

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19758 of 2024

1. The Union of India through the Secretary-cum-Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna, Bihar, Pin-800001.
3. The Director of Accounts (Postal), Bihar Circle, Patna G.P.O. Campus, Patna, Bihar, Pin-800001.
4. The Senior Superintendent of Post Offices, Patna Division, Patna, Bihar, Pin-800004.
5. The Chief Post Master Patna G.P.O., Patna, Bihar, Pin-800001.
6. The Deputy Chief Post Master (Administration), Patna, Pin-800001.

... .. Petitioner/s

Versus

1. Braj Kishor Sharma, son of Late Kuldip Sharma, Resident of Village and Post-Siyarampur, Via. Paliganj, District Patna, Bihar, Pin-801110.
2. Mithilesh Kumar, son of Late Byasdeo Singh, Resident of Village and P.O. Mahajpura, Via Bikram, District Patna, Bihar, Pin-801104.
3. Om Prakash Sharma, son of Late Indra Deo Sharma, Resident of Village Sakarigali Alwakatpur, Behind Thakurbari, P.O. Guljarbagh, District-Patna, Bihar, Pin-800007.
4. Mahendra Singh, son of Late Baldewan Singh, Resident of Village New Natthupur, P.O. Kurthaul, Via. Punpun, District Patna, Bihar, Pin-804453.
5. Ganesh Prasad, son of Late Jamuna Prasad, Resident of Village Kuwan Bazar Khusrupur, P.O. Khusrupur, District Patna, Bihar, Pin-803202.
6. Rajesh Kumar Chaudhary, son of Late Ram Chandra Chaudhary, Resident of Village and P.O. Baikatpur, District Patna, Bihar, Pin-803205.
7. Ajay Kumar Singh, son of Tripit Narayan Singh, Resident of Village and Post Office-Lanka Kachhuara, Via. Punpun, District Patna, Bihar, Pin-804453.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar, Advocate

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 15-09-2025

The present writ application has been preferred against the order dated 08.02.2024 passed by the Central Administrative Tribunal, Patna Bench (for brevity the 'Tribunal') in OA No. 050/00057/2018, whereby the Tribunal directed the petitioners to pay the respondents herein the balance of remuneration due to them for the period they functioned as officiating Postman between 01.01.2006 to 31.12.2015.

2. The brief facts giving rise to the present writ application are that the respondents were engaged as Gramin Dak Sevaks (hereinafter referred to as 'GDS') under Patna Postal Division. They discharged their duties in officiating capacity against the vacant posts of Postman for different periods between 01.01.2006 to 31.12.2015 under the orders of the competent authorities. During such period, the respondents were paid remuneration at the rate of Rs. 5200 plus Grade Pay of Rs. 2000/- with permissible Dearness Allowance.

3. Before the learned Tribunal, the grievance of the respondents was that they were entitled to equal pay and allowances, as had been paid to the similarly situated GDS



officiating as Postman in Muzaffarpur Division for the same period. The learned Tribunal, upon consideration, allowed their claim. Aggrieved from the order of the learned Tribunal, the present writ petition has been preferred by the petitioners.

4. Learned counsel for the petitioners submitted that the issue in question had never been raised by the respondents during any routine audit inspection conducted by the Department. It is contended that the respondents, being GDS in Patna Postal Division, worked as officiating Postman purely on a temporary basis and only as substitutes in short term departmental vacancies of Postman, this fact has not been considered by the Tribunal while allowing their grievance, as they could not be paid remuneration in Pay Structure meant for direct recruits. It is further contended that pursuant to the order of the Tribunal, the matter was enquired and it was found that excess payment had been made to 50 GDS who officiated as Postman under different period between 01.01.2006 to 31.12.2015, violating the Directorate's Circular dated 27.03.2009. The process of recovery of excess payment from the employees and the erring officials, has been initiated.

5. Learned counsel for the respondents submitted that for the entire officiating period in Patna Postal Division, they



were paid remuneration at the rate of Rs. 5200 plus Grade Pay of Rs. 2000/- with permissible Dearness Allowance, whereas the similarly situated GDS officiating as Postman in Muzaffarpur Postal Division from 01.01.2006 to 31.12.2015 were paid remuneration at the rate of Rs. 6460 plus Grade Pay of Rs.2000/- with permissible Dearness Allowance. It is contended that both Patna and Muzaffarpur Postal Division fall under the Bihar Circle, which is headed by the Chief Postmaster General and, therefore, the applicants were entitled to be paid identical pay and allowance as was being paid for Muzaffarpur Division. Learned counsel for the respondents further pointed out Circular dated 27.03.2009 of the Department of Posts, Ministry of Communications & IT, Government of India, which clarifies that the entry pay in the revised pay structure for direct recruits appointed as Postman on or after 01.01.2006, would be Rs. 6460/- plus Grade Pay of Rs. 2000, totalling Rs. 8460. It is further contended that the learned Tribunal rightly allowed their claim and as such, the order impugned requires no interference in this writ petition.

