

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT : HYDERABAD

(39)

O.A.No.30 of 1990

Date of Order: 13-3-1990

Between:

- 1.V.Ganga Raju
- 2.Smt.Ch.Uma Kumari
- 3.Ch.Chiranjeevulu
- 4.K.Rama Rao ~~Reddy~~
- 5.G.Rangayyappa Rao
- 6.W.Srinivasa Rao
- 7.V.Narayana Swamy
- 8.K.V.V.S.Narayana Raju
- 9.Md.Azimuddin
- 10.S.Ganeswara Rao
- 11.J.Chandrsekhar Rao
- 12.V.S.V.S.Sada Siva Rao
- 13.P.Sudhakar
- 14.V.S.N.Raju
- 15.Ch.V.Venkata Rao
- 16.D.Venkatapathi Raju
- 17.T.Srinivasa Rao
- 18.D.Chandrsekhar Rao
- 19.Smt.P.Girija Nalini Kumari
- 20.T.Sivasankara Rao
- 21.Ch.Anjaneyulu
- 22.R.Madana Gopal

Applicants

and

- 1.Union of India represented by The Secretary to Government, Ministry of Defence, New Delhi.
- 2.The Engineer in Chief, Army Head Quarters, New Delhi.
- 3.The Chief Engineer, Southern Command, Pune.
- 4.The Director General, Naval Project, Visakhapatnam.
- 5.The Chief Engineer, Dry Docks & Visakhapatnam Zone, Visakhapatnam.

Respondents

Appearance:

For the Applicants : Shri K.S.R.Anjaneyulu, Advocate.

For the Respondents : Shri Naram Bhaskara Rao, Additional Central Govt.Standing Counsel



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CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.
THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO, MEMBER (JUDICIAL))

1. The applicants herein are Draughtsman Grade-II in the grade of Rs.330--560 working in the M.E.S. (Director-General, Naval Project and Chief Engineer, Dry Dock, Visakhapatnam). They have filed this application seeking a direction to the respondents to grant them the scale of pay of Rs.425--700 w.e.f. 1.11.1983 with all consequential benefits.
2. The applicants state that on 20.6.1980 there was an award of Board of Arbitration with respect to the revision of pay scales of Draughtsman Gr.I, Gr.II and Gr.III of the C.P.W.D. The pay scales enjoyed by the Grades I & II Draughtsman in the C.P.W.D. were identical to the grades of Draughtsman in the M.E.S. The revised pay scale ~~on the basis of award of~~ ^{on the basis of the award} of the Gr.II Draughtsman was raised to Rs.425--700. The President of India decided that the pay scales awarded to the C.P.W.D. Draughtsman would be extended to all Draughtsman in similar grades working in other offices and Departments of the Government of India provided their recruitment qualifications are similar to those prescribed in the case of CPWD.
3. The applicants state that similarly placed Gr.II Draughtsman working in M.E.S., at Chandigarh, filed O.A. 1001-PB of 1988 in the Chandigarh Bench of this Tribunal, claiming the scale of pay of Rs.425--700 w.e.f. 1.11.1983. The Chandigarh Bench relied on the Judgment of the Calcutta Bench in O.A.No.8 of 1987 and allowed the said O.A. The SLP filed by the respondent against the decision of the

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Calcutta Bench has been dismissed by the Supreme Court on 20-4-1989. The applicants contend that they are also entitled to the same scale of pay as was given to the M.E.S. employees, who had filed applications in the Chandigarh and Calcutta Benches of this Tribunal.

4. The applicants further state that their Association had submitted a representation dated 21-10-1989 to the Chief Engineer, Southern Command, Pune, for giving them the benefit which was given to the similarly placed employees covered by the decisions given by Calcutta Bench and also Chandigarh Bench of the Central Administrative Tribunal. However, there was no reply. They have, therefore, filed this application.

5. We have heard the learned Counsel for the applicants, Shri K.S.R.Anjaneyulu, and the learned Additional Central Govt. Standing Counsel, Shri Naram Bhaskara Rao.

6. Shri Naram Bhaskara Rao, learned Standing Counsel for Respondents, raised preliminary objections relating to limitation as also on merits. The question of limitation was considered by the Chandigarh Bench in O.A.No.753/PB/88, wherein it was stated as follows:-

" As regards the plea of limitation put forward by the respondents, it would be pertinent to mention that it is a case of recurring cause of action. The applicants have grievance at the end of every month when they are paid less than what they claim on the basis of parity. It is, thus, evident that cause of action arises to the applicants at the end of every month. That being so, the plea of limitation put forward by the respondents cannot be sustained. "

On the same analogy the plea put forward by the learned Counsel for the respondents in regard to limitation is rejected.

contd...

7. In so far as the merit of the case is concerned, there is no dispute that the applicants are holding the same posts in the M.E.S. in Visakhapatnam as those in the M.E.S. at Chandigarh. The decisions of the Chandigarh and Calcutta Benches are therefore applicable to the facts of the present case.

8. In the result the applicants are entitled to the reliefs claimed. The respondents are directed to grant the pay scale of Rs.425--700 to the applicants with effect from 1-11-1983 with all consequential benefits. The respondents are directed to comply with this order within a period of 3 months from the date of receipt of this order.

With the above direction, the application is allowed.
No order as to costs.

(Dictated in Open Court)

(B.N.JAYASIMHA)
VICE-CHAIRMAN

(B.N.JAYASIMHA)
VICE-CHAIRMAN

D. Surya Rao
(D. SURYA RAO)
MEMBER (JUDICIAL)

Date: 13-3-1990

DEPUTY REGISTRAR(A)

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Central Administration
Hyderabad, 1950

1. The Secretary to Government, Union of India, Ministry of Defence, New Delhi.

MSR

2. The Engineer in chief, Army Head Quarters, New Delhi.

3. The Chief Engineer, Southern Command, Pune.

4. The Director General, Naval Project, Visakhapatnam.

5. The Chief Engineer, Dry Docks & Visakhapatnam Zone, Visakhapatnam.

6. One copy to Mr.K.S.R.Anjaneyulu, Advocate, 1-1-365/A, Jawajarnagar, Bakaram, Hyderabad.

7. One copy to Mr.N.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.

8. One spare copy.

W. J. G. B. (a)

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

Typed by: *C.W.Y.* 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.)

AND

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

AND

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

DATED: 13/3/90

ORDER/JUDGMENT:

M.A./R.A./G.A./No. *111*

T.A. No. *1* (W.P. No. *1*)

D.A. No. 30/90

Admitted and Interim
directions issued.

Allowed.

Dismissed for default.

Dismissed.

Disposed of with direction.

M.A. ordered.

No order as to costs.

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