

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BRANCH :
AT HYDERABAD

OA No. 460/92

DATE OF JUDGEMENT : 19-11-92

BETWEEN

D. Bhaskara Rao

: Applicant

AND

1. Divisional Railway Manager
(Personnel) South Central
Railway, Vijayawada.

2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad

: Respondents

COUNSEL FOR THE APPLICANT

: Mr. G.V. Subba Rao

COUNSEL FOR THE RESPONDENTS

: Mr. N.V. Ramana,
SC for Rlys.

CORAM

Hon'ble Shri R. Balasubramanian, Member (Admn.)

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

(Judgement of the Division Bench as per Shri T. Chandrasekhara Reddy, Member (Judl.)

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Heard Shri G.V. Subba Rao, learned counsel for the applicant and Shri N.V. Ramana, learned counsel for the respondent. The counter is filed by the respondents opposing this OA.

This application is filed seeking direction from this Tribunal to the respondents to pay subsistence allowance at the revised rates of pay w.e.f. 1-1-86 and also fix his pay retrospectively by granting him increments in old scale of pay upto 31-12-85 and new scale of pay w.e.f. 1-1-86 regulating his annual date of increment with consequential arrears from the date of deemed suspension. This OA came up for admission hearing in the presence of Shri G.V. Subba Rao.

T. C. Rao

and Shri N.V. Ramana, learned counsels for the applicant and the respondents respectively. In the course of admission hearing Shri G.V. Subba Rao filed a ^{memo} letter before us stating that he is not pressing his claim with regard to the subsistence allowance on the basis of benefit of increments during the suspension period in the present OA and that he will file a separate OA for that purpose. After hearing both the sides we permit the applicant to reserve his right and to file a separate OA on ^{same} ~~the~~ ^{same} ~~OA~~ ^{is filed} cause of action with regard to subsistence allowance that he may be entitled on the basis of the benefit of increments during the suspension period.

As already pointed out, his prayer is for payment of subsistence allowance on the basis of revised pay scales. Similar OA is decided (in OA 921/92) by this Bench on 22-10-92. In the said OA we have given certain directions to the respondents for payment of subsistence allowance on the basis of the revised pay scales. So it will be fit and proper to give the same directions to the respondents for payment of subsistence allowance to the applicant. Hence we direct the respondents to pay subsistence allowance to the applicant on the basis of the revised pay scales w.e.f. 1-1-86 after deducting the amount that had already been paid towards subsistence allowance on the basis of old pay scales. We further clarify that the rate at which subsistence allowance has got to be paid will be the same rate as has been paid in the old pay scales (50% or 75% as the case may be).

T. C. N. S.

contd. 3

3 months time is granted to the respondents to comply with the directions given.

The OA is disposed of accordingly leaving the parties to bear their own costs.

R. Balasubramanian

(R. Balasubramanian)
Member (Admn.)

T. Chandrasekhar Reddy

(T. Chandrasekhar Reddy)
Member (Judl.)

Open Court Judgement

Dated 19th November, 1992

Deputy Registrar

NS

To

1. The Divisional Railway Manager, (Personnel) S.C.Rly, Vijayawada.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, SC for Rlys, CAT.Hyd.
5. One spare copy.

pvm.

Read copy of order dated 1-10-92 in
O.A NO: 861 of 92 and order dated 22-10-92
in O.A NO: 921/92.

J. Chandrasekhar
L.R. for scally
12/11/93.

22/11/93
P.D.L.

TYPED BY

COMPARED BY

CHECKED BY

3

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 : M
BER(JUDL)

Dated: 19 - 11 - 1992

ORDER/JUDGMENT:

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

in

O.A. No.

460/92

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.

pvm

Central Administrative Tribunal

DESPATCH

- 1 DEC 1992

HYDERABAD BENCH