

ANNEXURE - II

Part of Papers in Original Application No.

618/92

Sl.No.Of  
Papers.

Date of Papers  
Or  
Date of Filing.

Description  
of Papers.

Part I

23-9-92

Original Judgement

O.A. & Material Papers.

Counter

Reply Counter

PART I, PART II, PART III  
Destroyed.

19/4/99

OA 618/92

(A)

Date	Office Note	Orders
26.10.92		<p>MA NO. 1134/92</p> <p><del>At</del> applicant's counsel not present before 7.12.92</p> <p>HRBS M(A)</p> <p>HCJR M(J)</p> <p>At the request of applicant's Counsel this case is on 14/12/92 under the same bench.</p> <p>HRBS M(A)</p> <p>HCJR M(J)</p>
14-12-92		<p>Heard Shri B.S. Rahi, learned counsel for the applicant and Shri N.R. Devaraj, learned counsel for the respondents.</p>
21.12.92	<p>Memo of App. filed by Mr. N.R. Devaraj, Sr. C.A. on 21/12/92</p>	<p>The case is restored and according to MA 1134/92 is allowed. Since it is a single Member case, let the case be posted before the single Member Bench.</p>
31.12.92	<p>Counter filed by Mr. N.R. Devaraj, Sr. C.A. on 21/12/92</p>	<p>HRBS M(A)</p> <p>HCJR M(J)</p> <p>with no cost OA is allowed vide the orders on separate sheets.</p> <p>HCJR M(J)</p>

Imp

u/laz

# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No. 618/92 19

C. Viswanathan

Applicant (s)



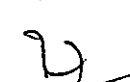
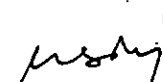

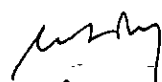
Versus

Regional Director

ESI Corporation

Respondent (s)

A. Hyd



Date	Office Note	Orders
26-7-92		<p>On a request by Mr. Murthy on behalf of Mr. Rathi, list this case for admission hearing on 29-7-92.</p> <p>                       (HRBS)                      M(A)                 </p> <p>                       (HCSR)                      M(J)                 </p>
29-7-92		<p>Sr. B.S. Rathi, counsel for the applicant present and heard. Issue notice before admission to the respondents, for filing counter within 10 weeks with an advance copy to the counsel for the applicant who may file the rejoinder within two weeks thereafter.</p> <p>                       (HRBS)                      M(A)                 </p> <p>                       (HCSR)                      M(J)                 </p> <p>There was no response from the Applicant side. List this case on 21-9-92.</p> <p>                       HRBS                      M(A)                 </p> <p>                       HCSR                      M(J)                 </p>

NBA  
22/307

24/8 21/9

(P.T.O.)

OA. 618/92

Date	Office Note	Orders
21/9/92		<p>This case is coming up quite often and there is no need of the interest of the applicant in this case. Hence list this case for rejection on 23.9.92.</p> <p style="text-align: right;">               (HRBS) (HCTR)              H(A) H(J)           </p>
23-9-92		<p>Lack of interest in protecting the case. The case was ordered to be placed for rejection vide an order dated 21-9-92. Despite the case being posted for rejection, when the case was called there was no representation from the applicant's side. Hence the case is rejected summarily.</p> <p style="text-align: right;">               HRBS (HCTR)              HCA) H(J)           </p>

...  
CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

R.A./M.A./C.A. NO,  
ORIGINAL APPLICATION NO?

618

OF 19 92

TRANSFER APPLICATION NO.

OLD WRIT PETN.NO.

CERTIFICATE


Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 29/9/92

Counter Signed:

Section Officer/Court Officer.

pvm.

  
Signature of the  
Dealing Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 618/92

Date of Order: 23-9-92.

Between:

C. Vishwanatham.

.. Applicant ✓

and

Regional Director, Employees State  
Insurance Corporation, Hill Fort Road,  
Adarsh Nagar, Hyderabad-463.

.. Respondents.

For the Applicant: Mr. B.S. Rahi, Advocate, ~~not present~~.

For the Respondent: Mr. Naram Bhaskar Rao, Addl. CGSC.

CDRAM:


THE HON'BLE MR. R. BALA SUBRAMNIAN : MEMBER (ADMN)

AND

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

The Tribunal made the following Order:-

Lack of interest in prosecuting the case. The case was ordered to be placed for rejection vide our Docket order dated 21.9.92. Despite the case being posted for rejection, when the case was called, there was no representation from the applicant's side. Hence the case is rejected summarily.

