

(08)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A. No. 382/91.

Date of Decision:

~~Text Index~~

P.J.S.Prakasa Rao

Petitioner.

Shri Vada Rajagopal Reddy

Advocate for
the Petitioner(s)

Versus

Union of India, Rep. by its Jt. Secretary.

Respondent.

Dept. of Space, Indian Space Research Organisation,

Anthariksha Bhavan, New BEL Road, Bangalore-560094

& another

Shri N.Bhaskara Rao, Addl. CGSC

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. C.J.Roy : Member(J)

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 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.)

R.B.
HRBS
M(A).

H.C.J.R.
M(J).

(101)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.382/91.

Date of Judgement 15.7.1992

P.J.S.Prakasa Rao

.. Applicant

Vs.

1. Union of India,
Rep. by its
Jt. Secretary,
Dept. of Space,
Indian Space Research Orgn.,
Anthariksha Bhavan,
New BEL Road,
Bangalore-560094.

2. The Head,
Personnel & Genl. Admn. Divn.,
SCF, SHAR Centre,
Sriharikota-524124,
Nellore Dt. A.P. .. Respondents

Counsel for the Applicant :: Shri Vada Rajagopal Reddy

Counsel for the Respondents:: Shri N.Bhaskara Rao, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application has been filed by Shri P.J.S.Prakasa Rao under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by its Jt. Secretary, Dept. of Space, Indian Space Research Organisation, Anthariksha Bhavan, New BEL Road, Bangalore-560094 & another.

2. The applicant has been working as Office Clerk-A (OCA for short) since 1974. He was promoted as Office Clerk-B (OCB for short) on adhoc basis on 3.2.82 and was reverted as OCA in March, 1983. He was again promoted on adhoc basis on 22.3.84 in the scale of pay of Rs.330-560. After working continuously without any break as OCB on adhoc basis he was regularised as OCB by an order dt. 29.3.85. The prayer herein is that he should be placed in the scale of pay of Rs.380-640 w.e.f. 22.3.84 from which date he has been continuously working without break as OCB.

3. The respondents have filed a counter affidavit and oppose the application.

4. We have examined the case and heard the rival sides. We find from the order dt. 22.3.84 that the applicant was placed in the Rs.330-560 scale. Vide letter dt. 20.1.87 the respondents permitted the scale of Rs.380-640 to certain categories of OCBs. The point of discrimination that they introduced there was that such a scale would be applicable only to OCBs promoted on a regular basis before 31.12.84. The applicant who was promoted on a regular basis after that date (29.3.85) was not given the scale. When the case was heard, we were informed across the bar that the case is covered by a decision in O.A.No. 626/88 and batch. The decision is dated 15.1.90 and this Bench relied on a decision of the Ernakulam Bench in their O.A.No.K-150/88. The restrictive clause that the scale of Rs.380-640 would be applicable only to those promoted prior to 31.12.84 was struck down. We agree that the case before us is covered by the decision dt. 15.1.90 of this Bench. Therefore, in this case also we direct the respondents to place the applicant in the scale of Rs.380-640 (pre-revised) in the same manner as those promoted prior to 31.12.84.

5. In the earlier cases we directed the respondents to give all the monetary benefits including arrears due to the applicants. In those cases the applicants had approached the Tribunal well in time unlike the applicant in the case before us. Our judgement in the batch cases referred to ~~itself~~ is dated 15.1.90. But the applicant has chosen to approach us only in April, 1991. However placement in a scale and deriving monetary benefits are all matters of recurring grievance. At the same time, we have to keep in view the provisions of section 21 of the Administrative Tribunals Act, 1985. While, therefore, directing the respondents to place the applicant in the scale of Rs.380-640 in the same manner as those promoted prior to 31.12.84, we direct that arrears of salary

payable to the applicant be restricted to a period subsequent to 15.4.90 (the significance of 15.4.90 is that it is one year prior to the date of filing the application viz: 15.4.91). The application is disposed of in the above manner with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

Reddy
(C.J.Roy)
Member(J).

ST/7/82
Deputy Registrar

Dated: 15 July, 1992.

to

1. The Joint Secretary, Dept. of Space, Union of India,
Indian Space Research Orgn., Antriksh Bhawan,
New BEL Road, Bangalore-094.
2. The Head, Personnel & General Administration Division,
SCF, SHRI R Centre, Sriharikota-524124, Nellore Dist.A.P.
3. One copy to Mr. Vada Rajagopal Reddy, Advocate,
No.1, Law Chambers, High Court of A.P., Hyd.
4. One copy to Mr. Naren Bhaskar Rao, Addl. OCSG, C.A.T., Hyd.
5. One spare copy.

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17/7/92

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TYPED BY

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY :
MEMBER(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(J)

Dated: 15-7-1992

ORDER/JUDGMENT

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

O.A. No. 382/91

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

Admitted and interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

