

## RECORD SECTION INDEX SHEET

Original Application No. 1237 1993

- a) Applicant (s) MC Koushna Murthy  
versus  
b) Respondent(s) Welfare Commissioner, Labour Welfare Organisation  
Hyd. & 300

## Part I

Order Sheet

Original Application dt. 27.9.93

Material Papers

Order dt.

Counter Affidavit dt.

Reply Affidavit/Rejoinder dt. 16.2.94

Order dt.

## Part II

Duplicate Ordersheet

" Application dt.

" Material Papers

" Order dt.

" Counter Affidavit dt.

" Reply Affidavit/Rejoinder dt.

" Order dt.

## Part III

Vakalat

Notice papers

Memo of Appearance.

PSR

18/4/93

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16/3/2000.

(1)

# CENTRAL ADMINISTRATIVE TRIBUNAL

## HYDERABAD BENCH

O.A. NO. / ~~FA. NO.~~

1237 / 1993

M. C. Krishna Murthy

Applicant (S)

Versus

Welfare Commissioner, Labour Welfare Organisation, Respondent (S)

Hud & Zott

Date	Office Note	Orders
5-10-93		<p>Notice before admission. Post on 16-11-93. For counter on the meanwhile.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>✓</p> <p>HPTT M(A)</p> </div> <div style="text-align: center;"> <p>✓</p> <p>HUNRS VL</p> </div> </div>
16-11-93		<p><u>Admit.</u> List U- on 25-1-94 for reply in the meanwhile</p>
24.1.94	<p>Counter filed by Mr. NV Raghava Reddy, Addl. Secy on 20/1/94.</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>✓</p> <p>HPTT M(A)</p> </div> <div style="text-align: center;"> <p>✓</p> <p>HUNRS VL</p> </div> </div> <p>Post on 16/1/94.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>HPTT M(A)</p> </div> <div style="text-align: center;"> <p>HUNRS</p> </div> </div> <p>139</p> <p>DRG 27/1/94</p>
16.2.94		<p>Admitted to 2.3.94</p>

NB 2/10

HPTT  
M(A)

HUNRS  
BPO  
HVC  
DRG

OA 1237/P3

Date	Office Note	Orders
21-2-84	Reply Affidavit filed by Mr. P. Soukams county, Adv. on 16/2/94	<u>30/3/94</u>  PDR on 12/4/94. <u>HARRN</u> 120 <u>HARRN</u> vcs DMS  PDR on 18/4/94. <u>HARRN</u> 120 <u>HARRN</u> vcs DMS  <u>15-11-96</u>  OA is dismissed vide Judgement on separate sheets. No costs.  HBSJP HRRN 77(J) 77(A)

8. Has the index of documents been filed and has the paging been done properly? y
  9. Have the chronological details of representations made and the outcome of such representations been indicated in the application? y
  10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? }
  11. Are the application/duplicate copy/spare copies signed? }
  12. Are extra copies of the application with annexures filed.
    - a) Identical with the original y
    - b) Defective
    - c) Wanting in Annexures
    - No ..... / Page Nos .....
    - d) Distinctly Typed?
  13. Have full size envelopes bearing full address of the Respondents been filed? y
  14. Are the given addresses, the registered addresses? }
  15. Do the names of the parties stated in the copies, tally with those indicated in the application? }
  16. Are the translations certified to be true or supported by an affidavit affirming that they are true? ~~~
  17. Are the facts for the case mentioned under item No. 6 of the application.
    - a) Concise? y
    - b) Under distinct heads? }
    - c) Numbered consecutively?
    - d) Typed in double space on one side of the paper? y
  18. Have the particulars for interim order prayed for, stated with reasons? ~~~
-

Check Sheet

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**INDEX SHEET (DUPLICATE)**

APPLICANT (S)

*Menamth*

RESPONDENT (S)

*well from commission, L.W. Gyan, Huda 3.6m*

**Particulars to be examined**

**Endorsement as to result  
of examination**

1. Is the applicant competent to file this application?

*y*

2. a) Is the application in the prescribed form?