  
Deputy Registrar (J)

To

1. The Regional Director, Employees State Insurance Corporation, Hill Fort Road, Adarsh Nagar, Hyderabad-463.
2. One copy to Mr. B.S. Rahi, Advocate 33, Rock Roof - III Road No. 12 Banjara Hills, Hyderabad-034. (B. S. Rahi)
3. One copy to Mr. Naram Bhaskar Rao, Addl. CGSC. CAT. Hyd.
4. One spare copy.

pvm.

  
2-10-92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 23-9-1992

ORDER / ~~JUDGMENT~~

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

in

O.A.No. 618/92

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

Admitted and interim directions  
issued

Allowed.

Disposed of with directions

Dismissed

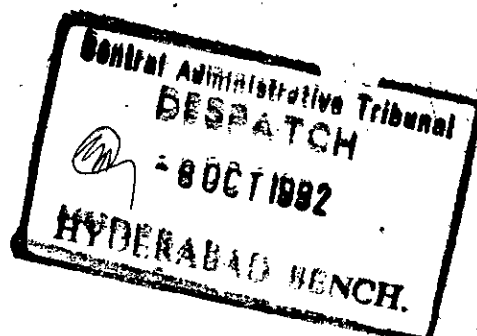
Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.



25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

M.A.NO. 1134 of 92 in O.A.NO. 618 of 1992.

Between

*C. Vishwanatham.*

Dated: 14.12.1992

Applicant

And

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

Respondent.

Counsel for the Applicant : Sri. B.S.Rahi  
Counsel for the Respondent : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Balasubramanian, Administrative Member  
Hon'ble Mr. C.J.Roy, Judicial Member.

The Tribunal made the following order:-

Heard Sri. B.S.Rahi, learned counsel for the applicant  
and Sri. N.R.Devaraj, learned counsel for the respondents.

This case is restored and accordingly M.A.1134/92  
is allowed. Since it is a single Member case, let the case be  
posted before the single Member Bench.

CERTIFIED TO BE TRUE COPY

*Sd/-*  
Deputy Registrar(Judl.)

Date.....

*C. J. Roy*  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad

Copy to:-

1. Regional Director, Employees State Insurance Corporation,  
Hill Fort road, Adarshnagar, Hyderabad-463.
2. One copy to Sri. B.S.Rahi, advocate, 33, Rock Roof -III, Road  
No.12, Banjara Hills, Hyderabad.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, C.T, Hyd.
4. One spare copy.

Rsm/-



(45)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

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

ORIGINAL APPLICATION NO. 618 of 1992

~~TRANSFER APPLICATION NO.~~

~~OLD WRIT PETITION NO.~~

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (decided)

Dated: 21/1/93

Counter signed:

Section Officer/Court Officer.

pvm

Signature of the  
Dealing Assistant

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

D.A.No. 618/92

~~I.A.No.~~

Dt. of Decision: 4/1/93.

Sri C. Vishwanatham Petitioner

M. B. S. Rahi Advocate for  
the Petitioner  
(s)

Versus

Regional Director, E-S I Corporation,  
Hyd. Respondent.

M. N. R. Devraj Advocate for  
the Respondent  
(s)

CORAM:

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

THE HON'BLE MR.

1. Whether Reporters of local papers may 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.)

No

av1/

T. C. A.

HCSR

9(1)

6/11

(57)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.618/92

Date of Order: 4.1.1993

BETWEEN:

Sri C.Vishwanatham

.. Applicant.

A N D

Regional Director Employees State  
Insurance Corporation, Hill Fort,  
Road, Adarshnagar,  
HYDERABAD - 500 463.

.. Respondents.

---  
Counsel for the Applicant

.. Mr.B.S.Rahi

Counsel for the Respondent

.. Mr.N.R.Devraj

---  
CORAM:

HON'BLE SHRI T.CHADRASEKHARA REDDY, MEMBER (JUD L.)

---  
T. C. R.

82

ANNEXURE - II

Part of Papers in Original Application No.

618/92

Sl.No.Of  
Papers.

Date of Papers  
Or  
Date of Filing.

Description  
of Papers.

Part I

23-9-92

Original Judgement

O.A. & Material Papers.

Counter

Reply Counter

PART I, PART II, PART III  
Destroyed.

