

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.999/90  
and  
OA.615/91

date of decision : 25-2-1993

Between

Rajkumar

: Applicant in both the OAs.

and

1. Secretary  
Min. of Welfare  
Govt. of India  
New Delhi

2. The Principal  
School for Partially deaf children  
Punjagutta  
Hyderabad

: Respondents in-do-

Counsel for the Applicant

: Koka Satyanarayana  
Advocate

Counsel for the Respondents

: N.R. Devaraj, Standing  
Counsel for Central Govt.

CORAM

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

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

Judgement

(Orders as per Hon. Mr. Justice V. Neeladri Rao, VC)

The two OAs can be considered together as the applicant is the same and as the same points are involved. The applicant was posted as Academic Teacher in R-2 School with effect from 11-11-1969 on deputation. He was permanently absorbed in the said school on 7-6-1976 as Academic Teacher. At the time of absorption, the pay of the applicant was fixed in the pay scale of Rs.380-640. The contention of the applicant is that his pay has to be fixed in the pay scale

of Rs.440-750 on the basis of the correct interpretation of the relevant provisions in the Recommendations of the III Pay Commission. It is further contended for the applicant that the academic teachers working in other similar institutions were being paid in the scale of Rs.440-750.

2. When similar matters had come up for consideration in OA.273/86, the Bench of this Tribunal upheld the contention for the Academic Teachers in these schools. <sup>For</sup> the reasons stated therein ~~we~~ find that the applicant is eligible for the pay scale of Rs.440-750 with effect from 1-1-1973 and accordingly OA.999/90 had to be ordered.

3. The applicant filed OA.615/91 praying for fixation of his pay in the pay scale of Rs.440-750 from 1-1-1973 and further fixation of pay in the Revised Pay Scales as recommended by the IV Pay Commission and Chattopadhyaya Commission. As the first relief claimed in OA.615/91 is same as the relief claimed in OA.999/90, OA.615/91 <sup>in regard to</sup> the said relief is dismissed as unnecessary.

4. When the pay of the applicant in the pay scale of Rs.440-750 had to be fixed from 1-1-1973, it follows that his pay in the revised pay scale had to be fixed on the above basis. We do not propose to express anything as to whether the revised pay scale had to come into effect from 1-1-1986 as contended by the applicant or 1-8-1988 as contended for the respondents, <sup>as</sup> ~~for~~ the entire material is not placed before us and as it is one of the mere verification, <sup>has to be fixed</sup> suffice it to say that the pay of the applicant in the revised pay scales corresponding to the pay scale of Rs.440-750, with effect from the date on which the revised pay scale had come into effect.

5. In implementing this order, the pay had to be fixed notionally in the pay scale of Rs.440-750 from 1-1-1973 in the

To

1. The Secretary, Ministry of Welfare,  
Govt. of India, New Delhi.
2. The Principal, School for partially  
deaf Children, Punjagutta, Hyderabad.
3. One copy to Mr. Koka Satyanarayana, Advocate  
37-6-498, Himayatnagar, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC CAT. Hyd.
5. One spare copy.

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corresponding scale in the revised pay scale from the date on which it had come into effect.

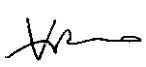
6. The R-2 school was taken-over by the State Government on 19-10-1988. The applicant was also takenover alongwith the school and thus from 19-10-1988 the applicant was the employee of the Andhra Pradesh State Government.

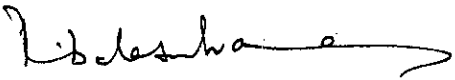
7. Heard Mr. Koka Satyanarayana, learned counsel for the applicant and Mr. N.R. Devaraj, learned counsel for the respondents.

8. The applications in this Tribunal have to be filed within one year from the date on which the cause of action arises as per Section 21 of the Administrative Tribunals Act. Hence, this Tribunal is giving direction to the respondent employer to pay the monetary benefits from one year prior to the date of filing of the application in this Tribunal, in case the contention of the employee in regard to fixation of the pay <sup>is</sup> ~~are~~ uphold. OA.999/90 was filed on 19-9-1990. The monetary benefits if at all had to be ordered <sup>to be ordered</sup> ~~had~~ only from 19-9-1989. But even by then the applicant ceased to be an employee of the Central Government. Hence, the question of giving a direction to the R-1 to pay him the monetary benefits with effect from 19-9-1989 does not arise.

9. OA.999/90 and OA.615/91 are ordered accordingly.

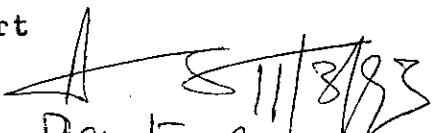
No costs.

  
(V. Neeladri Rao)  
Vice-Chairman

  
(R. Balasubramanian)  
Member (Admn.)

Dated : February 25, 93  
dictated in the Open Court

sk

  
Deputy Registrar (3)

TEMPED BY

COMPARED BY

CHECKED BY.

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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: 25-2-1993

~~ORDER~~/JUDGMENT:

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

in

..A.No. 999 / 90 4615/91

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