6. The respondents had given a representation to the concerned department, however, no decision was taken by the petitioners on the representation of the respondents. The



respondent preferred an OA before the learned Tribunal, whereby, the learned Tribunal, on basis of facts and materials on record, allowed the OA and held that the similarly placed officials in two different divisions in the same circle could not have any difference in pay/remuneration. The learned Tribunal, on the basis on the fact that similarly placed officials were paid the increased salary, had allowed the application. The relevant paragraph of the impugned judgment is reproduced as under:

“8. As Muzaffarpur Postal Division and Patna Postal Division both come under Chief Postmaster General, Bihar Circle, there cannot be difference in pay/remuneration among similarly placed officials in the two divisions. Based on the submission of counsel for respondents, we are of the view that applicants are entitled for Rs. 6460+2000 GP+ Permissible DA, the remuneration given to similarly placed GDS officiating as Postman under Muzaffarpur Division. Respondents have paid remuneration to applicants @ Rs. 5200/-+2000 GP + admissible DA.”

7. After considering the facts and submissions made by both the parties, it is an admitted fact that similarly placed officials had been given an increased pay/remuneration of Rs. 6460 plus Rs. 2000. They are similarly placed employees who are under a different division, but under the same circle. As such, there needs to be a parity in the remuneration which is



given by the department to officials who are similarly situated. The Apex Court, in *State of Punjab v. Jagjit Singh*, reported in (2017) 1 SCC 148, has held as under:

“42.2. The mere fact that the subject post occupied by the claimant is in a “different department” vis-à-vis the reference post does not have any bearing on the determination of a claim under the principle of “equal pay for equal work”. Persons discharging identical duties cannot be treated differently in the matter of their pay, merely because they belong to different departments of the Government.

42.3. The principle of “equal pay for equal work”, applies to cases of unequal scales of pay, based on no classification or irrational classification. For equal pay, the employees concerned with whom equation is sought, should be performing work, which besides being functionally equal, should be of the same quality and sensitivity.”

8. In the present case, the GDS in Patna and Muzzafarpur Divisions were equally placed, and were performing similar duties, officiating as Postman. The GDS who were officiating as postman in the Muzzafarpur Division were the ones who were paid the increased pay/remuneration. Therefore, the GDS in Patna Division had to be paid the same amount, in parity with the Muzzafarpur Division. The



department cannot claim that they (respondents) were appointed on temporary basis, and, therefore, were not entitled to the increased pay/remuneration, because the officials from the Muzzafarpur Division were also placed similarly but were paid increased pay/remuneration.

9. The submission by the department that the officials in the Muzzafarpur Division were paid extra and the recovery has been initiated by the department, cannot be entertained by this Court as the said recovery was done after the judgment was passed by the learned Tribunal. Such additional facts which were not presented before the learned Tribunal cannot be entertained in this Writ Petition. The apex court in ***Greater Mohali Area Development Authority v. Manju Jain***, reported in ***(2010) 9 SCC 157*** has observed the same. The relevant paragraph of the judgment is reproduced as under:

“26. It is settled legal proposition that pure question of law can be raised at any time of the proceedings but a question of fact which requires investigation and inquiry, and for which no factual foundation has been laid by a party before the court or tribunal below, cannot be allowed to be agitated in the writ petition. If the writ court for some compelling circumstances desires to entertain a new factual plea the court must give due opportunity to the opposite party to controvert the



same and adduce the evidence to substantiate its pleadings. Thus, it is not permissible for the High Court to consider a new case on facts or mixed question of fact and law which was not the case of the parties before the court or tribunal below.”

10. In light of the facts and materials available on record and the discussions made above, we find that the order passed by the learned Tribunal does not suffer from any illegality or perversity.

11. The impugned order of the Central Administrative Tribunal dated 08.02.2024 is affirmed.

12. Accordingly, the writ application stands dismissed.

13. Interlocutory application, if any, shall also stand disposed of.

(Sudhir Singh, J)

(Alok Kumar Pandey, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2025
Transmission Date	

