

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.no.119/93

Date of decision:18.2.93

Between

A.Mahendran

.. Applicant

and

1. Secretary to the Govt. of India
Ministry of Water Resources,
Shram Shakthi Bhavan
New Delhi-1.

2. The Chairman
Central Water Commission,
Sewa Bhavan, RK Puram
New Delhi-66.

.. Respondents

Counsel for the Applicant

: Mr Briz Mohan Singh

Counsel for the Respondents

: Mr NV Ramana, CGSC

CORAM:

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

ORDER

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to refix the pay of the applicant taking into consideration the adhoc services of the applicant as Deputy Director/Executive Engineer, Central Water Commission, Government of India by granting the increments due for fixing his pay on regular promotions as Deputy Director/Executive Engineer.

2. The facts so far necessary to adjudicate this OA in brief are as follows:-

3. The applicant was promoted to the post of Deputy Director in the pre-revised scale of Rs.1100-50-1600 by proceedings of the Government of India, Central Water

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Commission, dated 27.1.83 He joined duty on 28.1.83
It is the grievance of the applicant that the applicant was entitled for 2 increments while working on adhoc basis in the post of Deputy Director, Central Water Commission and whereas, the applicant had been granted only one increment. The applicant was appointed on regular basis in the said post of Deputy Director, Central Water Commission, w.e.f. 24.6.85
At the time the applicant was promoted on regular basis as Deputy Director, Central Water Commission, according to the applicant, the sole increment which had been granted to him also had not been taken into consideration. It is the grievance of the applicant that the 2 increments for which he was entitled in the post of Deputy Director, Central Water Commission, while working on adhoc basis, are to be counted for the purpose of fixing his pay when he was appointed on the regular basis in the said post of Deputy Director. The applicant, in this regard, had put in a representation on 31.10.91 to the competent authority for redressal of his grievance. Final orders had been passed by the respondents on 20.12.91 rejecting the claim of the applicant to grant the increments for the period, the applicant had worked on adhoc basis in the post of Deputy Director, Central Water Commission. So, the applicant had approached this Tribunal for the relief as already indicated above.

3. This OA is filed on 8.2.93. As already pointed out, the representation of the applicant dated 31.10.91 for redressal of his grievance had been rejected on 20.12.91
As there is 51 days delay in filing this OA, Mr Briz Mohan Singh, Advocate for the applicant has moved MA 117/93 to condone the delay of the said 51 days. After hearing both sides, we are satisfied that sufficient cause had been made out by the applicant for the delay of 51 days in filing this OA. Hence, we condone the delay of 51 days in filing this

To

1. The Secretary to the Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhavan, New Delhi-1.
2. The Chairman, Central Water Commission,
Sewa Bhavan, R.K.Puram, New Delhi-66.
3. One copy to Mr. Briz Mohan Singh, Advocate, CA T. Hyd.
4. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT. Hyd.
5. One spare copy.

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OA and MA 117/93 is allowed accordingly.

4. Today, we have heard Mr Briz Mohan Singh, Advocate for the applicant and Mr NV Ramana, Standing Counsel for the respondents on admission of this OA.

5. During the course of the admission hearing of this OA, it was brought to our notice that OA 809/89 had been filed before the Central Administrative Tribunal, Principal Bench by a person, similarly placed to this applicant herein. The said OA 809/89 on the file of the Central Administrative Tribunal, Principal Bench, New Delhi, had been allowed with certain directions. So, it would be fit and proper to give a direction to the respondents to extend the benefit of the said judgement dated 25.4.89 in OA 809/89 to the applicant herein also.

6. As already pointed out, the applicant, has made a representation to the competent authority on 31.10.91 for redressal of his grievance which had been rejected on 20.12.91. The applicant has filed this OA as already indicated on 8.2.93. Bearing section 21 of the Administrative Tribunals Act in mind which deals with limitation, it will be proper to give a direction to the respondents to extend monetary benefits to the applicant w.e.f. 31.10.91 which is the date of representation of the applicant to the competent authority for redressal of his grievance.

7. Hence, we direct the respondents to extend the benefit of the judgement dated 25.4.89 in OA 809/89 on the file of the Central Administrative Tribunal, Principal Bench New Delhi to the applicant herein also.

8. Further, we direct the respondents to restrict the monetary benefits payable to the applicant w.e.f. 31.10.91 only. All the arrears due to the applicant shall be paid by the respondents within three months from the date of communication of this order.

9. OA is allowed accordingly, leaving the parties to bear their own costs.

Dtd: 18.2.93
Dictated in the open court

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

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8/3/93
Deputy Registrar (G)

TYPED BY

COMPALED BY

CHECKED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
:MEMBER(J)

AND

THE HON'BLE MR.

DATE: 18-2-1993

ORDER/JUDGMENT:

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

in

C.A.No. 119/93

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

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