

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.

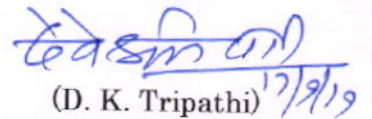
I am directed to forward a copy of judgment dated 08.08.2019 in OA 170/17/2018 filed by Shri K Keshava Bhat Vs SSP Puttur Dn & Ors in Hon'ble CAT Bengaluru. The subject matter of the case is fixation of pay on re-employment of ex-servicemen in light of DoPT OMs 3/19/2009-Estt (Pay-II) dated 05.04.2010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

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