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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.758/92

Date of Order: 29.3.1993

BETWEEN:

1. Naresh Singh
2. A.K.Deb Gupta
3. G.V.Krishna Murthy
4. S.Gandaiah
5. K.Hanumanth
6. N.Chakrapani
7. K.J.Krishna Rao
8. V.G.Sohoni
9. B.Satyanarayana

.. Applicants.

A N D

1. Union of India, rep. by
the Scientific Adviser to Defence
Minister & Ex-Officio Secretary,
Defence Research & Development,
Ministry of Defence,
New Delhi.
2. The Director General,
Defence Research & Development Organisation,
Defence Head Quarters, New Delhi.
3. Joint Controller of Defence Accounts,
Defence Electronics Research Laboratory,
DRDL Complex, Kanchanbagh, Hyderabad.
4. The Director, Defence Electronics
Research Laboratory, (DRDL),
Chandrayangutta Lines, Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr.N.Rammohan Rao

Counsel for the Respondents

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO: VICE-CHAIRMAN

HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (ADMN.)

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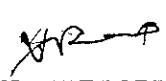
involved,

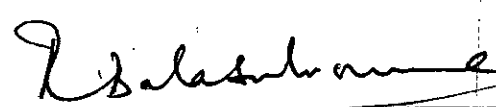
II are identical, this O.A. was filed.

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4. The applicants also prayed for a declaration that the action of the respondents in effecting recovery of amount on the basis of refixing the pay of the applicants on their promotion as Chargeman Grade II from the category of Master Craftsman, from their salaries and allowances is illegal and un-sustainable. Full Bench Judgement of A.P. High Court reported in 1993 (1) ALT 23 ^{NGC} ~~in OG~~ is relied upon. The Full Bench of the A.P. High Court considered the case of fixation of pay of examiners on ^{their} transfer to the post of and L.D.C. is identical. Some of the units fixed the pay of the examiners L.D.C. when the scale of pay of the examiners transferred as LDCs by following F.R.22(C). The Full Bench held that in such a case the examiners who are transferred as LDCs are not entitled to the benefit of F.R.22(C). But at the same time it was held that it is not proper to recover the excess amounts paid on the basis of the fixation of pay as per F.R.22(C). We feel that in view of the above Full Bench Judgement of A.P. High Court it is just and proper to direct the respondents not to proceed with the recovery for the relevant period as it is not a case of erroneous fixation on the basis of obvious mistake but as it is a case of erroneous fixation in misconstruing the provisions.

5. The applicants were given show cause notice dt. 16.9.1991 informing them as to why their pay should not be refixed on the basis of their present pay in the post of Tradesman Grade 'A'. So, we feel that the recovery can be stalled only with regard to the excess payment made upto 31.8.1991 as the salary for August 1991 was paid by the time the show cause notice dt. 16.9.91 was issued. O.A. is ordered accordingly. No costs.


(JUSTICE V. NEELADRI RAO)
Vice-Chairman


(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 29th March, 1993

(Dictated in Open Court)

To

1. The Scientific Adviser to Defence Minister and Ex-Officio Secretary, Defence Research & Development, Union of India, New Delhi.
2. The Director General, Defence Research and Development Organisation, Defence Head Quarters, New Delhi.
3. The Joint Controller of Defence Accounts, Defence Electronics Research Laboratory, DRDL Complex, Kanchanbagh, Hyderabad.
4. The Director, Defence Electronics Research Laboratory (DRDL), Chandrayanagutta, Lines, Hyderabad.
5. One copy to Mr.N.Rammohan Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
7. One spare copy.

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G.R.D.
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