

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.711 of 1993

DATE OF JUDGMENT: 2nd July, 1993

BETWEEN:

Mr. Baimukund Lal .. Applicant

AND

The Regional Director,
Employees' State Insurance Corporation,
Hyderabad-463. .. Respondent

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. B.S.Rahi, Advocate

COUNSEL FOR THE RESPONDENT: Mr. N.R.Devaraj, Sr.CGSC

JUDGMENT:

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

JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This application was filed under Section 19 of the Administrative Tribunals Act, 1985 to direct the respondent to step up the pay of the applicant and refix the applicant's pay to be equal to the pay of his junior Shri Ali Hyder, within a specified period. The facts so far necessary to adjudicate this OA in brief are as follows:-

2. The applicant joined the service of Employees' State Insurance Corporation as Lower Division Clerk on 11.9.79

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on a basic pay of Rs.260/- per month. The applicant was promoted as Upper Division Clerk on regular basis on 15.5.1989. Shri K.M.G.Ali Hyder joined service in the same establishment as LDC on 1.10.1980 on the same basic pay of Rs.260/- per month. The said Ali Hyder due to fortuitous circumstances was promoted as UDC on adhoc basis prior to 15.5.1989. The said Mr. Ali Hyder was promoted on regular basis as UDC on 9.6.1989. Both in the LDC cadre and in the UDC cadre in the seniority list, the applicant continued to be senior to the said Ali Hyder. As the said Ali Hyder was promoted on adhoc basis ^{as UDC} and even though the applicant was promoted on regular basis ^{as UDC} on 15.5.89, an anomaly ^{had} ~~was~~ arisen in the pay of the applicant as the applicant was drawing less pay than that of his junior, Shri KMG Ali Hyder who was promoted as UDC on regular basis on 9.6.1989. The anomaly arose due to the fact that Shri Ali Hyder, junior to the applicant earned some increments on his adhoc promotion as UDC. It is the case of the applicant that his pay cannot be less than that of his junior Shri KMG Ali Hyder and so his pay is liable to be stepped up equal to that of his junior Shri KMG Ali Hyder.

3. Heard Shri B.S.Rahi, learned counsel for the applicant and Mr. N.R.Devaraj, learned Senior Standing Counsel for the respondent. This OA is covered by our earlier judgment in OA 621/92. The facts in OA 621/92 and in the present OA are identical. So, in view of this position, the applicant is also entitled to the benefit of the Judgment in OA 621/92 and ~~some~~ directions as given to the respondent in OA 621/92 are liable to be given to the respondent in this OA also.

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4. In the result, the respondent is hereby directed to step up notionally the pay of the applicant on par with his junior Shri KMG Ali Hyder in the post of UDC with effect from 9.6.1989 which is the date on which the said Shri KMG Ali Hyder was promoted on regular basis to the post of UDC. We further direct the respondent to grant all notional benefits in the post of UDC and other post/posts to which the applicant was promoted and restrict the actual monetary benefits to the applicant with effect from 24.6.1992 which is one year prior to the date of filing of this OA.

5. The OA is allowed accordingly. The other relief with regard to payment of interest is refused. Party shall bear his own costs.

(Dictated in the open Court).

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

DATED: 2nd July, 1993.

88/7/83
Deputy Registrar(J)

To

1. The Regional Director,
Employees' State Insurance Corporation,
Hyderabad-463.
2. One copy to Mr. B.S. Rahi, Advocate, 33 Rock roof III
Road No.12, Banjara Hills, Hyderabad.
3. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 2-7-1993

~~ORDER~~ JUDGMENT:

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

in

O.A. No. 71/93

T.A. No. (w.p.)

Admitted and Interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/ Ordered

No order as to costs.

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