

58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

* * *

O.A. No. 992/91

Dt. of Decision : 25.11.93.

1. T.K. Suryanarayana

2. P.Rama Murthy

3. K.Madhava Rao

... Applicants.

vs

1. Indian Council of Agricultural Research, New Delhi, Krishi Bhavan, New Delhi, Rep. by its Director General.

2. The Director, Central Tobacco Research Institute, Rajahmundry, East Godavari district.

... Respondents.

Counsel for the Applicants : Mr. P.Rama Rao

Counsel for the Respondents

: Mr. V. R. Subramanian
Addl. CGSC

CORAM:

THE HON'BLE JUSTICE SHRI N. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

J U D G M E N T

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

The applicants herein, three in number, are presently working as Technicians in the Central Tobacco Research Institute (CTR for short), Rajamundry. Applicant No.1 is T-4 Technician, and applicants No. 2 & 3 are T-I-3 Technicians. Applicants No.1 & 2 were promoted to the category of T-II-3 from T-I-3 category by office order dt. 10.5.1983 bearing No.3(8)/83-A1(R), and whereas the applicant No.3 was promoted to the category of T-II-3 from T-I-3 category by order dt. 6.6.1983 bearing No.F1(8) 83-Adm.I(R). The applicants are aggrieved by order dt. 25.8.1984 bearing No.F1(8) 83-Adm.I(R)-A issued by the Director, Central Tobacco Research Institute, Rajahmundry (R-2) wherein the promotions given to them from T-I-3 category to T-II-3 viz. Category I to Category-II of the Technical Service Rules, were cancelled.

2. The above order of reversion dt. 25.8.1984 was also challenged on the file of this Tribunal in O.A.No.541 of 1988 by 10 applicants viz. S/Sri P.S.Krishna Murthy, K.Venugopal Rao, R.Brahmanandam, Md.Ahmed Ali, P.Venkatachari, K.Raja Rao, M.Nageswara Rao, V.Lhashminarayana Rao, D.Seshagiri Rao and T.Ramachandra Rao who were figured at Sl.Nos.1 to 6, 10, 13, 14 & 15 respectively in the impugned order. The prayer in the said O.A.No.541/88 is the same as in the present O.A. The contents of the counter affidavit filed in the above referred O.A. and in the present O.A. ^{is also} ~~is also~~ similar. The said O.A. No.541/88 was disposed of by orders dt. 27.12.1989



To

1. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
2. The Director, Central Tobacco Research Institute, Rajahmundry, E.G.Dist.
3. One copy to Mr.P.Rama Rao, Advocate, Advocates Association, High Court of A.P.Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

2x

cc

26/11

65

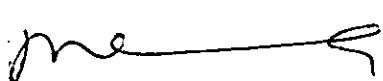
in so far as the 10 applicants are concerned as referred above, with the following directions:-

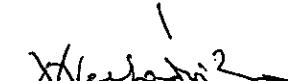
"On a consideration of the above facts, we find that the applicants and those whose promotions were restored by order dt. 10.7.1987 stand on same footings. Merely on the ground that some of them had been promoted earlier and the applicants have been promoted later, the applicants cannot be denied the benefits of restoration given to similarly situated persons. On the basis whether a person was promoted prior or after a particular date, no discrimination among the same class of persons could be made. We, therefore find that the applicants succeed and the application has to be allowed. The respondents are directed to continue the applicants in Grade T-II-3 of category II as per the office order dt. 10-5-1983 with all consequential benefits. The application is allowed accordingly. No costs. "

3. As the applicants in the present O.A. are also placed similarly as that of the applicants in O.A. No. 541 of 1988, we follow the directions given by this Tribunal in the said O.A. quoted supra.

4. Accordingly, the respondents are directed to continue the applicants in T-II-3 grade of category-II, as per office order dt. 10.5.1983 bearing No. F1(8)83-Adm.I(R)A in so far as applicants No. 1 & 2 are concerned and as per office order dt. 6.6.1983 bearing No. F1(8)/83-Adm.I(R) in so far as applicant No. 3 is concerned with all consequential benefits.

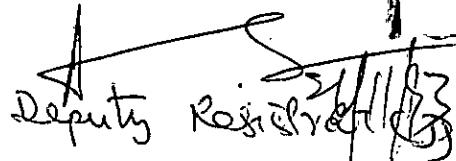
5. The O.A. is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Date 25 Nov., 1993.

Grh.


Deputy Registrar

(3)
RVS
26/11

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR.R.BANGARAJAN : MEMBER(A)

Dated: 25-1-1993

ORDER/JUDGMENT:

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

in
O.A.No. 992/91

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

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal
DESPATCH

Am 7 DEC 1993

HYDERABAD BENCH

pvm