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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.696/93

Date of Order : 13.12.96

BETWEEN :

K.Altaf Hussain

... Applicant.

AND

1. Union of India, rep. by
the General Manager,
S.C.Rly, Rail Nilayam,
Secunderabad.
2. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. Sr. Divisional Personnel
Officer, S.C.Rly., Guntakal.

.. Respondents.

Counsel for the Applicant

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. This OA is filed for quashing the proceedings No. G/P.99/I/2/Vol.VI, dt. 21.12.92 so far it relates to the applicant herein whereby the applicant's pay was fixed at the stage of Rs.1680/- in the pay scale of Rs.1400-2600 as Section Controller ^{holding} the same as ~~is~~ illegal, arbitrary and unconstitutional and for a consequential

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declaration that the applicant is entitled for absorption in the grade of Rs.1600-2660 w.e.f. 10.9.90 with all consequential benefits.

3. By fixing him in the pay scale of Rs.1400-2600 two disadvantages had occurred to the applicant. They are :-

(i) If he reached the stage of Rs.2600 in the pay scale of Rs.1400-2600 he ^{would} ~~will~~ stagnate at that stage and he ^{could} ~~cannot~~ reach the pay scale of Rs.2660 as per the notification No.P(T)/99/DQ/Vol.IV dt. 17.10.88 (A-1).

(ii) The applicant ^{would} ~~will~~ get the seniority mark only according to the seniority mark applicable to the grade of Rs.1400-2600 and not the seniority mark applicable to 1600-2660 grade. Because of ^{this} ~~the~~ lowering of the seniority mark the applicant could not come up in the panel for Law Assistant. For this he filed OA.134/93 praying for fixing him in the scale of pay of Rs.1600-2660 to obtain higher seniority mark for consideration for the post of Law Assistant.

4. The above two issues have been resolved amicably to the satisfaction of the applicant due to the following reasons:-

(i) The applicant had already been promoted to the scale of Rs. 2000-3200 as Deputy Controller and he keeps his lien in that scale in the Controller category. But he has gone on deputation as Vigilance Inspector in that same grade which is an ex cadre post. The applicant had been promoted to the higher grade of Deputy Controller even before he reached the stage of Rs.2600 in the lower scale of Rs.1400-2600. Hence the applicant did not stagnate at the stage of Rs.2600.


(ii) The seniority mark for the post of Law Assistant has been abolished in view of the recent orders of the Supreme Court. OA.134/93 which was filed challenging his fixation in the lower

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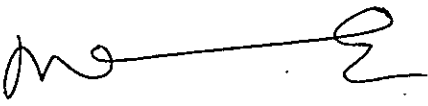
scale of pay of Rs.1400-2600 which resulted in granting him lower seniority mark in the Law Assistant ^{selective} grade had been dismissed as not pressed by this Bench due to the Apex Court judgement referred to above. The selection for the post of Law Assistant for which he appeared is also being reviewed. He will be considered as per his merit for the post of Law Assistant for which he earlier appeared without seniority mark.

5. In view of what is stated above the applicant is not put to any disadvantage by showing him in the grade of Rs.1400-2600. In view of the foregoing ^{there} is no need to further go into this OA.

6. The OA is dismissed as infructuous. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

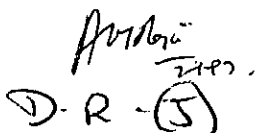
13/12/96


(R. RANGARAJAN)
Member (Admn.)

Dated: 13th December, 1996

(Dictated in Open Court)

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21/1/97

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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

The Hon'ble shri B. S. Tai Parameswarar M.A.

DATED: 13/12/86

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in

O.A.NO. 686/83

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLK.R

II COURT

