

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~
Hyderabad

O.A. No. 751/89. 198
CA No.

DATE OF DECISION 30/10/89

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B. N. Jaiswartha, Jc,

The Hon'ble Mr. J. N. Murthy, Jm (3)

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

MGIPRND-12 CAT/86-3-12-86-15,000

bns
(bns)


(Jm)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 751 of 1989

Date of Order: 30-10-1989

K.Subbaramaiah

..Applicant

Versus

Secretary, Defence Department,
New Delhi and others

..Respondents

....

For Applicant: E.Kalyana Ram (Not present)

For Respondents: Mr.Parameshwar Rao for
Mr.Ramakrishna Raju, Sr.C.G.S.

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C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI U.NARASIMHA MURTHY: MEMBER(JUDL.)

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(Judgment delivered by Shri B.N.JAYASIMHA: Vice Chairman)

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1. This is an application by an Ex-Havildar/Clerk for a declaration that the action of the respondents in giving effect to the new pay scales of defence personnel of subordinate staff with effect from 1-1-1982 instead of 1-1-1986 as illegal.

2. The applicant states that he was recruited in Army as Clerk (CD) and assigned military No.6636765 during 24-3-1963 in Arms Service Crops (Supply), Bangalore. He was promoted as Havildar during 1st April, 1971. He was

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To

1. Secretary to Govt. of India,
Defence Department, New Delhi.
2. Secretary to Govt. of India,
Finance Department, New Delhi.
3. Office Incharge Records,
Sena Seva Corps Abhilake(Parti),
A.S.C.Records(supply), Bangalore-560 007.
4. One copy to Mr.E.Kalyan Ram, Advocate,
3-6-469/2, Himayatnagar, Hyderabad-500 029.
5. One copy to Mr.P.Ramakrishna Raju, Sr.CGSC,
CAT, Hyderabad.
6. One spare copy.

ghm/

..2..

discharged from Military Service on medical grounds on 6-7-1983 and he was drawing a monthly pension of Rs.549/- including allowances. The applicant states that there has been a discrimination in the revision of pay while fixing the revision of pay between officers and lowest staff. The applicant belongs to Subordinate staff. The Government after receiving 4th Pay Commission recommendations revised the pay scales of the officers with effect from 1-1-1982 and whereas the scales of the Subordinate Officers with effect from 1-1-1986, which he says is illegal. Hence, he filed this application.

2. Neither the applicant nor his counsel is present. We have heard shri Parameshwar Rao, for Shri Ramakrishna Raju, Sr.Standing Counsel for the Department.

3. It is seen that the applicant is seeking relief as a member of the Armed Forces and ~~under~~ⁱⁿ section 2 of the Administrative Tribunals Act, 1985, it is laid down that the provisions of the Act shall not apply to any Member of the Naval, Military or Air Force, or any other armed force of the Union. Therefore, Section 2 of the Administrative Tribunals Act, 1985 is a bar to the jurisdiction of this Tribunal in hearing this application.

4. In the circumstances, the papers may be returned to the applicant to file before the appropriate Court, as it is not entertainable under section 19 of the Act. It is accordingly dismissed. No costs. (Dictated in Open court)

B.N. Jayasimha
(B.N.JAYASIMHA)
Vice Chairman

J.N. Murthy
(J.N.MURTHY)
Member (Judl.)

Dt. 20th October, 1989.

SQH*

2-16-89
JTHW
11/11/89

TV
Dep. Secy
11/11/89

DRAFT BY

CHECKING BY

H.D.R.

6/11/89
2/1/89

TYPED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

HON'BLE MR. B. N. JAYASIMHA: V.C. ✓

AND

~~HON'BLE MR. D. SURYARAO: MEMBER (J)~~

AND

~~HON'BLE MR. D. K. CHAKRAVORTY: M (AD.)~~

AND

HON'BLE MR. J. NARASIMHAMURTHY: M (J) ✓

DATED : 30/10/89

~~ORDER~~ / JUDGMENT

~~L.A. NO. / (W.P. No. /~~

o.G.A. No. 751/89

~~Allowed~~

Dismissed ✓

~~Dismissed of~~

~~Ordered~~

No order as to costs.

PSR

