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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 705/93

Dt. of Decision : 18.4.1994.

1. G.S. Radha Krishna
2. P. Pullaiah
3. D.B. Govinda Rao
4. S. Balappa
5. P. Chandraiah

.. Applicants.

Vs

1. Union of India, Rep. by its
Secretary, Ministry of Defence,
Research Development Organisation,
New Delhi.
2. Scientific Advisor to the
Ministry of Defence and Director
General of Research and Development
Organisation, New Delhi.
3. Director,
Defence Metallurgical Research
Laboratory, Kanchanbagh,
Hyderabad.
4. E. Pullaiah,
Junior Scientific Officer,
Defence Metallurgical Research
Laboratory, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. G. Bikshapathy

Counsel for the Respondents: Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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O.A.No.705/93.

JUDGMENT

Dt: 18.4.94.

(AS PER HON'BLE SHRI A.B.GORTHY, MEMBER (ADMN.))

Heard Shri G.Bikshapathy, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the respondents.

2. All the five applicants herein joined the Research and Development Organisation, Ministry of Defence as Junior Scientific Assistants Grade-II in 1970. Subsequently, they were promoted as Junior Scientific Assistants Grade-I/Senior Scientific Assistants and Junior Scientific Officers. The 4th respondent, admittedly junior to the applicants, was in the scale of pay of Rs.1640-2900 while holding the post of Senior Scientific Assistant. The said pay scale was revised to Rs.2375-3500 in compliance with the Award of the Arbitrator appointed by the Government. The Award of the Arbitrator was given effect from 1.1.1988. The 4th respondent who came into the higher scale of Rs.2375-3500 was promoted as Junior Scientific Officer on 14.3.1988. On his promotion, his pay was fixed at Rs.2525/- with effect from 14.3.1988 whereas all the five applicants herein though ~~were~~ senior to the 4th respondent in the post of Junior Scientific Officer were drawing lesser pay.

3. The anomaly of seniors drawing lesser pay than a junior was taken ^{up} by the Department itself for rectification. In the meanw-time, the question

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of granting the benefit of the Award of the Arbitrator^{-ly} retrospective^{ly} with effect from 22.9.1982 was taken up before the Hon'ble Supreme Court. As the matter was pending before the Supreme Court, the respondents took ^{to} a view that in case the Supreme Court gave direction to ~~to~~ implement the Award with effect from 22.9.1982, the anomaly would automatically be resolved whereas if the Supreme Court upheld the stand of the Government and gave effect^{to} the Award only from 1.1.1988, the question of stepping up of the pay of the employees like the applicants herein would be considered with reference to the pay drawn by their juniors. In other words, the respondents not only clarified but also assured that in case the Supreme Court upheld the Government stand of giving effect to the Award of the Arbitrator from 1.1.1988 only, the case of the applicants for stepping up ~~for~~ of their pay would be examined with a view to remove the anomaly.

4. Shri Bikshapathy, learned counsel for the applicants has now shown me a Judgment of the^{Hon'ble} Supreme Court in Civil Appeal No.3954 of 1990. The appeal was allowed by the Hon'ble Supreme Court and consequently, the Award of Arbitrator would be implemented only with effect from 1.1.1988. In view of this, there is an anomaly as the applicants herein are drawing lesser pay than that of their junior with effect from 14.3.1988. As already assured by the respondents, it is expected of them to take immediate action with a view to rectify the anomaly and to

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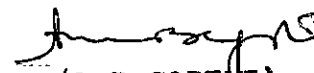
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step up the pay of the seniors to that of their juniors.

5. In view of the above, this application is allowed with a direction to the respondents to take suitable action at the earliest and in any case within a period of three months for removing the anomaly and for stepping up the pay of the applicants at par with that of the 4th respondent with effect from 14.3.1988 and grant the applicants all the consequential benefits. No order as to costs.


(A.B. GORTNI)
MEMBER (ADMN.)

Dated: 18th April, 1994.
Open court dictation.


Deputy Registrar(J)CC

vsn

To

1. The Secretary, Union of India, Ministry of Defence, Research Development Organisation, New Delhi.
2. The Scientific Advisor to the Ministry of Defence and Director General of Research and Development organisation, New Delhi.
3. The Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad.
4. One copy to Mr. G. Bikshapathy, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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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. B. GOWRI : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (AD)

Dated: 18-4-1994

ORDER/JUDGMENT

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

O.A.No. 705/93 in

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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