

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 448/91

Date of Decision : 18-2-92

T.A.No.

Sri K.V.N.Chari, _____ Petitioner. .

Sri M.K.Ratnam, _____ Advocate for the
petitioner (s)

Versus

The Union of India represented by The Secretary, Respondent.

Ministry of Defence, New Delhi, & 2 others

Sri N.V.Ramana, _____ Advocate for the
Respondent (s)

CORAM :

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

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter 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 t

(TCR)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA 448/91.

Dt. of Order:18-2-92.

Sri K.V.N.Chari

...Applicant

Vs.

1. The Union of India repled. by
the Secretary, Ministry of Defence,
New Delhi.
2. The Chief of Naval Staff, Naval Head-
quarters (For DGP), Sena Bhavan, New Delhi.
3. The Flag Officer Commanding, Eastern Naval
Command, Naval Base, Visakhapatnam.

...Respondents

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Counsel for the Applicant : Sri M.K.Rathnam

Counsel for the Respondents : Sri N.V.Ramana

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CORAM:

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

(Order of the Single Bench dictated by
Hon'ble Sri T.C.Reddy, Member (J)).

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This is an application filed by the applicant under section 19 of the A.T.Act, 1985, to fix the pay of the applicant in the post of Foreman with effect from 1-4-88 in the pay scale of Rs.2000-3200 as recommended by the Anomalies Committee Visakhapatnam under Ref.No.INCCA/001 dt.7-7-90 with all consequential benefits including arrears of pay and allowances. The facts ⁱⁿ give rise to this O.A. in brief are as follows :-

The applicant was appointed ~~as~~ appointed as Civilian Motor Transport Supervisor in the Naval Base at

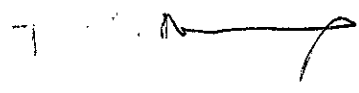
T. C. Reddy

Visakhapatnam on 29-4-63 and was promoted as Motor Transport Foreman on 23-7-80.

Based on the IV Pay Commission Report the applicant's pay was fixed in the scale of Rs.1650-50-2660 with effect from 1-1-86 in the category of Foreman Transport. The applicant is now drawing a monthly pay of Rs.2,150/- in the said pay scale of Rs.1650-2660.

There were a lot of representations from the staff side pointing out certain anomalies in the implementation of the IV Pay Commission. The concern as the Central Government employees working in different Departments and Organisations of the Central Government was voiced by the staff side of the national council. The Government taking into account the intensity of the problem and as per the agreement reached with the staff side of National Council, had set up an Anomalies Committee to look into the anomalies arising out of the implementation of the IV Pay Commission recommendations and submit their recommendations for consideration of the Government.

As the Motor Transport Drivers were placed in the scale of Rs.1320-2040, which is higher than the pay scale (Rs.1200-1800) of Motor Transport Supervisors, the Anomalies Committee at Visakhapatnam put forth its proposal under Ref.No.INCCA/001 dt.7-7-90 to the 2nd Respondent recommending the following pay scales for 4 categories from Drivers to



Foreman, as given below :-

- (a) Selection Grade Drivers -- 1320-2040
- (b) M.T. Supervisors -- 1440-2300
- (c) Head M.T. Supervisors -- 1600-2660
- (d) Foreman Transport -- 2000-3200

The present Original Application is filed by the applicant herein for a direction to the Respondents to implement the said Anomalies Committee's Report.

Counter is filed by the Respondents opposing the Original Application.

This O.A. was listed on 14-2-92 for hearing. On that day neither the applicant nor his counsel was present. Sri N.V. Ramana, learned counsel for the Respondents reported ready to proceed with the case. So in view of that position the Original Application was ordered to be posted for dismissal on 18-2-92.

So in pursuance of the orders dt. 14-2-92 this case is listed for dismissal today. This O.A. was taken up before the lunch session at about 11.00 am. None were present on behalf of the applicant. Sri V. Rajeshwar Rao, Advocate, for Sri N.V. Ramana, counsel for the Respondents represented that the matter may be taken-up for hearing after the lunch session. The time is now 3-25 pm. None have turned-up on behalf of the applicant. So it is evident that the applicant is not evincing any interest in prosecution of

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the case. Sri V.Rajeshwar Rao, Advocate on behalf of Sri N.V.Ramana, counsel for the Respondents is heard and the matter is decided on merits. As could be seen from the counter filed by the Respondents at page-3 it is pleaded that the Ministry of Defence had received the recommendations of the Anomalies Committee and also similar recommendations from the Airforce and Army and that the Ministry of Defence has to finalise the recommendations of the Anomalies Committee at the national level dealing with the inter ministerial cases. So it is evident that the matter is under consideration by the Government. In these circumstances we are of the opinion that the present application filed for the said relief is premature.

The recommendations of the Anomalies Committee is appended to the paper book (page-11) and the same is exhibit A-3. The Recommendations made by the Anomalies Committee, cannot be enforced before any Judicial forum. As the applicant does not get any right from the said recommendations, the applicant cannot ask this Tribunal to enforce the same. So in view of this position the application ^{is} liable to be dismissed and accordingly the application is dismissed. In the circumstances of the case we direct the parties to bear their own costs. It is made clear that as and when the Government takes decision with regard to the Anomalies

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Committee Reports, if the applicant feels aggrieved by the said decision taken by the Government, the applicant would be at liberty to approach the Tribunal afresh in accordance with law.

T. Chandrasekhar Reddy
(T.CHANDRASEKHAR REDDY)
Member (J)

Dated: 18th February, 1992.
Dictated in Open Court.

avl/

S 8/5/92
Deputy Registrar(Judl.)

Copy to:-

1. Secretary, Ministry of Defence, Union of India, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters(For DGP) Sena Bhavan, New Delhi.
3. The Flag Officer Commanding, Eastern Naval Command, Naval Base, Visakhapatnam.
4. One copy to Sri. M.K.Rathnam, advocate, CAT, Hyd-bad.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd-bad.
6. One spare copy.

Rsm/-

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