

ANNEXURE - I

Part of Papers in Original Application No.

618/92

Sl. No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
		Part <u>2</u> 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 618792

A

Date	Office Note	Orders
26.10.92		MA NO. 1134/92 to applicant counsel not present before 7/12/92 1. <u>HRBS</u> 2. <u>HCJR</u> 3. <u>HRG</u> for the return of applicant's Case file this ad on 14/12/92 in the same ready. <u>HRBS</u> <u>HRG</u>
14-12-92		Heard Shri B.S. Rahi, learned counsel for the applicant and Shri N.R. Devaraj, learned counsel for the respondents.
21.12.92	memo of App. filed by Mr. N.R. Devaraj, Sr. C.J.R. on 21/12/92	The case is restored and accordingly MA 1134/92 is allowed. Since it is a single Member case, let the case be posted before the single Member Bench.
31.12.92	Counter filed by Mr. N.R. Devaraj, Sr. C.J.R. on 21/12/92 31.	HRBS M(A)
		HCJR M(J)
		OA is allowed with no cost orders on separate sheet.
		T - C - R + HCSR 9467

Central Administrative Tribunal

HYDERABAD BENCH

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

C. Viswanatham

Applicant(s)

versus

Regional Director, ESI Corporation

Respondent(s)

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

N.B.
 1/3/92

26/8

26/9

(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><u>D</u> <u>easy</u> (HRBS) <u>M(A)</u> (MCJR) <u>M(J)</u></p>
23-9-92		<p>Lack of interest in proceeding 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><u>D</u> <u>easy</u> (HRBS) <u>M(A)</u> (MCJR) <u>M(J)</u></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 Orders: 23-9-92.

Between:

C. Vishwanatham.

.. Applicant

and

Regional Director, Employee's 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.

COMMITTEE:

THE HON'BLE MR. R. BALA SUBRAMANIAN : 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. P. M)
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

C.A. No. 618/92

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

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

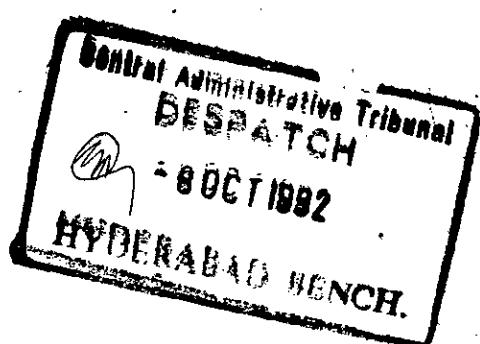
Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
M.A.NO. 1134 of 92 in O.A.NO. 618 of 1992

Between

Dated: 14.12.19

Ch. Vishwanatham.

August 1, 1960 - 1

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

Deputy Registrar (Judl.)

Date.....

1. Call Off 1

Central Management Bureau

May 22, 1970

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.Dévaraj, Sr. CGSC, C T, Hyd.
4. One spare copy.

Rsm/—

W

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

T.A.No.

Dt. of Decision: 11/1/93.

Sri C. Vishwanatham

Petitioner

Mr. B.S. Rahi

Advocate for
the Petitioner
(s)

Versus

Regional Director, E.S.I. Corporation,

Hyd.

Respondent.

Mr. N.R. Devraj

Advocate for
the Respondent
(s)

CORAM:

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

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.)

av1/

No

T. C. A. [Signature]

HCSR

9/1/

EM
B/1

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 (JUDL.)

ANNEXURE - I

Part of Papers in Original Application No.

618/92

Sl. No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
		Part <u>2</u> 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 618792

A

Date	Office Note	Orders
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21.12.92	memo of App. filed by Mr. N.R. Devaraj, Sr. C.J.R. on 21/12/92	The case is restored and accordingly MA 1134/92 is allowed. Since it is a single Member case, let the case be posted before the single Member Bench.
31.12.92	Counter filed by Mr. N.R. Devaraj, Sr. C.J.R. on 21/12/92 31.	HRBS M(A)
		HCJR M(J)
		OA is allowed with no cost orders on separate sheet.
		T - C - R + HCSR 9467

Central Administrative Tribunal

HYDERABAD BENCH

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

C. Viswanatham

Applicant(s)

versus

Regional Director, ESI Corporation

Respondent(s)

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

N.B.
 1/3/92

26/8

26/9

(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><u>D</u> <u>easy</u> (HRBS) <u>M(A)</u> (MCJR) <u>M(J)</u></p>
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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 Orders: 23-9-92.

Between:

C. Vishwanatham.

.. Applicant

and

Regional Director, Employee's 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.

