

(WS)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A. No.495/1990

Date of the order: 24-7-1990.

BETWEEN

1. Dipankar Sarkar
2. Y.J.Bhaskara Rao
3. O.P.Pandey
4. S.Narayana Swamy
5. M.M.Dixit
6. T.Seshunarayana
7. S.Masood Ahmed

... APPLICANTS

A N D

1. Council for Scientific and Industrial Research (CSIR), rep. by its Director at New Delhi.
2. Director, National Geophysical Research Institute (NGRI), Uppal, Hyd'bad.

... RESPONDENTS

APPEARANCE:

For the Applicants : Sri Y.Suryanarayana, Advocate  
For the Respondents : Sri Chennabasappa Desai, SC for CSIR

CORAM:

The Hon'ble Mr. D.Surya Rao, Member (Judicial)  
and  
The Hon'ble Mr. R.Balasubramanian, Member (Admn.)

.....2.

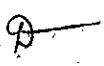
R. 8

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

The applicants herein are Scientists-C in the 2nd Respondent's organisation. They allege that the recommendations of a duly constituted committee were implemented and their pay was fixed with effect from February 1986 in accordance with the guidelines of the Fourth Pay Commission which came into force from 1-1-1986. They continue to draw the pay as fixed. Subsequently, without any notice, in May 1989 orders namely No.NGRI-10/454/72-Estt. dated 24-5-1989 were issued by the Controller of Administration, N.G.R.I. refixing their pay in the Third Pay Commission's scale. The applicants, therefore, have filed the present Application questioning the action of the Respondents. The main Application has been admitted on 27-6-90. in reducing their pay./ On the request for interim order, interim suspension of the impugned order dated 24-5-89 was also ordered. The matter has come up on 18-7-90 on the question whether the interim orders are to be made absolute.

2. We have heard the arguments of Sri Y.Suryanarayana, the learned advocate for the applicants and Sri Chennabasappa Desai, learned counsel for the Respondents. By the impugned order dated 24-5-90, not only the pay of the applicants have been reduced but the excess salary drawn was ordered to be recovered in 36 instalments commencing from the month of June 1989. The applicants having made out a prima-facie case for admission, it stands to reason that the impugned order should be stayed and recovery



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To

1. The Director, Council for Scientific and Industrial  
Research (CSIR) New Delhi. *Amussion Bholu*  
*Rafi Mung, New Delhi*
2. The Director,  
National Geophysical Research Institute (NGRI)  
Uppal, Hyderabad.
3. One copy to Mr. Y. Suryanarayana, Advocate  
40, M.I.G.H. Housing Board Colony, Mehidipatnam, Hyderabad.
4. One copy to Mr. Chennabasappa Desai, SC for CSIR
5. One spare copy.

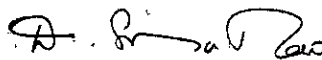
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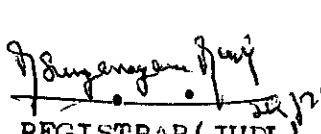
of excess paid since 1986 should not be made during the pendency of the case. The next question is whether the applicants are to continue to receive the pay at the old scale as previously fixed or according to the impugned order dated 24-5-89. Though the orders were issued on 24-5-1989, the salary for the month of May 1989 payable in June 1989 and again the salary for June 1989 payable in July 1989, in respect of the applicants, have not been reduced in terms of the impugned order. Thus, the Respondents themselves have not implemented the orders till date. We are of the opinion that the balance of convenience is in favour of permitting the applicants to continue to draw the pay at the old rate fixed prior to the impugned order dated 24-5-1989 but the main case should be expedited and disposed of early. However, it is made clear that any such excess payments made as a consequence of the interim orders of the Tribunal are liable to be recovered from the applicants in the event of their failing in the main Application. In so far as the arrears are concerned, i.e. payments made prior to the interim orders, the question of recovery even if the applicants fail in the Main Application, is left open for determination at the time of final hearing.

3. Interim suspension ordered on 27-6-1990 is, therefore, made absolute and the Respondents are directed not to give effect to the orders dated 24-5-1989 pending final disposal of the main case in O.A. 495/90. The main case, however, is directed to be posted on 22-8-1990 for final hearing at the top of the list. Sri Desai undertakes to file the counter within four weeks.

  
(D.SURYA RAO)  
MEMBER (JUDL)

  
(R.BALASUBRAMANIAN)  
MEMBER (ADMN.)

Dated: 24th day of July, 1990.

  
DY. REGISTRAR (JUDL)

mhb/

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. B. N. JAYASIMHA : V.C.~~

AND

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

AND

~~THE HON'BLE MR. J. NARASIMHA MURTY : M(U)~~

AND

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

DATE: 24/7/96

ORDER/JUDGMENT:

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

in

T.A.No.

W.P.No.

O.A.No.

was 90

Admitted and Interim directions issued

Allowed.

Dismissed for Default.

Dismissed as withdrawn

Dismissed.

Disposed of with directions

M.A. Ordered/Rejected

No order as to costs.

