

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 146/89.

Date of Decision :

--T.A.No.--

<u>N.Ramu & 5 others</u>	Petitioner.
<u>Shri A.Krishna Rao</u>	Advocate for the petitioner (s)
Versus	
<u>Engineer-in-Chief, Army Headquarters, New Delhi-110011 & 4 others</u>	Respondent.
<u>Shri E.Madan Mohan Rao, Addl. CGSC</u>	Advocate for the Respondent (s)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R.Balasubramanian : Member(Admn)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

No

HJNM
M(J)

HRBS
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.146/89.

Date of Judgment 5-2-91

1. N.Ramu
2. D.Surya Rao
3. B.Kanaka Rao
4. R.Simhachalam
5. P.Tata Rao
6. Ch.Bhaskara Rao .. Applicants

Versus

1. Engineer-in-Chief,
Army Headquarters,
New Delhi-110011.
2. Chief Engineer,
MES Visakhapatnam Zone,
Visakhapatnam-8.
3. Commander Works Engineer,
MES Station Road,
Visakhapatnam-4.
4. Commander Works Engineer,
Project & Dry Dock,
Visakhapatnam-14.
5. Garrison Engineer,
Naval Base,
Visakhapatnam-5. .. Respondents

Counsel for the Applicants : Shri A.Krishna ^{murthy.} Rao
Counsel for the Respondents : Shri E.Madan Mohan Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)
Hon'ble Shri R.Balasubramanian : Member(Admn)
[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

Shri N.Ramu and 5 others have filed this application
under section 19 of the Administrative Tribunals Act, 19
against the Engineer-in-Chief, Army Headquarters,
New Delhi-110011 and 4 others seeking a direction that
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impugned order No.90270/89/EIC dated 9.5.88 of the 1st respondent be quashed.

2. The applicants had been promoted as Motor Pump Attendants in the scale of Rs.260-400 from various categories after 1.1.84. All of a sudden, the respondents placed them in the category of ~~Mate~~^{also}/MPA in the scale of Rs.210-290 w.e.f. 1.1.84 and they ordered recovery of ~~the~~ excess amount paid. The applicants are aggrieved:

(a) that no prior notice whatsoever had been given by the respondents before lowering them in scale and order consequent recovery.

(b) that they had in any case functioned as MPAs after 1.1.84 upto the date of the impugned order.

(c) that in a similar case pertaining to Refrigeration Mechanics pending before the Andhra Pradesh High Court recoveries had been stayed.

(d) that the respondents cannot extract the work of a MPA after placing them in a lower scale.

3. The respondents have filed a counter. They have, ~~also~~ ~~pointed out~~ pointed out that all the applicants are not functioning as MPAs from 1.1.84 but on different dates after that. The Engineer-in-Chief, Army Headquarters, New Delhi had issued an order that Mazdoors, Chowkidars, ^{who} Safaiwalas and unskilled category were originally in the scale of Rs.196-232 cannot be promoted to skilled category even if they had qualified in the trade test prior to the issue of ~~the~~ Government orders. Hence they support the action taken.

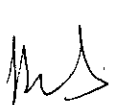
To

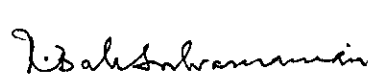
1. The Engineer-in-Chief,
Army Headquarters, New Delhi-11.
2. The Chief Engineer, MES Visakhapatnam Zone,
Visakhapatnam-8
3. The Commander Works Engineer, MES Station Road,
Visakhapatnam-4.
4. The Commander Works Engineer,
Project & Dry Dock, Visakhapatnam-14.
5. The Garrison Engineer,
Naval Base, Visakhapatnam-5.
6. One copy to Mr.A.Krishna ~~Marty~~ Advocate,
16-1-372, Saidabad, Hyderabad- 659.
7. One copy to Mr.E.Madanmohan Rao, Addl. CGSC. CAT.Hyd.
8. One copy to Hon'ble Mr.R.Balasubramanian, Member(A)CAT.Hyd.
9. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J) CAT.Hyd.
10. One spare copy.

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4. We have heard the learned counsel for the applicants and the respondents. It was pointed out that even at the time of admitting this application the linkage between this application and a similar application (O.A.No.536/88) had been indicated. We have gone through the connected ~~case~~ O.A.No.536/88 also and find that it is almost identical ~~to the one before us.~~ ^{to} as the one before us. The impugned order and the grounds raised in this application are the same as those raised in O.A.No.536/88 which had already been adjudicated on 2.5.90. The two cases being identical, the learned counsel for the applicants pleaded that the judgment given in O.A.No.536/88 should be applied to the present case also. ~~The learned counsel for the respondents did not resist this plea.~~ We agree with the learned counsel for the applicants that the judgment delivered in O.A.No.536/88 is ~~being~~ applicable to the present case and therefore pass the same order viz: in view of the facts stated above, we quash the impugned order No.90270/89/EIC dated 9.5.88 of the 1st respondent. Be it added here that if there are similar cases before the respondents they will do well to dispose them of also in the light of these two orders at their own level without driving the applicants to this Tribunal.

5. The application is accordingly allowed. There will be no order as to costs.


(J. Narasimha Murthy)
Member(Judl).


(R. Balasubramanian)
Member (Admn).

Dated 5th Feb., 1991.

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

Dated: 5 - 2 - 1991.

ORDER / JUDGMENT:

M.A./R.A./C.A. NO.

in

T.A. No.

W.P. No.

O.A. No. 146/89

Admitted and Interim directions
issued.

Allowed ✓

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

