

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 574 of 1993.

DATE OF DECISION 1-4-1993

P.R.P. Chandran _____ Applicant (s)

M/s MC Cherian & TA Rajan _____ Advocate for the Applicant (s)

Union of India rep. by Under
Secretary, Central Water
Commission, Sewa Bhavan, RK Puram
New Delhi and others. Respondent (s)

Mr George CP Tharakan by
Ajit Prakash _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N Dharmadan, Judicial Member

and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

Shri N Dharmadan, J.M

The applicant is aggrieved by order dated 27.5.92 at Annexure-VII by which his pay has been fixed in the lower scale of pay of Rs 196-232 even though his service was regularised in the higher cadre as per order dated 24.4.92 at Annexure-VI passed by the Executive Engineer. On the basis of that order, he is entitled to the scale of Rs 260-400. After the impugned order was passed, the applicant filed a representation dated 1.12.92 at Annexure-VIII before the Respondent-2 claiming fixation of pay in terms of the order dated 24.4.92 at Annexure-VI. A similarly situated employee had filed OA 684/91. That was heard and allowed as per judgment dated 2.9.92 at Annexure-X.

with the following directions:

"In this view of the matter, we are of the view that the applicant is entitled to the same relief which has been granted by the Ahmedabad Bench of the Tribunal to Shri Nanu Panchaman as per Annexure XIX judgment. Accordingly, we allow the application and direct respondent to post the applicant as work sarkar Grade-II or any equivalent post w.e.f. the date when he joined Cochin Unit pursuant to Annexure-XI order dated 21.5.84. He is also entitled to all consequential benefits. We make it clear that since the applicant was working at Cochin in a lower post, he is only entitled to the difference in salary of Khalasi and Work Sarkar Grade-II. This shall be done within a period of three months from the date of receipt of this judgment."

He also submitted that one Shri Yohannan who has obtained a judgment on 11.2.93 at Annexure-XI has also filed representation for getting similar benefits.

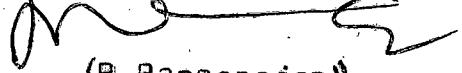
2 At the time when the case was taken up for admission, learned counsel for the applicant submitted that the original application may be disposed of directing Respondent-2 to dispose of Annexure-VIII representation, taking into account the findings in Annexure-X judgment.

3 Learned counsel for the respondents ^{was} also heard at the admission stage, ^{and} has no objection in accepting the course suggested by the learned counsel for the applicant. Accordingly, we are satisfied that interest of justice would be met in this case if we dispose of the application directing Respondent-2 to consider ^{the} Annexure VIII representation filed by the applicant in the light of the judgment at Annexure-X and dispose of the same in accordance with law.

This shall be done within a period of three weeks
from the date of receipt of a copy of this judgment.

4. The application is disposed of as above.

There will be no order as to costs.



(R Rangarajan)
Administrative Member



(N Dharmadhan) 1.4.93
Judicial Member

1.4.93