A  
19/4/99

OA 618/92

(A)

Date	Office Note	Orders
26.10.92		<p>MA NO. 1134/92</p> <p><del>At</del> applicant's counsel not present before 7.12.92</p> <p>HRBS M(A)</p> <p>HCJR M(J)</p> <p>At the request of applicant's Counsel this is on 14/12/92 under the same bench.</p> <p>HRBS M(A)</p> <p>HCJR M(J)</p>
14-12-92		<p>Heard Shri B.S. Rahi, learned counsel for the applicant and Shri N.R. Devaraj, learned counsel for the respondents.</p>
21.12.92	<p>Memo of App. filed by Mr. N.R. Devaraj, Sr. C.A. on 21/12/92</p>	<p>The case is restored and according MA 1134/92 is allowed. Since it is a single Member case, let the case be posted before the single Member Bench.</p>
31.12.92	<p>Counter filed by Mr. N.R. Devaraj, Sr. C.A. on 21/12/92</p>	<p>HRBS M(A)</p> <p>HCJR M(J)</p> <p>OA is allowed with no cost vide orders on separate sheets.</p> <p>HCJR M(J)</p>

Imp

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# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No. 618/92 19

C. Viswanathan

Applicant (s)

Versus

Regional Director

ESI Corporation

Respondent (s)

A. Hyd



Date	Office Note	Orders
26-7-92		<p>On a request by Mr. Murthy on behalf of Mr. Rathi, list this case for admission hearing on 29-7-92.</p> <p>(HRBS) (HCA) (HCSR) (HJ)</p>
29-7-92		<p>Sr. B.S. Rathi, counsel for the applicant present and heard. Issue notice before admission to the respondents, for filing counter within 10 weeks with an advance copy to the counsel for the applicant who may file the rejoinder within two weeks thereafter.</p> <p>(HRBS) (HCA) (HCSR) (HJ)</p> <p>There was no response from the Applicant side. List this case on 21-9-92.</p> <p>(HRBS) (HCA) (HCSR) (HJ)</p>

NBA  
22/307

24/8 21/9

(P.T.O.)

OA 618/92

Date	Office Note	Orders
21/9/92		<p>This case is coming up quite often and there is no need of the interest of the applicant in this case. Hence list this case for rejection on 23.9.92.</p> <p style="text-align: right;">               (HRBS) (HCTR)              H(A) H(J)           </p>
23-9-92		<p>Lack of interest in protecting the case. The case was ordered to be placed for rejection vide an order dated 21-9-92. Despite the case being posted for rejection, when the case was called there was no representation from the applicant's side. Hence the case is rejected summarily.</p> <p style="text-align: right;">               HRBS (HCTR)              HCA) H(J)           </p>

...  
CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

R.A./M.A./C.A. NO,  
ORIGINAL APPLICATION NO?

618

OF 19 92

TRANSFER APPLICATION NO.

OLD WRIT PETN.NO.

CERTIFICATE


Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 29/9/92

Counter Signed:

Section Officer/Court Officer.

pvm.

  
Signature of the  
Dealing Assistant.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 618/92

Date of Order: 23-9-92.

Between:

C. Vishwanatham.

.. Applicant ✓

and

Regional Director, Employees State  
Insurance Corporation, Hill Fort Road,  
Adarsh Nagar, Hyderabad-463.

.. Respondents.

For the Applicant: Mr. B.S. Rahi, Advocate, ~~not present~~.

For the Respondent: Mr. Naram Bhaskar Rao, Addl. CGSC.

CDRAM:


THE HON'BLE MR. R. BALA SUBRAMNIAN : MEMBER (ADMN)

AND

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

The Tribunal made the following Order:-


Lack of interest in prosecuting the case. The case was ordered to be placed for rejection vide our Docket order dated 21.9.92. Despite the case being posted for rejection, when the case was called, there was no representation from the applicant's side. Hence the case is rejected summarily.

  
Deputy Registrar (J)

To

1. The Regional Director, Employees State Insurance Corporation, Hill Fort Road, Adarsh Nagar, Hyderabad-463.
2. One copy to Mr. B.S. Rahi, Advocate 33, Rock Roof - III Road No. 12 Banjara Hills, Hyderabad-034. (By post)
3. One copy to Mr. Naram Bhaskar Rao, Addl. CGSC. CAT. Hyd.
4. One spare copy.

pvm.

  
2-10-92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 23-9-1992

ORDER / ~~JUDGMENT~~

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

in

O.A.No. 618/92

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

Admitted and interim directions  
issued

Allowed.

Disposed of with directions

Dismissed

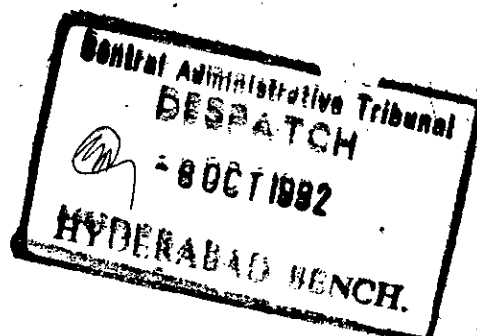
Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.