*y*

b) Is the application in paper book form?

*y*

c) Have prescribed number of complete sets of the application been filed?

*y*

3. Is the application in time ?

*y*

If not by how many days is it beyond time ?

Has sufficient cause for not making the application in time stated?

4. Has the document of authorisation/Vakalatnama been filed?

*y*

5. Is the application accompanied by B.D. / I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded.

*y*

6. Has the copy/copies of the order (s) against which the application is made, been filed?

*y*

7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed?

*y*

(b) Have the documents referred to in (a) above duly attested and numbered accordingly?

*y*

(c) Are the documents referred to in (a) above neatly typed in double space?

*y*

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO. 1237 OF 1993

Shri M. C. K. Murthy Applicant (s)

Versus

Welfare Commission, Labour Welfare Org., Hyderabad  
A S Co.

Respondent (s)

This Application has been submitted to the Tribunal

by P. P. Ramesh Murthy Advocate under section 19 of the  
Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned  
in check list in the light of the provisions contained in the Administrative Tribunal (Procedure)  
Rules, 1987.

The application has been in order and may be listed for admission on

RPB

20/9  
Scrutiny Officer.

8/11/93  
Deputy Registrar (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**INDEX SHEET (ORIGINAL)**

O.A. NO. 1237 of 1993

CAUSE TITLE M.C.K. Murthy

VERSUS

Welfare Commission, L.W.O., Hyd. & Zolt.

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 6
2.	Material papers	1 to 15
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies 4. (Four)	
6.	Covers 4. A	
	Counter Affidavit	-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH  
AT HYDERABAD.

O. A.No. 1237 of 1993.

Between:

M. C. Krishna Murthy

... Applicant.

And

The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriyasadan, Sultan Bzr,  
Hyderanad & others

.. Respondents.

CHRONOLOGICAL LIST OF EVENTS RELATING TO APPLICANT

Sl.No.	Date	Description
1)	21-8-1961	Applicant joined Service as Gr.-II Hindi Pandit.
2)	1-10-1966	Applicant promoted as Gr-I Hindi Pandit
3)	26-7-1988	Order in T.A. No.106/1986 of the Central Admn.Tribunal, Hyd-Bench.
4)	11-2-1992	Pay fixation order refixing the Pay of the applicant.
5)	27-3-1993	Pay fixation order revising the Pay fixation of the Applicant.
6)	26-6-1993	Representation of the Applicant
7)	19-8-1993	Order rejecting the Claim of the Applicant.

Hyderabad,  
Dt: 27-9-1993.

*P. S. Rao*  
COUNSEL FOR APPLICANT.



My to direct the results to Grant Selection made sealing pay and for sealing  
pay to the Applicant

APPENDIX 'A' FORM  
Form-I (See Rule-4)

Sealing pay.

Application Under Section 19 of the Administrative Tribunal Act, 1985.

O. A. No. 1237 of 1993.

INDEX

Sl. No.	Description of the Documents	Page Nos.
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X *Meenakshi*

SIGNATURE OF THE APPLICANT.

For use in Tribunal  
Office:

Date of Filing:  
27-9-93

SIGNATURE OF THE REGISTRAR.

Received  
N. R. Dwivedi  
27/9/93

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

HYDERABAD.

O.A. No. 1237/1993.

Between:

M.C. Krishna Murthy, s/o M.C. Janaki  
Ramaiah, aged 58 years, Gr-I Hindi  
Pandit, Labour Welfare Organisation  
High School, Talupur, Nellore Dist.

... Applicant.

And

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad.
2. Administrative Cum Accounts Officer,  
Office of the Welfare Commissioner,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad.
3. The Director, Labour Welfare,  
Ministry of Labour - Jaisalmer House,  
Mansingh Road, New Delhi.
4. The Secretary to Government of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

.. Respondents.

