

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 882/93

Date of Order: 2.8.93

(24)

Ch. Appala Raju

Applicant

Vs.

Regional Director,  
Employees' State Insurance  
Corporation, Hill Fort Road,  
Adarshnagar, Hyderabad  
Pin: 500 463.

.. Respondent

Counsel for the Applicant

.. Mr. B. S. Rahi

Counsel for the Respondent

.. Mr. N. R. Devraj

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HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (SUDL.)

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(24)

Order of the Single Member Bench delivered by  
Hon'ble Shri T.Chandra Sekhar Reddy, M(J)

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents <sup>in the posr of</sup> to step up and refix the pay of the applicant, Head Clerk, equal to the pay of his junior Sri K.R.M.M.Reddy 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 in this OA in brief are as follows:-

2. The applicant joined the services of ESIC as Lower Division Clerk on 27.6.1971 in A.P.Region on ~~the~~ basic pay of Rs. 110/- per month. The applicant was promoted as U.D.C on regular basis on 19.4.1977. Later on the applicant was promoted as Head Clerk/Assistant on 15.5.1989 on regular basis.

3. K.R.M.M.Reddy had joined services of the ESIC as L.D.C. on 1.10.1972 on basic pay of Rs. 110/- per month. <sup>It</sup> has to be seen K.R.M.M.Reddy was junior to the applicant as he had joined in services latter by 11 months than the applicant. The said K.R.M.M.Reddy was promoted as U.D.C. on ~~regular~~ basis on 16.4.1979. The said K.R.M.M. Reddy was promoted on regular basis as Head Clerk with effect from 9.6.1989. As said K.R.M.M.Reddy had been officiating as Head Clerk/Assistant since 23.1.1982

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~~the pay~~  
There is anomaly in ~~regards~~ of the applicant, as the applicant  
~~was drawing less~~ pay than that of his junior K.R.M.M.Reddy  
for the post of Head Clerk/Assistant. So inview of the  
said anomaly, the applicant had filed the present OA for the  
relief as already indicated above, Namely, to step up the  
pay of the applicant as equal to the pay of his Junior K.R.  
M.M.Reddy for the post of Head Clerk/Assistant. We have  
heard Mr.B.S.Rahi and Mr.N.R.Devaraj, standing counsel for  
the respondents. The applicant and the said K.R.M.M.Reddy  
who is junior to the applicant belong to the same category  
and the post ~~of~~ <sup>to</sup> which they were appointed and promoted are  
identical and are in same cadre. The said K.R.M.M.Reddy,  
though ~~was~~ junior to the applicant, due to the promotion  
~~to~~ <sup>on Ad hoc basis</sup> ~~for~~ <sup>intertitus</sup> the post of Head Clerk/Assistant purely due to ~~the~~  
circumstances, had earned certain increments. That is how  
the pay of the said K.R.M.M.Reddy, junior to the applicant  
~~had~~ became higher than that of the applicant in the post  
of Head Clerk/Assistant. It is not in dispute that the  
applicant had been promoted on regular basis as Head Clerk  
with effect from 15.5.1989, where as his junior K.R.M.M.Reddy  
had been promoted as Head Clerk/Assistant w.e.f. 9.6.1989.  
So, inview of the circumstances of the case the applicant  
is entitled to get his pay notionally on par with his junior  
K.R.M.M.Reddy w.e.f. 9.6.1989. The applicant will be entitled  
to the relief of ~~the~~ <sup>on</sup> filing this OA i.e. 21.7.1982, in view of the provisions  
of Section 21 of the Administrative Tribunal Act. Hence  
is likely to be  
appropriate directions ~~was~~ given to the respondents on the

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lines indicated above.

4. Hence, the respondents are directed to step up nationally the pay of the applicant on par with his junior K.R.M.M.Reddy w.e.f. 9.6.1989 in the post of Head Clerk/  
Assistant ~~and grant all national benefits in the said post.~~

Further we direct the respondents to grant actual monetrary benefits to the applicant w.e.f. 21.7.1982 which is one year from the date of filing of this O.A. O.A is allowed accordingly. The other reliefs with regards to the payment of interest are refused.

T - U  
(T.CHANDRASEKHAR REDDY)  
Member (J)

Dated: 2nd August 1993

Dictated in Open Court

8/9/89  
Deputy Registrar (J)

To

- 1 The Regional Director, Employees State Insurance Corporation, Hill Fort Road, Adarshnagar, Hyd-  
<sup>ad</sup>
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.

pvm.

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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. S. GORTHY : MEMBER (A)

AND

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

AND

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

Dated: 2-8-1993

~~ORDER~~ / JUDGMENT:

M.A/R.A/C.A.N.

in

O.A. No.

882193

T.A. No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Central Administrative Tribunal

DESPATCH

Dismissed

30 AUG 1993

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

HYDERABAD BENCH

No order as to costs.

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31/8/93  
S. S. S.