CORAM:

THE HON'BLE MR. R. BALA SUBRAMANIAN : 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, P, M)
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

C.A. No. 618/92

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

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

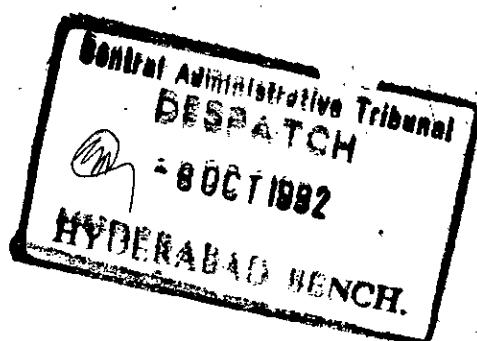
Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
M.A.NO. 1134 of 92 in O.A.NO. 618 of 1992

Between

Dated: 14.12.19

Ch. Vishwanatham.

Applicant

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

Deputy Registrar (Judl.)

Date: 1/18/2014 10:45:00 AM

Chart of the

WATER USE

My Collection of 1000 Birds.

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. OGSC, C T, Hyd.
4. One spare copy.

Rsm/ μ

W

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

T.A.No.

Dt. of Decision: 11/1/93.

Sri C. Vishwanatham

Petitioner

Mr. B.S. Rahi

Advocate for
the Petitioner
(s)

Versus

Regional Director, E.S.I. Corporation,

Hyd.

Respondent.

Mr. N.R. Devraj

Advocate for
the Respondent
(s)

CORAM:

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

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.)

av1/

No

T. C. A. [Signature]

HCSR

9/1/

EM
B/1

.. 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 - M - T

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Prf

3. Counter is filed by the respondents opposing this O.A. Today we have heard Mr.B.S.Rahig 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 became 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

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. OGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

Wilson
13/1/83

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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.K.Murthy junior to the applicant w.e.f. 18.7.1981 on which date the said P.K.K.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.K.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. Chandrasekara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 4th January, 1993

(Dictated in Open Court)

8/3/93
D. Registration (Speed)

contd... 4/-

JSR # 5
13/11 O.A. 618792

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: 21/1 1992

ORDER/JUDGMENT:

R.A./ C.A./M.A. NO.

O.A. No.

18792

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

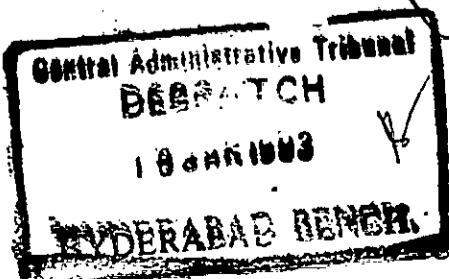
Dismissed as withdrawn

Dismissed for default

M.A.Ordered/Rejected

No order as to costs.

pvm.



Order of the Single Member Bench delivered by
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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.K.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.

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.K.Devraj

CORAM:

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

T . C . N . J

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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.K.Murthy junior to the applicant w.e.f. 18.7.1981 on which date the said P.K.K.Murthy was 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.K.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.K.Murthy in the post of U.L.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.

Other reliefs with regard to payment of interest etc. The parties shall bear their own costs.

STATE OF KARNATAKA
High Court of Karnataka
Court of First Instance
Civil Appeal No. 10000/1991
Date: 20/07/1991
Central A. Com.
APPEAL TO BE TRUE C

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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 became 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

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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 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.

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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.

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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. OGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

Wilson
13/1/83

50

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6. Hence, the respondents are hereby directed to step up notionally the pay of the applicant on par with his junior Sri P.K.K.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. Chandrasekara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 4th January, 1993

(Dictated in Open Court)

8/3/93
D. Registration (Speed)

contd... 4/-

JSR # 5
13/11 O.A. 618792

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: 21/1 1992

ORDER/JUDGMENT:

R.A./ C.A./M.A. NO.

O.A. No.

18792

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

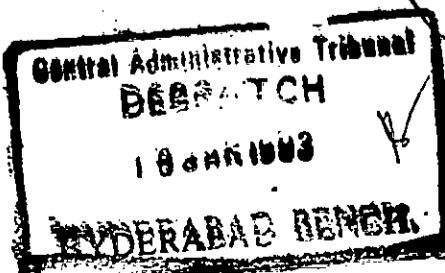
Dismissed as withdrawn

Dismissed for default

M.A.Ordered/Rejected

No order as to costs.

pvm.



Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reedy, 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.K.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.

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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 :

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.. Applicant.

A N D

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

.. Respondents.

Counsel for the Applicant

.. Mr.B.S.Rahi

Counsel for the Respondent

.. Mr.N.K.Devraj

CORAM:

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

T . C . N . J

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other reliefs with regard to payment of interest etc. The parties shall bear their own costs.

.. 3 ..

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