25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

M.A.NO. 1134 of 92 in O.A.NO. 618 of 1992.

Between

*C. Vishwanatham.*

Dated: 14.12.1992

Applicant

And

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

Respondent.

Counsel for the Applicant : Sri. B.S.Rahi  
Counsel for the Respondent : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Balasubramanian, Administrative Member  
Hon'ble Mr. C.J.Roy, Judicial Member.

The Tribunal made the following order:-

Heard Sri. B.S.Rahi, learned counsel for the applicant  
and Sri. N.R.Devaraj, learned counsel for the respondents.

This case is restored and accordingly M.A.1134/92  
is allowed. Since it is a single Member case, let the case be  
posted before the single Member Bench.

CERTIFIED TO BE TRUE COPY

*Sd/-*  
Deputy Registrar(Judl.)

Date.....

*C. J. Roy*  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad

Copy to:-

1. Regional Director, Employees State Insurance Corporation,  
Hill Fort road, Adarshnagar, Hyderabad-463.
2. One copy to Sri. B.S.Rahi, advocate, 33, Rock Roof -III, Road  
No.12, Banjara Hills, Hyderabad.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, C.T, Hyd.
4. One spare copy.

Rsm/-

(45)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

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

ORIGINAL APPLICATION NO. 618 of 1992

~~TRANSFER APPLICATION NO.~~

~~OLD WRIT PETITION NO.~~

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (decided)

Dated: 21/1/93

Counter signed:

Section Officer/Court Officer.

pvm

Signature of the  
Dealing Assistant

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

D.A.No. 618/92

~~I.A.No.~~

Dt. of Decision: 4/1/93.

Sri C. Vishwanatham Petitioner

M. B. S. Ravi Advocate for  
the Petitioner  
(s)

Versus

Regional Director, E-S I Corporation,  
Hyd. Respondent.

M. N. R. Devraj Advocate for  
the Respondent  
(s)

CORAM:

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

THE HON'BLE MR.

1. Whether Reporters of local papers may 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.)

No

av1/

T. C. A.

HCSR

9(1)

6/11

.. 2 ..

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 14.3.1975. The applicant was promoted as U.D.C. on regular basis on 18.7.81. One Sri P.K.R.Murthy who is junior to the applicant was appointed as L.D.C. on 28.4.1976 in the respondents corporation. He too was promoted as U.D.C. on regular basis on 18.7.81. 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 the said Sri P.K.R.Murthy was fixed at a higher rate than that of the applicant when the applicant was regularly promoted as U.D.C. on 18.7.1981. As junior to the applicant was 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 as already indicated above.

T. C. n

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P. J.

3. Counter is filed by the respondents opposing this O.A. Today we have heard Mr.B.S.Rahi, for the applicant and Mr.V.Rajeswara Rao for Mr.N.R.Devraj, for the respondents.

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 in 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 to be 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 post 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 to draw pay, are identical. Sri P.K.R.Murthy though was junior to the applicant, due to the adhoc promotion purely under fortuitous circumstances, had earned certain increments. That 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 18.7.1981 and where as the applicant was promoted as U.D.C. on 18.7.1981 . So, as the

T . C .

: 5 :

Copy to:-

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

RSM/-

*msd*  
*9/11/93*



50

applicant and the said Sri Murthy were recruited into service in the respondents corporation in the same cadre and in the same grade and their pay scale is identical in all respects both in the lower grade and in the higher grade. There cannot be any doubt about 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.18.7.1981 on which date the said P.K.R.Murthy as 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 benefits w.e.f.18.7.1981 not 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 actual monetary benefits only from one year prior to the filing of this O.A. i.e. from 22.7.91 and hence a direction is liable to be given to the respondents on the lines indicated above.

6. Hence, the respondents are hereby directed to step up notionally the pay of 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/posts to which the applicant was promoted. Further, we direct the respondents to grant actual monetary benefits to the applicant w.e.f.22.7.91 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 are refused. The parties shall bear their own costs.

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

Dated: 4th January, 1993

(Dictated in Open Court)

8/13/93  
Regd. Secy (Judl.)

contd... 4/-

JSR 13/11/92 O.A. 618/92

TYPED BY \_\_\_\_\_ COMPARED BY \_\_\_\_\_  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CHECKED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_  
HYDERABAD BENCH  
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. \_\_\_\_\_ V.C.  
AND  
THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)  
AND  
THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)  
AND  
THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 21-11-1992

ORDER/JUDGMENT: \_\_\_\_\_

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

O.A.No.

