

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. no.937/93

Date of decision: 18.11.1996

Between:

V.N Heldt

.. Applicant

AND

1. Divisional Engineer (Construction)
DRM/SC Compound, S.C. Railway,
Secunderabad - 500 371.
2. Deputy Chief Engineer(Construction)/
Central, S.C. Railway,
Secunderabad-500 371.
3. Chief Administrative Officer
(Construction),
S.C. Railway, Secunderabad-500371. .. Respondents

Counsel for the Applicant Sh.G.V. Subba Rao

Counsel for the Respondents: Shri N.V. Ramana

CORAM

THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMIN.)

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

JUDGEMENT

(Oral order per Hon'ble Shri R. Rangarajan: Member (ADMIN.))

Heard Shri G.V. Subba Rao for applicant and
Shri V. Rajeswar Rao for Shri N.V. Ramana for respondents.

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The applicant is a Permanent Way Inspector Gr.I and prays for promotion to the post of CPWI in the pay scale of Rs.2375-3500/-.

This OA is filed to quash the impugned order issued by the Deputy Chief Engineer vide letter No.CE(C)/R/180 Dt.23.7.92 (Page 11 of the OA) by which his next annual increment raising his pay from 2,825 to Rs.2960 in the scale of Rs.2000/- to Rs.3200/- (RSRP) which is normally due from 1.1.93 was withheld for a period of 3 months without cumulative effect by holding the same as arbitrary, illegal and unconstitutional and violative of articles 14 and 16 of the Constitution and for a consequential direction to the respondents to promote him to the grade of CPWI in the scale of pay of Rs.2375-3500/- from the date his juniors were promoted with all consequential benefits such as arrears of salary, allowances etc.

The submission of the applicant in this OA is that he should have been promoted on par with the juniors as per pannel No.P(E)/282/CPWI/II Dt.4.1.93 (page 20 of OA). If that request is fulfilled the applicant will have no grouse. Hence the only point to be seen in this OA is whether the applicant is fit to be promoted on par with his juniors to the grade of CPWI in scale of pay of Rs.2375-3500 as per memorandum Dt.4.1.93 (Page 20 of OA).

The learned counsel for the respondents submit that the applicant has been promoted on par with his juniors to the grade of Rs.2375-3500 (RSRP) with effect from 1.4.93 and the pendency of the above referred DAR proceedings has not come in the way of his promotion. Hence the applicant should have no grouse in regard to his promotion in time on par with his juniors. The applicant can have a grouse only if the date of promotion of his

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junior is earlier to 1.4.93. But there is nothing to prove the same. In any case the applicant is at liberty to file fresh MA in this connection if the date of promotion of his immediate junior in the memorandum is shown earlier to 1.4.93.

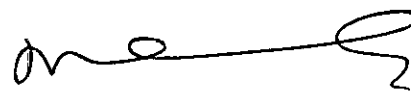
In view of the fact that he has been promoted on par with his juniors in panel dated 1.4.93 this OA has become unfructuous and hence dismissed.

As regards the punishment of withholding of increment for 3 months awarded to him it is stated that the same is sought to be enhanced as seen from the show cause notice vide memorandum No.CE/C/R/180 Dt.30.10.92 (Page 12 in OA 970/93).

In regard to this punishment suitable direction had been given in OA 970/93 and that direction shall be followed.

The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
18/11/96


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated: 18th NOVEMBER 1996
Dictated in the open court

Arb. 56.
DY. Reg. 5/5

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Copy to:-

1. The Divisional Engineer(Construction) DRM/SC Compound, S.C.Railway, Secunderabad.
2. Deputy Chief Engineer(Construction)/ Central, S.C.Railway, Secunderabad.
3. Chief Administrative Officer, (Construction), S.C.Railway, Secunderabad.
4. One copy to Sri. G: V.Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

19/12/96

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Typed By
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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
H.M. Mr. B.S. Rajaraman, M.L.S.

DATED:

18/11/96

ORDER/JUDGEMENT

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

O.A.NO.

937/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

