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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 175 of 1990

MISCELLANEOUS APPLICATION NO. \_\_\_\_\_ of 1990

Shri N. Ramakrishna P. Gu. Applicant(s)

Versus

Controller, N. G. N. 1 - H. N. 1

P. Gu.

Respondent(s)

This Application has been submitted to the Tribunal by

Mr. B. G. Ravindra Reddy, Advocate

Under Section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1985.

The Application has been in order and may be listed for admission on 28-2-90.

DEPUTY REGISTRAR (J)

SCRUTINY OFFICER.

## Particulars to be examined

## Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly?
9. Have the chronological details of representations made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal?
11. Are the application/duplicate copy/spare copies signed?
12. Are extra copies of the application with annexures filed
  - (a) Identical with the original
  - (b) Defective
  - (c) Wanting in Annexures

No. .... /Page Nos. .... ?

  - (d) Distinctly Typed?
13. Have full size envelopes bearing full address of the Respondents been filed?
14. Are the given addresses, the registered addresses?
15. Do the names of the parties stated in the copies, tally with those indicated in the application?
16. Are the translations certified to be true or supported by an affidavit affirming that they are true?
17. Are the facts for the case mentioned under item No. 6 of the application
  - (a) Concise?
  - (b) Under Distinct heads?
  - (c) Numbered consecutively?
  - (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for, stated with reasons?

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI

APPLICANT (S) *N. N. Namah & Son*

RESPONDENT (S) *Bantella, W. C. N. 1, Hyd. & Son*

Particulars to be examined

Endorsement as to result  
of examination

- |    |  |           |
|----|--|-----------|
| 1. | Is the application Competent?  | <i>Yn</i> |
| 2. | (a) Is the application in the prescribed form?   | <i>Yn</i> |
|    | (b) Is the application in paper book form?   | <i>Yn</i> |
|    | (c) Have prescribed number complete sets of the application been filed?  | <i>Yn</i> |
| 3. | Is the application in time?  | <i>Yn</i> |
|    | If not, by how many days is it beyond time?  |           |
|    | His sufficient cause for not making the application in time, stated?   |           |
| 4. | Has the document of authorisation/Vakalat name been filed?   | <i>Yn</i> |
| 5. | Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D./I.P.O. to be recorded.              | <i>Yn</i> |
| 6. | Has the copy/copies of the order(s) against which the application is made, been filed?                         | <i>Yn</i> |
| 7. | (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? | <i>Yn</i> |
|    | (b) Have the documents referred to in (a) above duly attested and numbered accordingly?                        | <i>Yn</i> |
|    | (c) Are the documents referred to in (a) above neatly typed in double space?                                   | <i>Yn</i> |

TEMPED BY

COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

*The Hon'ble Mr. N.V. Krishnan : V.C. (A)*  
THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

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

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY  
: MEMBER (J)

AND

THE HON'BLE MR.

DATED: 22-2-1993

~~ORDER/JUDGMENT:~~

R.P./C.P/M.A. No.

in

C.A.No. 175/90

T.A.No.

(W.P.No.

)

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

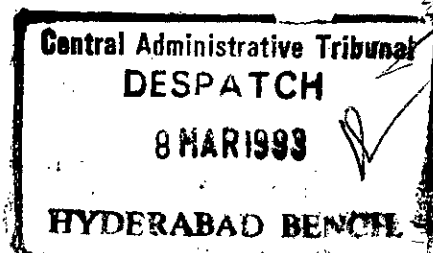
Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.175/90

date of decision : 22-2-93

Between

1. N. Ramulu
2. B. Narasimha
3. K. Swamy
4. T. Narahari
5. D. Sudhakar
6. Mohd. Yousuf Ali
7. A.P. Shankar
8. Mohd. Ghani
9. Azar Singh
10. NGRI Employees' Union rep. by  
its General Secretary,  
Sri K. Venkateswarlu,  
Hyderabad

: Applicants

and

1. National Geophysical Research  
Institute (Council of Scientific  
& Industrial Research), rep. by  
its Controller of Admn., Hyderabad

2. National Geophysical Research  
Institute, rep. by its  
Director, NGRI, Hyderabad 500007

3. Govt. of India, rep. by its  
Secretary  
Min. of Science & Technology  
New Delhi

: Respondents

Counsel for the Applicants

: B.G. Ravindra Reddy  
Advocate

Counsel for the Respondents

: Chenna Basappa Desai  
Standing Counsel for CSIR

CORAM

HON. MR. N.V. KRISHNAN, VICE-CHAIRMAN (ADMN), AHMEDABAD BENCH

HON. MR. JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN

Judgement

(Orders as Per Hon. Justice V. Neeladri Rao, Vice-Chairman)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

D.A.No. 175/90

T.A.No.