APPLICATION FILED UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT 1985:

PARTICULARS OF THE APPLICANT:-

As stated above, in the Cause Title.

The address for service of all notices of the applicant  
is that of his Counsel Mr. P. Sri Rama Murthy, Advocate,  
A.C. Guards, Hyderabad (A.P.).

2) PARTICULARS OF THE RESPONDENTS:

As stated in the Cause Title.

3. The addresses of the respondents for service of Notices,  
is the same as stated in the Cause Title.

- 3) The particulars of the order against which the application  
is made:

The application is made against the order of the Administra-  
tive cum Accounts Officer, Office of the Welfare Commissioner,  
Labour Welfare Organisation, Hyderabad, bearing No. 13(2)/89,  
dated 19-8-1993 ( 2nd Respondent herein) rejecting the claim  
of the applicant for fixation of the Selection Grade Pay

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*Maikun*  
Applicant.

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Scale of the applicant in the Scale of Pay of Rs.740-880; with effect from 1-10-1980/ 1-1-1982 (Annexure-I).

4. JURISDICTION: The Applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal *of Administrative Tribunal 4th, 1985* *Rule (4)(X)*

5. LIMITATION:- The Applicant further declares that the application is within limitation prescribed in Section 21 of the Administrative Tribunal's Act, 1985.

6. FACTS OF THE CASE:-

a) The applicant is presently working as Grade-I Hindi Pandit in Labour Welfare Organisation High School at Talupur, Sydapuram Mandal of Nellore District and the said School is under the control of the First Respondent i.e., Welfare Commissioner, Labour Welfare Organisation, Kendriya Sadan of the Ministry of Labour, Government of India. The applicant joined service as Grade-II Hindi Pandit on 21-08-1961 and he is working as Grade-I Hindi Pandit in the said School from 1-10-1966 till to-date. The applicant is to retire from service w.e.f. 30-09-1993.

b) The Applicant submits that pursuant to the implementation of the III Pay Commission Scales of Pay by the Government of India, he was given in the Scale of Pay of Rs.380-640 instead of the Pay Scale of Rs.440-750, to which he is legitimately entitled to. As a result of wrong fixation of Pay in the lower scale of Pay, the applicant was aggrieved and therefore he submitted representations to the respondents herein for rectification of the mistake in the fixation of his pay at a lower scale. By order No. PE/MCK/92, dated 11-2-1992 (Annexure-II), the Pay of the applicant was refixed at Rs.440 in the Scale of Pay of Rs.440-750 and consequent upon the implementation of the 4th Pay Commission Pay Scale w.e.f. 1-1-1986, the Scale of Pay of the applicant was again refixed at Rs.2,200/- in the Scale of Pay of Rs.1400-2660 w.e.f. 1-10-1986. By order

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Applicant.

bearing No. PF/MCK/92, dated 27-3-1993 (Annexure-III) issued in partial modification of the order dated 11-2-1992, the pay of the applicant was refixed at Rs.460/- in the 3rd Pay Commission Scale of Pay Rs.440-750/- w.e.f. 1-1-1973 i.e.e., the date from which the applicant opted for Central Civil Services ( Revised Pay) Rules, 1973. By the same order, consequent upon the implementation of the IVth Pay Commission, Pay Scales, the Scale of Pay of the Applicant was refixed at Rs.2,200/- in the Scale of Pay of Rs.1400/- to Rs.2600/- w.e.f. 1-1-1986.

c) The applicant submits that the IVth Pay Commission Pay Scales provided for three Selection Grades Scales for Teachers at Rs.530-630, Rs.740-880 and Rs.775-1,000 for primary Trained Graduate Teachers and Post-Graduate Teachers respectively.

