

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 821/89

Date of Decision : 19-6-92

T.A.No.

C. Chandran Petitioner.

Y. Suryanarayana Advocate for the
petitioner (s)

Versus

Govt. of India represented by the Secretary,
Min. of Defence, New Delhi and three others Respondent.

N. Bhaskar Rao Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. P.C. Jain, Member (Admn.), Principal Bench

THE HON'BLE MR. T. Chandrasekshara Reddy, Member (Judl.)

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

T. S. M.
(HTCR)
M(J)

G.
(HPCJ)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH
AT HYDERABAD

DA.821/89

Date of Decision : 19-6-92

Between

C. Chandran

: Applicant

and

1. Govt. of India, represented by
The Secretary
Ministry of Defence
Department of Defence Production
New Delhi 110 011

2. The Ordnance Factory Board
represented by
The Secretary
Ordnance Factory Board
Calcutta 700 001

3. The General Manager
Ordnance Factory Project
Yeddumailaram
Medal District (AP) 502 205

4. Govt. of India, represented by
The Secretary
Ministry of Finance
New Delhi 110 001

: Respondents

Counsel for the applicant : Y. Suryanarayana
Advocate

Counsel for the respondents : N. Bhaskar Rao
Central Govt. Standing Counsel

CDRAM :

HON. MR. P.C. JAIN, MEMBER (ADMN.), PRINCIPAL BENCH

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench delivered by Hon. P.C. Jain,
Member (Admn.)

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The applicant in this case was working as Office Superintendent Grade II in Ordnance Factory, Ambajhari, and was transferred to Ordnance Factory Project in Yeddumailaram, Medak District, on 3-2-1986. His grievance is that he has not been paid the benefits of the Defence Ministry's Circular dated 29-12-1975 after revision of pay scale with effect from 1-1-1986. He alleges that the action of the respondents is not only arbitrary but also discriminatory. The respondents have contested the OA by filing a reply. We have carefully perused the material on record and also heard learned counsel of both the parties.

2. The issue involved in this case has already been adjudicated by us in OA.605/89, in which the judgement has been delivered just now and the decision in that case fully covers the case in this OA.

3. In view of this, OA.821/89 is partly allowed with the following directions :-

(1) The emoluments drawn by the applicant on the basis of average of the three months preceding the month in which he was transferred to the Ordnance Factory Project, Yeddumailaram, Medak District, will be computed taking into account (i) the basic pay in the time scale of pay; (ii) dearness allowance, additional dearness allowance, ad-hoc relief/ interim relief on the basic pay as admissible under the rules; (iii) Overtime allowance; & (iv) Overtime Bonus.

(2) If on transfer to the Ordnance Factory Project, Yeddumailaram, Medak, ^{ex the} these emoluments fall short of the emoluments ~~as~~ at old station as calculated in (i) above, the applicant would be entitled to the difference for the period during which such a difference exists. This will, however, be subject to all other conditions in regard to the period, counting of such difference for certain other purposes etc. as prescribed in the Defence Ministry's Circular dt.29-12-1975.

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The arrears, if any, in pursuance of the above directions shall be paid within a period of four months from the date of receipt of a copy of the judgement. If, however, the applicant is found to have received any excess payment due to inclusion of Overtime Allowance and Overtime Bonus in the total at the old station, vis-a-vis the emoluments, excluding HRA, CCA, etc. at the new place of posting, the respondents shall be entitled to recover the same by adjustment in future payments within a total period of 12 months after the expiry of four months from the date of receipt of a copy of the judgement.

4. On the facts and circumstances of the case, we leave the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

P.C. Jain
(P.C. JAIN)
Member (Admn.)

Dated Juen 19, 1992
Dicated in the Open Court

8/3/92
Deputy Registrar (J)

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To

1. The Secretary, Govt. of India,
Ministry of Defence, Dept. of Defence Production,
New Delhi-11.
2. The Secretary, Ordnance Facory Board, Calcutta-1.
3. The General Manager, Ordnance Factory Project,
Yeddumailaram, Medak Dist. (AP) 205.
4. The Secretary, Govt. of India, Min. of Finance, New Delhi-1.
5. One copy to Mr. Y. Suryanarayana, Advocate, CAT. Hyd.
6. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
7. One copy to Hon'ble Mr. T. Chandrasekhar Reddy, M(J) CAT. Hyd.
8. One spare copy.

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13/7/92