

(38) (36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 822 of 1989

Date of Order: 14/12/1989

Achuyut Rama Rao and
43 others

..Applicants

Versus

Union of India, rep. by the
Secretary to Government,
Ministry of Defence, New Delhi,
and 41 others

..Respondents

For Applicants: Mr.K.S.R.Anjaneyulu, ~~Advocate~~

For Respondents: Mr.N.Bhaskar Rao, Addl.CGSC

C O R A M:

HON'BLE SHRI D.SURYA RAO: MEMBER (JUDICIAL)

HON'BLE SHRI R.BALA SUBRAMANIAN: MEMBER (ADMNV.)

(Judgment delivered by Shri D.Surya Rao, Member (Judicial))

1. The applicants herein are working as
Draughtsman Gr^a I in the Military Engineering Works
Department at Secunderabad. They seek a direction to
grant them the pay scale of Rs.560-750 with effect from
1-11-1983 with all consequential benefits.

2. We have heard the learned Counsel for the
applicants Shri K.S.R.Anjaneyulu and Shri N.Bhaskar Rao,
Addl.Central Government Standing Counsel.

3. Similar cases were disposed of by the
Calcutta Bench of the Central Admnv.Tribunal in O.A.8/67

contd.2

To:

1. The Secretary to Government, (Union of India)
Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Head quarters,
New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. The Chief Engineer (Projects) & FY Secunderabad.
5. The Chief Engineer (Projects) R.D. Secunderabad.
6. One copy to Mr. K.S.R. Anjaneyulu, Advocate, 1-1-365/A,
Jawaharnagar, Bakaram, Hyderabad-500 020.
7. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
8. One spare copy.

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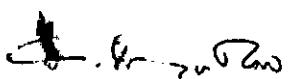
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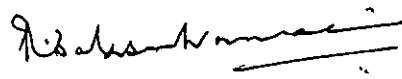
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(37) (39)

and the Chandigarh Bench of the Tribunal in O.A.No. 753/PB/88, dated 22-6-1989, wherein identical persons who were given the scale of 560-750 as in the case of Grade-I Draughtsman, in the CPWD. The scale was given retrospective effect from 1-11-1983. The learned counsel for the respondents Shri Bhaskar Rao raises the question of limitation viz., that the application is barred under section 21 of the Administrative Tribunals Act, 1985. This matter has been dealt by the Chandigarh Bench wherein it has been held that the applicants have a recurring cause of action, that is they have a grievance at the end of every month when they are paid less than what they claim on the basis of parity. It has been further held that when similarly placed persons are entitled to the Higher scales of 560-750 from 1-11-1983, denial of parity to a section of the Draughtsmen Grade-I working in the MES, would be infractive of Articles 14 and 16(1) of the Constitution. In these circumstances, the objection as to limitation is over-ruled. For the reasons given by the Calcutta Bench and Chandigarh Bench of the Tribunal with which we respectfully agree, the respondents are directed to grant the pay scales of 550-750 with effect from 1-11-1983 with all consequential benefits. The direction of this Tribunal will be implemented within 3 months from the date of receipt of this order. The application is disposed of accordingly. In the circumstances, parties will bear their own costs.


(D. SURYA RAO)
MEMBER (J)


(R. BALA SUBRAMANIAN)
MEMBER (A)

(Dictated in Open Court)
Dt. 14th December, 1989.

SQH*

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DEPUTY REGISTRAR (J) 9.11

Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B.N.JAYASIMHA: (V.C.)
AND

HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)

HON'BLE MR. R.BALASUBRAMANIAN:
AND
HON'BLE MR. D.K.SAKRAVORTY: MEMBER: (A) ✓

HON'BLE MR. J.NARASIMHA MURTHY: MEMBER (J)

DATED: 14-12-89

ORDER/JUDGMENT

M.A./R.A./C.A./No. in

T.A. No. (W.P.No.)

O.A.No. 822/89

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

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