T.A.No.

(W.P.No. \_\_\_\_\_)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

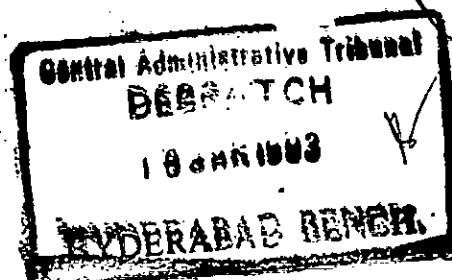
Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.



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

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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 14.3.1975. The applicant was promoted as U.D.C. on regular basis on 18.7.81. One Sri P.K.R.Murthy who is junior to the applicant was appointed as L.D.C. on 28.4.1976 in the respondents corporation. He too was promoted as U.D.C. on regular basis on 18.7.81. 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 the said Sri P.K.R.Murthy was fixed at a higher rate than that of the applicant when the applicant was regularly promoted as U.D.C. on 18.7.1981. As junior to the applicant was 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 as already indicated above.

T. C. n f

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.618/92

Date of Order: 4.1.1993

BETWEEN :

Sri C.Vishwanatham



.. Applicant.

A N D

Regional Director Employees State  
Insurance Corporation, Hill Fort,  
Road, Adarshnagar,  
HYDERABAD - 500 463.

.. Respondents.

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Counsel for the Applicant

.. Mr.B.S.Kahi

Counsel for the Respondent

.. Mr.N.K.Devraj

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CORAM:

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

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T. C. R.

0.72

applicant and the said Sri Murthy were recruited into service in the respondents corporation in the same cadre and in the same grade and their pay scale is identical in all respects both in the lower grade and in the higher grade. There cannot be any doubt about 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. 18.7.1981 on which date the said P.K.R.Murthy as 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 benefits w.e.f. 18.7.1981 not 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 actual monetary benefits only from one year prior to the filing of this O.A. i.e. from 22.7.91 and hence a direction is liable to be given to the respondents on the lines indicated above.

6. Hence, the respondents are hereby directed to step up notionally the pay of 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/posts to which the applicant was promoted. Further we direct the respondents to grant actual monetary benefits to the applicant w.e.f. 22.7.91 which is one year from the date of filing of this O.A. O.A. is allowed accordingly. The parties shall bear their own costs.

CERTIFIED TO BE TRUE  
Date .....  
Central A. Court

3. Counter is filed by the respondents opposing this O.A. Today we have heard Mr.B.S.Rahi, for the applicant and Mr.V.Rajeswara Rao for Mr.N.R.Devraj, for the respondents.

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 in 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 to be 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 post 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 to draw pay, are identical. Sri P.K.R.Murthy though was junior to the applicant, due to the adhoc promotion purely under fortuitous circumstances, had earned certain increments. That 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 V.D.C. on 18.7.1981 and where as the applicant was promoted as U.D.C. on 18.7.1981. So, as the

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

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P. J.

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T . C .



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Copy to:-

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

RSM/-

*msd*  
*9/11/93*

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

Dated: 4th January, 1993

(Dictated in Open Court)

8/13/93  
Regd. Secy (Judl.)

contd... 4/-

JSR 13/11/92 O.A. 618/92

TYPED BY \_\_\_\_\_ COMPARED BY \_\_\_\_\_  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CHECKED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_  
HYDERABAD BENCH  
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR. \_\_\_\_\_ V.C.  
AND  
THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)  
AND  
THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)  
AND  
THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 21-11-1992

ORDER/JUDGMENT: \_\_\_\_\_

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

O.A.No.

T.A.No.

(W.P.No. \_\_\_\_\_)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

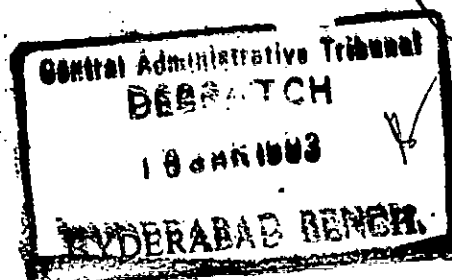
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.618/92

Date of Order: 4.1.1993

BETWEEN :

Sri C.Vishwanatham



.. Applicant.

A N D

Regional Director Employees State  
Insurance Corporation, Hill Fort,  
Road, Adarshnagar,  
HYDERABAD - 500 463.

.. Respondents.

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Counsel for the Applicant

.. Mr.B.S.Kahi

Counsel for the Respondent

.. Mr.N.K.Devraj

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CORAM:

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

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T. C. A.

0.72

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