

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

D.A.No. 574/92

F.A.No.

Dt. of Decision: 7.12.1992.

S.Venkata Ratnam

Petitioner

Mr.B.S.Kahi

Advocate for  
the Petitioner  
(s)

Regional Director, <sup>Versus</sup> Employees State Insurance

Corporation, Hill Fort, Hyderabad.

Respondent.

Mr.N.A.Devraj

Advocate for  
the Respondent  
(s)

CORAM:

THE HON'BLE MR. T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

be allowed to see the judgment?

2. To be referred to the Reporters 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  
the Bench.)

avl/

(HCSR)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNA: HYDERABAD BENCH  
AT HYDERABAD

O.A.No.574/92

Date of Order: 7.12.1992.

BETWEEN:

Sri S.Venkataratnam

.. Applicant.

A N D

Regional Director,  
Employees State Insurance  
Corporation, Hill Fort Road,  
Adarshnagar, Hyderabad.

.. Respondent.

---

Counsel for the Applicant

.. Mr.B.S.Rahi

Counsel for the Respondent

.. Mr.N.R.Devraj

---

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA KEDDY, MEMBER (JUDL.)

---

Order of the Single Member Bench delivered by  
Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.).

---

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to step up and refix applicant's pay as U.D.C. equal to the pay of his junior (P.K.R.Murthy) and to pay arrears on such refixation and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief are as follows:-

2. The applicant was appointed as L.D.C. in the corporation of respondents on 3.2.1975. The applicant was promoted as U.D.C. on 1.9.1979 on regular basis. One Sri P.K.R.Murthy who is junior to the applicant was appointed He was promoted as U.D.C. on regular basis on 18.7.1981. As Sri P.K.R.Murthy junior to the applicant was promoted on adhoc basis as U.D.C. earlier than the applicant, the pay of said Sri P.K.R.Murthy was fixed at a higher rate than that of the applicant when the applicant was regularly promoted on adhoc basis earlier than the applicant and when the applicant was promoted on regular basis, an anomaly arises as the pay of the applicant was less than that of his junior Sri P.K.R.Murthy. This disparity in pay had continued. So, the present O.A. is filed by the applicant for the relief.

(24)

3. Counter is <sup>not</sup> filed by the respondents opposing this O.A.

4. The question of limitation is raised in the O.A. It is well settled that with regard to the fixation of pay and grant of pensionary benefits there cannot be any question of limitation as the grievance would be of continuous nature. So, in view of this position, we are of the opinion that it is not open for the respondents to raise <sup>in</sup> this O.A., the point of limitation. But no doubt, the parties that approach the Tribunal are governed by the provisions of Section 21 of the Administrative Tribunals Act, which deals with the question of limitation. As we are dealing with the case of continuous grievance, in view of the provisions of Section 21 of the Administrative Tribunals Act, the monetary benefits that are <sup>to be</sup> granted to the applicant are to be restricted only for a period of one year prior to the filing of this O.A.

5. The following facts are not in dispute in this O.A. (1) The applicant and the said Sri P.K.R. Murthy junior to the applicant belong to the same category and the posts for which they are appointed and promoted are identical and are in the same cadre. (2) the scale of pay of the lower post (L.D.C.) and higher post (U.D.C.) in which the applicant and the P.K.R. Murthy, junior to the applicant are entitled draw pay are identical. Sri P.K.R. Murthy though was junior to the applicant due to the adhoc promotion purely under gratuitous circumstances, had earned certain increments. <sup>that</sup> is how the pay of the said Sri P.K.R. Murthy junior to the applicant had become higher than that of the applicant. But it is not in dispute that said Sri P.K.R. Murthy was regularly promoted as U.D.C on 18.7.81 and where as the applicant was promoted as U.D.C. on 1.9.79 So, as the applicant and the said Sri P.K.R. Murthy were recruited

T. R. Murthy

: 5 :

Copy to:-

1. Regional Director, Employees State Insurance Corporation, Hill Fort Road, Adarshnagar, Hyd.
2. One copy to Sri. B.S.Rahi, advocate, 33, Rock Road No.12, Banjara Hills, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

15/2/11  
28/1/11

25

into service in the respondents corporation in the same cadre and in the same grade and shall be

all respects both in the lower grade and in the higher grade.

There cannot be any doubt<sup>about</sup> the fact that the applicant herein is entitled for stepping up of his pay equal to that of

Sri P.K.R. Murthy junior to the applicant w.e.f. 18.7.81 on

as Sri P.K.R. Murthy has already pointed out has been regularly promoted as U.D.C. So, the applicant is entitled to

get his pay fixed notionally on par with his junior Sri

P.K.R. Murthy w.e.f. 18.7.1981. Besides the applicant will also be entitled for all notional

only in the post of U.D.C. but also in other posts in which the

applicant had been promoted. But as already pointed out the applicant will be entitled to

from one year prior to the filing of this O.A. i.e. from 13.7.1991 and hence a direction is liable to be given to the

respondents on the above.

6. Hence, the respondents are hereby directed to step up

the applicant on par with his junior Sri P.K.R. Murthy in the post of U.D.C. w.e.f. 18.7.1981 and

grant all notional benefits in the post of U.D.C. and the

other post<sup>posts</sup> to which the applicant was promoted. Further, we

direct the respondents to grant actual monetary benefits to

the applicant w.e.f. 13.7.1991 which is one year from the date

of filing of this O.A. O.A. is allowed accordingly. The

other reliefs with regard to payment of interest<sup>e.t.c</sup> are refused.

O.A. is taken on board at request of Mr. B.S. Rahi,

and Mr. N.R. Devraj.

T. Chandrasekhara Reddy  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 7th December, 1992

(Dictated in Open Court)

Sd

Dr. Registrar (Judl.)  
contd. ST

page