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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::

O.A.No.114/93.

Date: 22 -7-1993.

Between:

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|-----------------------------|-----------------------------|
| 1. Smt.M.Vani Rajya Lakshmi | 41. P.Manohar Swamy |
| 2. Smt.M.Karuna | 42. Smt.P.Rajya Lakshmi |
| 3. Smt.Rajkumari Keswani | 43. T.G.Prabhakar Rao |
| 4. N.V.Nageswar Rao | 44. Smt.A.Rama Lakshmi |
| 5. Smt.B.Savithri | 45. Smt.K.Prema Jyothi |
| 6. Smt.L.V.Bayamma | 46. Smt.R.Vasundhara |
| 7. Smt.P.Bhagya Lakshmi | 47. B.V.Anand Krishna |
| 8. Smt.J.Aruna | 48. Smt.M.Punnamamba |
| 9. C.D.Ramesh Charles | 49. Smt.G.Krishna Leela |
| 10. M.Dwarakanath | 50. Smt.Ch.Prameela |
| 11. Sardar Jagjeet Singh | 51. M.Madhava Rao |
| 12. Smt.K.Girija | 52. Smt.K.Satyavathi |
| 13. P.Annaji Rao | 53. Smt.K.Bharathi |
| 14. K.Gangadhar Rao | 54. Smt.G.B.Sarojini |
| 15. Smt.Shoba Rani | 55. Smt.A.Sybbu Lakshmi |
| 16. Smt.B.Sreedevi | 56. Smt.K.Roja Rani |
| 17. Smt.V.Kameswari | 57. Smt.G.V.V.S.Lakshmi |
| 18. Smt.N.Padma Kumari | 58. P.Gnaneswar |
| 19. Smt.N.Geetha Raghavan | 59. B.S.Murthy |
| 20. Smt.D.Lalitha | 60. Smt.D.Ujjwala |
| 21. P.Hari Prakash | 61. Smt.M.V.L.Kumari |
| 22. Smt.G.Jhansi Lakshmi | 62. Smt.N.L.Mahendra |
| 23. V.Somayya | 63. Smt.G.V.L.Sujatha |
| 24. Smt.Dayavathi | 64. M.A.Nagaraja Rao |
| 25. Smt.K.Padma Latha | 65. G.Rangarao |
| 26. Smt.C.Nalini Jyothi | 66. K.V.Satyanarayana |
| 27. Md.Abdul Raheem | 67. Smt.Y.Uttara Kumari |
| 28. V.Charmapuri | 68. Smt.D.Rajya Lakshmi |
| 29. Smt.Ch.Rama Devi | 69. Smt.N.G.B.V.Vara Kumari |
| 30. D.Raj Gopal | 70. Smt.M.Anasuya Devi |
| 31. Smt.S.Mangala Kumari | 71. N.Sreeramulu |
| 32. Dilip Kumar Raj | 72. Smt.Y.Anasurya |
| 33. Smt.I.Lakshmi | 73. M.R.S.Subrahmanyam |
| 34. Harinath Babu | 74. K.Mohan |
| 35. Smt.Lalitha Sundary | 75. Smt.K.Annapoorna |
| 36. Sivashankarappa | 76. G.Saibaba |
| 37. R.Ramarao | 77. V.Ashok Babu |
| 38. Smt.M.Radha Rani | 78. Smt.M.Shanta |
| 39. A.Nageswar Rao | |
| 40. R.Varada Rajan | |

... .. Applica

And

1. Government of India, rep. by its Secretary,
Ministry of Defence, South Block,
New Delhi-110 011.
2. Scientific Advisor to Raksha Mantri and
Director General, Research and Development,
South Block, New Delhi.
3. Director, Defence Electronics Research
Laboratory (DLRL), Chandrayangutta,
Hyderabad-500 005.

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HEARD:

For the applicants : Sri S.Lakshma Reddy, Advocate
For the respondents : Sri N.V.Raghava Reddy, Addl.CGSC

CORAM:

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

ORDER OF THE DIVISION BENCH AS PER HON'BLE SRI P.T.
THIRUVENGADAM, MEMBER(ADMN.) X

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The applicants are working as Senior Scientific Assistants in various Defence Research and Development Organisations at Hyderabad. It has been submitted that based on the award of Board of Arbitration the 1st respondent upgraded 822 posts of Senior Scientific Assistants to the scale of Rs.2375-3500. While placing the employees in the upgraded scales of pay, the 2nd respondent had followed the rule of reservation by treating the said posts as promotional posts. In the process, number of reserved community candidates who are junior to the applicants have been placed in the higher scale. In this O.A. the applicants have prayed for a direction to the respondents that the applicants should be placed in the higher scale on par with their juniors as per the seniority list from the date when their juniors are promoted with all consequential benefits.

2. In O.A.No.1030/92 this Bench had discussed in detail the issues raised herein as well as certain other reliefs. Subsequently, with regard to the relief claimed

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in this O.A. an order has been passed in O.A.No.1030/92 to the effect that the applicants are to be given upgraded scale with effect from 1.1.1988 or from the date on which their respective juniors are given upgraded scale, whichever is later with all consequential benefits including the monetary relief.

3. In O.A.No.1030/92, it was also held that the 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.458-500/90 was adopted while giving the above decision. The relevant operative portion 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 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."

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4. In the circumstances, this O.A. is disposed of accordingly with similar directions Time for compliance is four months from the date of receipt of this order.
No costs.

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

P. J. Thiruvengadam
(P.T.Thiruvengadam)
Member (Admn.)

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

8/5/83
Deputy Registrar (J)

To

1. The Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi-11.
2. The Scientific Advisor to Raksha Mantri and Director General, Research & Development, South Block, New Delhi.
3. The Director, Defence Electronics Research Laboratory (DLRL) Chandrayanagutta, Hyderabad-5.
4. One copy to Mr. S. Lakshma Reddy, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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COMPARED BY

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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. 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. 114/93.

T.A.No. (W.P.

Admitted and Interim dir
issued.

Allowed

Disposed off with dir

Dismissed

Dismissed as withd

Dismissed for def

Dejected/Ordere

No order as to

pvm

