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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::

O.A.No.842/93.

Date: 22.7.1993.

Between:

1. N. Rama Mohana Rao
2. M.K.Upreti
3. P.Lalitha

.. .. Applicants

And

1. Union of India, rep. by the
Secretary, Govt. of India,
Ministry of Defence, South Block,
New Delhi-110 011.
2. Scientific Adviser, Director-General,
R&D, Defence Research Dev. Organisation,
South Block, New Delhi-110 011.
3. Dicomatory, Research Centre (IMRAT),
Kanchanbagh, Hyderabad-500 258.
4. N.L.Jamta, Sr.Scientific Asst.,
O/o Directorate of Standardisation,
Ministry of Defence, 'H' Block,
New Delhi-110 011.
5. G.Param Jyoti, Sr.Scientific Asst.,
DERL (Defence Electronics Research
Laboratory), Hyderabad.

..Respondents

HEARD:

For the applicants : Sri N.Rama Mohana Rao, Advocate
For the respondents : Sri N.R.Devaraj, Sr.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE-CHAIRMAN,
THE HON'BLE MR.P.T. THIRUVENGADAM, MEMBER(ADMN.)

J U D G M E N T

1) as per Hon'ble Sri P.T.Thiruvengadam, Member(Admn.) 1

The applicants in this O.A. are working as Senior
Scientific Assistants in Defence Research and Development
Organisations, at Hyderabad. The case of the applicants

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that the Board of Arbitration set-up by the Government of India for resolving dispute relating to the assignment of appropriate scales of pay to Sr. Scientific Assistants had given an award that the Senior Scientific Assistants are entitled to be assigned the same scale of pay of Rs. 840-1040 on par with Foreman and that the award is to be operative from 22.9.1982. The applicants have submitted that another O.A.No. 857/89 has been filed before this Bench of the Tribunal questioning the legality and validity of fixation of ratio for two different scales of pay to Senior Scientific Assistants i.e. viz. 49:51 as existing between the cadres of Foreman and Foremen. However, in the present O.A. the applicants have limited their prayer to the issue regarding reservation at the time of placement of 49% of Senior Scientific Assistants in the newly created posts in the scale of Rs. 840-1040. The applicants alleged that that junior SC/ST candidates who have been given the benefit of placement in the higher scale are not eligible for the same and that they (applicants) should be assigned the higher scale with effect from the dates of their entitlement strictly in terms of the award of the Board of Arbitration etc. 12.8.1985.

2. The issues raised came up for detailed discussion in O.A.No. 1030/92 filed before this Bench, wherein the following order has been passed:-

"In the result the applicants have to be given the upgraded scale from 1.1.1988 or from the dates on which their respective juniors are

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given that benefit whichever is later with all consequential benefits including monetary relief. Further, if ultimately the Supreme Court holds that the benefit of the upgraded scale had to be given from 22.9.1982 or if the Supreme Court gives any partial relief these applicants also had to be given the same relief. But if the Supreme Court upholds the case of the respondents that the benefit had to be given from 1.1.1988 only this O.A. in regard to the above relief stands dismissed."

5. In O.A.No.1030/92, it has been held that SC/ST employees who were juniors to the applicants and who had been given the benefit of upgraded scale eventhough not entitled to the same since reservation in upgradation will not apply, yet they need not be reverted. The ratio followed in the order passed by Bangalore Bench of this Tribunal in O.A.Nos.458-500 of 1990 was adopted while giving the above decision. The relevant operative portion in O.A.No.1030/92 reads as under:

"Hence, the Bangalore Bench rightly held that all the OC SSAs who are seniors to such of the SC/ST employees who are already given this benefit, have also to be given that benefit if they are found fit, and if necessary, the posts more than 822 under the category of SSAs have to be upgraded. Similar order has to be passed in this O.A. also. But we make it clear that increase in regard to the number of posts for giving benefit of upgraded scale may be temporary and hence after the benefit of the upgraded scale is extended to all those seniors referred to and hence the gradual

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reduction in view of promotion to the category of JSAs resignations etc. may arise. Ofcourse, it is a matter that is left to the respondents either to gradually reduce the number or to keep the temporary increase of the figure as constant".

4. Since, the orders passed above (referred to in paras 2 and 3) squarely cover the situation in this O.A. the same orders are passed in this O.A. Time for compliance is four months from the date of receipt of this order.

5. The O.A. is disposed of accordingly. No costs.

(Dictated in open court)
22nd July, 1993.

P.T. Thiruvengadam
(P.T. Thiruvengadam)
Member (A)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Deputy Registrar (J)

grh.

To

1. The Secretary, Govt. of India, Ministry of Defence, Union of India, South Block, New Delhi-11.
2. The Scientific Adviser, Director-General, R&D, Defence Research Dev. Organisation, South Block, New Delhi-11.
3. The Director, Defence Research Development Laboratory, Research Centre (IMRAT), Kanchanbagh, Hyderabad-258.
4. One copy to Mr. N. Ramamohan Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.
8. The Estate Manager, Estate management Unit, (DRDO) Hyd. pvm. (as per court order dt. 12/10/93 in MA. 820/93).

Handwritten notes:
H. S. P. 11/18/93
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TYPED BY

COMPARED BY

CHECKED BY

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. GORTHY : MEMBER (A)

AND

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

AND

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

Dated: 22-7 -1993

ORDER/JUDGMENT:

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

in

O.A.No.

802/93.

T.A.No.

(W.P.

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Admitted and Interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

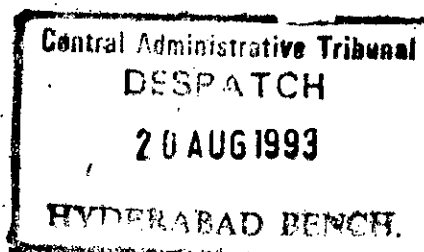
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

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