

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 25 JAN 1995

APPLICATION NO: 1227 of 1994.

APPLICANTS:-Sri.V.Thimmachary, Bangalore.

V/S.

RESPONDENTS:-The Secretary, Ministry of Defence, N Delhi
and two others.,

To

1. Sri.M.Madhusudhan, Advocate,
No.844, upstairs, Fifth Block,
Rajajinagar, Bangalore-560010.
2. Sri.M.Vasudeva Rao, Addl.CGSC,
High Court Bldg, Bangalore-1.
3. The Director,
D.E.B.E.L.,
A.D.E.Campus,
C.V.Raman nagar,
Bangalore-560 093.

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

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 16th January, 1995.

Issued on
25/01/95

[Signature]

9/c

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1227/ 1994

MONDAY, THE 16TH DAY OF JANUARY, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

V. Thimmachary,
S/o Venkatachary,
Aged about 40 years,
Senior Scientific Assistant,
D.E.B.E.L.,
A.D.E. Campus,
C.V. Raman Nagar,
Bangalore - 560 093. ... Applicant

(By Advocate Shri M. Madhusudhan)

Vs.

1. Union of India,
Rep. by its Secretary to Govt.,
Ministry of Defence,
South Block,
New Delhi - 11.

2. The Scientific Advisor &
Director General,
R&D South Block,
Ministry of Defence,
New Delhi - 11.

3. The Director,
D.E.B.E.L.,
A.D.E. Campus,
C.V. Raman Nagar,
Bangalore - 560 093.

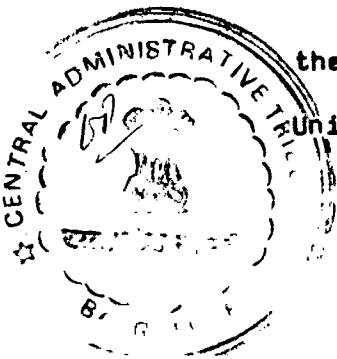
... Respondents

(By Addl. Standing Counsel for Central
Government, Shri M.V. Rao)

ORDER

Shri V. Ramakrishnan, Member (A)

We have heard both sides. The department while implementing the directions of this Tribunal in the case of R. Pinto and others vs. Union of India and in other cases involving the same issue had granted



10/1/94

...2/-

higher pay scale to a number of Senior Scientific Assistants with effect from various dates by the order dated 3rd June, 1994 (Appendix to the order as at Annexure A-6). As it is not in dispute that the persons who got the benefit are junior to the present applicant, he had approached the department by a representation dated 22.6.94 with the request that he should also be given the same benefit. The department had replied on 2.8.94 as at Annexure A-8 para 2 of which states as follows:

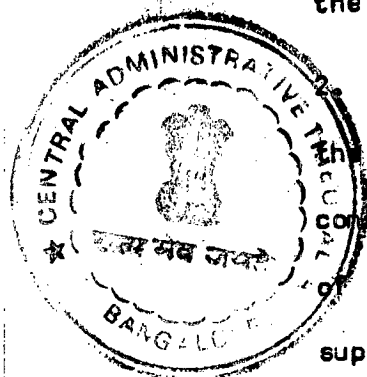
"2. In this connection an extract of reply received from DRDO Hqrs vide their letter No. 16328/ARB/RO/Pers-1 dated 29 July 1994 is furnished below for your information:-

"The representation in respect of Shri V. Thimmachary, SSA forwarded vide your letter under reference has been examined at this HQ and in this connection, it is stated that the individuals mentioned by Shri Thimmachary in his representation were placed in higher pay scale based on the judgements of Hon'ble CAT Bangalore Bench in the OAs filed by the said individuals and not by the regular procedure followed in placement of individuals in higher pay scale.

In view of the above, the question of protection of pay does not arise". "

It is not denied that the applicant is senior to those who were given the benefit.

Following the orders made in OA No. 458/90 to 500/90 as also the decision rendered in 110/93 and 322/93, we direct the Department to consider the claim of the applicant and to extend to him the benefits of the judgement rendered in Pinto's case and to the OAs referred to supra. This should be done within three months from the date of receipt of a copy of this order. No costs.



TRUE COPY

Section Officer (A.N. VUJJANARADHYA)
Central Administrative Tribunal MEMBER (J)
Bangalore Bench TCV
Bangalore

Sd/-
(V. RAMAKRISHNAN)
MEMBER (A)