior Superintendent of Post Office, Puttur (DK) Division,  
Puttur (DK) & Anr.

To.

1. Sri Izzhar Ahmed Advocate  
27, N.P.Lane, Cottonpet,  
Bangalore - 560 053.

2. Sri V.N.Holla Sr. Panel Counsel  
No, 17, "KONARKA"  
7<sup>th</sup> C. Main, Muthyalnagara,  
Bandeppa Gardens,  
Bangalore -560 054.

Subject:- Forwarding of copies of the order passed by the  
Central Administrative Tribunal, Bangalore.

A. Copy of the order dated 08-08-2019 passed by this  
Tribunal in the above OA enclosed herewith for your information and further  
necessary action.

Forwards  
To the CPWD Bldg

For forwarding to

Subj. to Pt. on 08/08/19

SECTION OFFICER  
Central Administrative Tribunal  
Bangalore Bench, Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00014/2018

DATED THIS THE 8<sup>TH</sup> DAY OF AUGUST, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Keshava Bhat K  
S/o.Shri Krishna Bhat K  
Aged about 46 years  
Working as Postal Assistant  
o.o: Sub-Post Office  
Uppinangady Post-574241  
Karnataka.

....Applicant

(By Advocate Sri Izzhar Ahmed)

Vs.

1. Senior Superintendent of Post Office  
Puttur (DK) Division  
Puttur (DK)-574201.

2. Union of India  
through the Secretary  
Department of Post  
(Establishment Division)  
Dak Bhavan  
Sansad Marg  
New Delhi-110 001.

....Respondents

(By Advocates Sri V.N.Holla, Sr.PC for CG)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The case of the applicant in a nutshell is that the applicant was discharged from the post of Combatant Clerk after completing 20 years 9 months of service from Indian Army on 30.11.2010(Annexure-A1). He was drawing last pay of Rs.11,830 CP Rs.4200 while discharging from Indian Army. After going through the