Dt. of Decision: 22-2-93

N. Ramulu & 9 others

Petitioner

B.G. Ravindra Reddy

Advocate for  
the Petitioner  
(s)

Versus

NGRI (CSIR), rep. by the Controller of Admn.,  
Hyderabad, & two others

Respondent.

Chenna Sasappa Desai

Advocate for  
the Respondent  
(s)

CCRAM:

THE HON'BLE MR. N.V. KRISHNAN, VICE-CHAIRMAN (ADMN), AHMEDABAD BENCH

THE HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters 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.)

av1/

HNVK  
VC(A)

HVNRJ  
VC

The applicants are Casual Workmen in the National Geophysical Research Institute (NGRI), Hyderabad. By OM dated 15-4-1988 it was stated that all the Casual Workers will be paid at the rate of 130th of the minimum of the pay scale applicable to the relevant category plus proportionate DA as Daily Wages with effect from 1-1-1986. It was mentioned in the said OM that it was issued in compliance with the Judgement of Supreme Court in WP.59-60 & 563-70/83 and also the Review Petition. But later on the Government of India issued some guidelines in pursuance of the above judgement of the Supreme Court, <sup>and fixed</sup> ~~fixing~~ the daily wages of the Casual Workers at the rate of 130th of the minimum of relevant pay scale plus appropriate DA. The said notification of the Central Government was communicated by order dated 7-6-1988. Then the Director, NGRI, issued OM dated 20-2-1990 wherein it is stated that 130th of the minimum of the pay plus DA have to be given effect from 7-6-1988 and as it was being implemented, <sup>from 1.1.86,</sup> by mistake, in pursuance of OM dated 15-4-1988, the excess amount paid from 1-1-1986 to 6-6-1988 had to be recovered in 36 equal instalments.

2. The order dated 20-2-1990 is mainly challenged on the ground that no opportunity was given to the applicants before the above order was passed and thus it violates the Principles of Natural Justice.

3. It is manifest from the facts stated that the Director, NGRI, being a subordinate authority cannot fix wages on his own and he had to fix them in accordance with the guidelines to be issued by CSIR. As in this case the said guidelines are given only by proceedings <sup>dated</sup> ~~communicated in~~ 7-6-1988 of the Ministry of Personnel, Govt. of India, ~~the~~ enhanced wages had

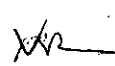
(22)

to be given effect to only from 7-6-1988 and not from a date earlier. As it is a case of fixation of wages, the workers will not have any say in the matter unless <sup>it is a case of</sup> ~~if it comes~~ under industry where the wages will be usually fixed on the basis of negotiations. So, it is not a case where pre-notice had to be issued for correcting an error. In all such matters it is open to the aggrieved to demonstrate <sup>that</sup> ~~if~~ in fact there was <sup>no</sup> ~~any~~ error which <sup>is</sup> ~~is~~ asserted by the concerned authority. ~~the~~ post notice will be given, in the sense that it is open to the aggrieved to challenge the impugned order if it is not in accordance with law. Hence, we do not accept the contention that the impugned order dt.20-2-1990 is vitiated on the alleged ground that Principles of Natural Justice are not followed.

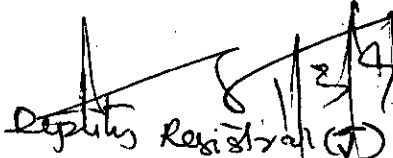
4. But as it is a case of recovery of the excess amount paid for about 30 months, and in view of the wages the applicants are now drawing, we feel that it is just and proper to direct the respondents to recover the same in 48 equal instalments instead of 36 instalments as referred to in the impugned order. The recovery can be started from the wages of March, 1993 payable by the end of March, 1993. <sup>1.4.93</sup> (The recovery as per the impugned order dated 20-2-1993 was stayed by this Tribunal by Interim Order).

5. The OA is accordingly ordered. No costs.

  
(N.V. Krishnan)  
Vice-Chairman(A)

  
(N. Neeladri Rao)  
Vice-Chairman

Dated : February 22, 93  
Dictated in the Open Court

  
Deputy Registrar (T)



SM  
28/2  
Draft by: Checked by: Approved by:  
O.R.(J)

Typed by:

27/10  
Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.) ✓

A N D

HON'BLE MR.D.SURYA RAO:MEMBER(JUDL) ✓

A N D

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

A N D

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

DATED: 28-2-90

ORDER/JUDGMENT: ✓

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

IN

T.A.No.

(W.F.No.

)

O.A.No. 175/90

Admitted and Interim directions  
issued. ✓

Allowed.

Dismissed.

Disposed of with direction.

M.A.Ordered.

No order as to costs.

Sent to Xerox on:

28/2  
Central Administrative Tribunal  
DEPARTMENT  
20 FEB 1990  
HYDERABAD BENCH.