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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::AT HYD.

O.A.No. 6/1991.

Date of Decision: 26-3-1992.

Between:

T. Atchutaramaiah .. Applicant

Vs.

Regional Director, Employees State
Insurance Corporation, Adarshnagar,
Hyderabad.

.. Respondent

For the applicant : Sri B.S.Rahi, Advocate.

For the respondent : Sri Naram Bhaskara Rao, Addl.
Standing Counsel for Central Govt.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI T. CHANDRASEKHAR REDDY, MEMBER (JUDL.)

{JUDGMENT OF THE BENCH AS PER HON'BLE SRI R. BALASUBRAMANIAN, M(A)

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This application is filed by Sri T. Atchutaramaiah under section 19 of the Administrative Tribunals Act, against the Regional Director, Employees State Insurance Corporation, Hyd. seeking a direction to the respondents to step up and re-fix his pay as U.D.C. with effect from 1.1.1986 on par with his junior.

2. The applicant joined the respondent organisation as LDC and was later promoted as UDC on regular basis from 18.7.1981. Prior to this regular promotion as UDC with effect from 18.7.1981, he had also been promoted as UDC on officiating basis (ad hoc) with effect from 1.9.1979. While so, His junior Sri P.K.R. Murthy had been promoted on ad hoc basis as UDC with effect from 21.4.77

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on regular basis with effect from 18.7.1981 the same day as the applicant. When the pay in the higher grade of U.D.C. was fixed the applicant was fixed at a lower stage than the said Sri P.K.R.Murthy. This discrepancy was reflected again when the pay was revised consequent to IV Pay Commission with effect from 1.1.1986. When the pay was revised, the applicant was fixed at Rs.1350/- and whereas Sri Murthy's pay was fixed at Rs.1410/- p.m. It is ~~a~~ ^{the} grievance of the applicant that his pay is lower than his juniors. He had made representations but when they were rejected he has approached this Tribunal ^{with} ~~in~~ this O.A.

3. The application is opposed by the respondents by filing a counter. It is their case that since Sri Murthy was enjoying ^{to} adhoc promotion earlier ~~the~~ the applicant and the increments drawn by him had been taken into account while fixing his pay ~~on regular promotion.~~ It is also their case that this in accordance with Rule F.R.22(c)

4. We have examined the case and heard rival sides. In an exactly similar case like this, this Bench had ordered stepping up of pay in allowing O.A.No.607/90 by order dt. 3.9.1991 (This order had subsequently been upheld by ^{the} Hon'ble Supreme Court by orders dt. 31.1.1991 in SLP No.645/92). We had held that where the pay of a junior is fixed ^{on regular promotion} ~~at a higher stage~~ ^{than his senior's} on account of his having earned increments by virtue of his earlier adhoc promotions ~~than his senior~~, the pay of the senior should be stepped up while fixing his pay on regular promotion. Hence applying the same principles we have to order stepping up of pay in this case also from 1.1.1986. But then, the question of Limitation also arises in this case. The applicant seeks relief from 1.1.1986, ~~and since~~ He is entitled to it. We have no hesitation in ordering stepping up of pay notionally from 1.1.1986, since this grievance is of a continuous nature.

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The applicant has also performed the duties in the particular scale. He is entitled to arrears also. But with effect from what date? We find that the applicant had made a representation on 30.6.1988 only and this had been rejected by the respondents in August, 1988 (A-6). Instead of approaching this Tribunal well in time thereafter, he has approached us only on 1.1.1991. Hence, he is entitled to arrears only with effect from one year prior to the filing of this application keeping in view of Sec.21 of the A.T.Act.

5. Summing up, we direct the respondents to step up the pay of the applicant notionally on par with his junior with effect from 1.1.1986 with actual monetary benefits from 1.1.1990 onwards (i.e., one year prior to filing of this O.A.) and to pay all arrears from 1.1.1990 onwards.

6. The above direction shall be carried out by the respondents within a period of three months from the date of receipt of this order. There will be no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (A).

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

Dated: 26th March, 1992.

grh.

5/10/92
Deputy Registrar (Judl.)

Copy to:-

1. Regional Director, Employees State Insurance Corporation, Adarshnagar, Hyderabad.
2. One copy to Sri. B.S. Rahi, advocate, 191, Sri Chakra A Ahmednagar, 10-5-39, Masab Tank, Hyd-28.
3. One copy to Sri. N. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
4. Copy to reporters as per standard list of CAT, Hyd.
5. One spare copy.

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COMPARED BY

CHECKED BY

APPROVED BY

P. R. R.

~~THE HON'BLE MR.~~

V.C.

AND

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

AND

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

AND

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

Dated: 26/3/92. ✓

ORDER / JUDGMENT

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

in

O.A.No.

6/91 ✓

~~T.A.No.~~

(W.P.No.)

Admitted and interim directions
issued

✓ Disposed of with directions ✓

Dismissed

Dismissed as withdrawn

Dismissed for Default

M.A. Ordered/Rejected

No order as to costs.

Central Administrative Tribunal
DESPATCH

HYDERABAD BENCH.

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