

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 957/92

Date of Order: 2.11.1992

BETWEEN:

Sathaiah

.. Applicant.

A N D

1. Union of India, rep. by its
Secretary, Ministry of Defence,
NEW DEIHI - 110 001.

2. The Scientific Adviser to the
Minister of Defence, Director
General Research & Development,
Dte., of Personnel, DHQ PO
NEW DEIHI - 110 011.

3. The Director,
Defence Metallurgical Research Lab.,
PO Kanchanbagh, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. K. Sudhakar Reddy

Counsel for the Respondents

.. Mr. V. Rajeswara Rao
for
Mr. N. V. Ramana

CORAM:

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

(Order of the Single Member Bench delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

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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 pay subsistence allowance to the applicant from 1.1.1986 on the basis of the revised pay scales together with arrears 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 OA in brief are as follows:-

2. The applicant herein is an employee of the Defence Metallurgical Research Laboratory, Hyderabad. He was first appointed as Fitter on 30.9.1964 and later promoted as Tool Maker 'A' during November 1974. The respondents have kept the applicant under suspension w.e.f. 2.8.1976 as the departmental enquiry was pending against him. The departmental enquiry seems ^{not} to have been completed yet. The applicant is being paid subsistence allowance ^{on} the basis of the old pay scales. It is the case of the applicant that he is entitled for subsistence allowance on the basis of the ~~lower~~ pay scale from 1.1.1986 onwards together with all arrears. Hence the present OA for the relief as already indicated above.

3. Today we have heard Mr.K.Sudhakar Reddy, Advocate for the applicant and Mr. V.Rajeswara Rao for Mr.N.V.Ramana, Standing Counsel for the respondents.

4. O.A.920/92 which is identical in all respects to this OA had come up for admission hearing before the Division Bench of this Tribunal on 22.10.1992. After hearing both sides the said OA had been disposed of O.A.920/92 by giving certain directions. So, it would be fit and proper to dispose of this OA also with the same directions as given in O.A.920/92 as per

T. C. M. P.

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the orders dated 22.10.1992.

5. Hence we direct the respondents to pay subsistence allowance to the applicant on the basis of the revised pay scales w.e.f. 1.1.1986 after deducting the amount that had already been paid to the applicant towards subsistence allowance on the basis of old pay scales. The rate at which the subsistence allowance that has got to be paid in the revised pay scales will be at the same rate that has been paid in the old pay scales. (50% or 75% as the case may be). Three months time is given to the respondents to implement the orders passed in this OA. The OA is allowed accordingly leaving the parties to bear their own costs.

6. As the enquiry is pending for more than 10 years we hope that the respondents will take all the steps that are required to complete the disciplinary proceedings that are pending as against the applicant at an early date.

T - Ch - J - J -
(T. CHANDRASEKHARA REDDY)

Member (Jud1.)

Dated: 2nd November, 1992

(Dictated in Open Court)

Deputy Registrar (J)

81/92

To

1. The Secretary, Union of India,
Ministry of Defence, New Delhi.— 110001
2. The Scientific Adviser to the Minister of Defence
and Director General Research & Development,
Dte., of Personnel, Ministry of Defence,
DHQ PO, New Delhi. — 11.
3. The Director,
Defence Metallurgical Research Lab.,
PO Kanchanbagh, Hyderabad.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC, CAT, Hyd.
6. One sparecopy.

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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 2 - 11 - 1992

ORDER/JUDGMENT:

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

in

O.A. No. 957/9L

T.A. No.

(wp. No)

Admitted and interim directions issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

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