

(544)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 1213/93.

Dt. of Order: 8-3-94.

L. Nageswara Rao

...Applicant

Vs.

1. The Secretary, Ministry of Home Affairs, Govt., of India, New Delhi.
2. The Secretary, Ministry of Finance, Govt., of India, New Delhi.
3. The Registrar General, Census, India, 2/A, Mansingh Rd, New Delhi-110 001.
4. The Dy. Director of Census Operations (Admn.), Directorate of Census Operations, Andhra Pradesh, Somajiguda, Hyd-482.

.....Respondents

Counsel for the Applicant : Shri L. Nageswara Rao  
(party-in-person)

Counsel for the Respondents : Shri N.V. Raghava Reddy,  
Addl. CGSC

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE-CHAIRMAN

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

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O.A.NO.1213/93.

JUDGMENT

Dt. '8.3.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri L.Nageswara Rao, applicant in person and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant is working as Data Entry Operator Grade 'B' in the Directorate of Census Operations, A.P., Hyderabad. The 4th Pay Commission recommended a pay scale of Rs.1200-2040 for the Data Entry Operators and a pay scale of Rs.1350-2200 to <sup>the</sup> Senior Key Punch/Verifying Operators in the Railways. Then, 51 Data Entry Operators in the Census Organisation filed OA 957/90 praying for application of the pay scale of Rs.1350-2200 for them. The same was ordered by this Bench as per the judgment dated 9.7.1992.

3. This OA was filed on 27.9.1993 praying for a declaration that the action of the respondents in not extending the benefit of the judgment dated 9.7.92 in OA 957/90 to the applicant and in not fixing his pay in the pay scale of Rs.1350-2200, is illegal, improper, ~~and~~ null and void and for a direction to the respondents to fix his pay in the pay scale of Rs.1350-2200 with effect from 1.1.1986 and for payment of arrears etc.

4. The respondents herein preferred SLP 16533/93 against the judgment dated 9.7.1992 in OA 957/90.

The following interim order dated 4.10.1993 was passed

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therein:-

" Issue notice returnable within six weeks. Pending notice, there shall be interim stay on the condition that the difference will be kept apart subject to the orders of the court."

5. As the SLP was admitted by the Supreme Court, it is now for the said court to decide the question as to whether the applicant and the similarly situated Data Entry Operators in the ~~Ganika~~ Census Organisations are entitled to the pay scale of Rs.1350-2200 with effect from 1.1.1986. Hence that question need not be decided by this Tribunal again as the judgment of the Supreme Court has to be followed. As such, it is just and proper to dispose of this OA by the following order:-

If ultimately the SLP 16533/93 is going to be allowed, this OA stands dismissed. But if the SLP is going to be dismissed or the order dated <sup>in OA 957/90</sup> 9.7.1992 is going to be modified, the applicant will also be entitled to the benefit as per the order dated 9.7.1992 in the OA 957/90, or the benefit of the said order as may be modified by the Supreme Court as the case may be. The difference in the pay of the applicant ie., the difference between the pay drawn by

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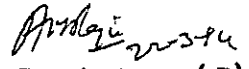
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Rs.1200-2040 and the pay scale of Rs.1350-2200 has to be kept apart in the same manner it was ordered by the Supreme Court as per the order dated 4.10.1993 in SLP 16533/93 in regard to employees who were parties to it. No costs.

  
(A.B.GORTHI)  
MEMBER (ADMN.)

  
(V.NEELADRI RAO)  
VICE CHAIRMAN

Dated: 8th March, 1994.  
Open court dictation.

  
Deputy Registrar(J)CC

vsn

To

1. The Secretary, Ministry of Home Affairs,  
Govt.of India, New Delhi.
2. The Secretary, Ministry of Finance,  
Govt.of India, New Delhi.
3. The Registrar General, Census,  
India, 2/A, Mansingh Road, New Delhi-1.
4. The Deputy Director of Census Operations (Admn).  
Directorate of Census Operations, A.P.Somajiguda,Hyd.
5. One copy to Mr.L.Nageswara Rao,Party-in-person,  
Data Entry Operator, Grade 'B' Directorate of Census Operation  
A.P. Hyderabad.
6. One copy to Mr.N.v.Raghava Reddy, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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*P. S. S. S. S.*  
*24/3/94*

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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 (AD)

AND

THE HON'BLE MR. TOCHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

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

Dated: 8-3-1994

~~ORDER~~/JUDGMENT

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

in

O.A.No. 1213/93

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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