The Applicant is entitled to the Selection Grade of Pay of Rs.740-880. The applicant submitted a representation dt. 26.6.1993, through Proper Channel, to the 4th Respondent herein requesting that he may be given the Selection Grade Pay Scale of Rs.740-880 with effect from 1-10-1980/ 1-1-1982 (Annexure-IV). In this connection, it is significant to state that 23 other employees working under the respondents filed Writ Petition No.12295/1984, who were similarly situate like the applicant in the High Court of A.P., Hyderabad, praying for award of Selection Grade Pay

Scales and the said Writ Petition, after the formation of the Hon'ble Tribunal, was transferred from the High Court to this Hon'ble Tribunal for decision according to Law. This Hon'ble Tribunal by Judgement, dated 26-7-1988 passed in T.A.No. 106/1986 (Annexure-V) allowed the claim of the applicants therein and the directions were directed to accord Selection Grade Pay Scales w.e.f. 1-8-1986 . As against the decision of this Hon'ble Tribunal dt. 26-7-1988 the respondents preferred a special leave petition in the Supreme Court of India, which was dismissed at the admission stage itself. The applicant submits that he could not approached the Hon'ble Tribunal earlier, as the Department took nearly twenty (20) years for rectification of the anomaly in the

X *Maithil*  
Applicant.

in the Pay Fixation of the applicant. Pursuant to the implementation of 3rd Pay Commission Scales of Pay, which was rectified or modified only by orders dated 11-2-1992 and 27-3-1992.

d) The applicant submits that his claim for grant of Selection Grade Scale of Pay was rejected by the 2nd respondent by order dated 19-8-1993 (Annexure-I) referred to supra. The main ground on which the claim of the applicant for grant of Selection Grade Scale of Pay was that the judgement in O.A.

No.106/1986 cannot be extended or applied as per the instructions of the Ministry of Labour. Hence, the applicant is constrained to move this Hon'ble Tribunal by way of the present O.A.

6 (e) The applicant further humbly submits that he is also entitled to Senior Scale of Pay Rs.1640-2900 as per the implementation of the 4th Pay Commission Pay Scales of Teachers of the Teaching Staff employed in Secondary Schools run by the Ministry of Labour, Government of India.

(f) The applicant humbly submits that there were no further promotional avenues to the applicant to higher post and he stands stagnated in the same post of Grade-I Hindi Pandit since several years. It is submitted that the Pay Commission recommended Selection Grades Scales of Pay and also Senior Scales of Pay to the Teachers like the applicant, keeping in view the stagnation of the employees working under the Respondents without any further promotion. And this aspect of matter,

has been recognised and accepted by the Judgement of this Hon'ble Tribunal rendered in T.A.No.106/1986 dt. 26-7-1988, which has become final and binding on the respondents. The applicant further submits that all of the employees, who approached the High Court as well as this Hon'ble Tribunal have been given the benefit of the judgement of this Hon'ble Tribunal and accordingly they have been given the Selection Grade Scales of Pay and Senior Scales of Pay and they have also been paid the arrears of Pay pursuant to the same. The applicant humbly submits and states that his case is also similar to the one like the petitioners in the Writ Petition and the Applicants in T.A. No. 106/1986.

Applicant.

referred to supra. The decision of the respondents in trying to deny the legitimate Selection Grade and Senior Scale of Pay to the applicant together with the arrears and payment of arrears of pay on the ground that the applicant herein is not a party to ~~P.A.~~ No.106/1986 is not sustainable in Law. It is submitted as aforesaid the applicant could not approach the Court earlier as the Department took more than 20 years for correcting the wrong fixation of the Pay of the applicant and therefore, the applicant cannot be found faults with for the inaction on the part of the authorities. Further, the rejection of the claims of the applicant by the respondent, is discriminatory and violative of the equal protection clause under Article 14 and 16 of the Constitution of India. The applicant submits that in fairness, the respondents ought to have acceded to the just claims of the applicant in terms of the Judgement of this Hon'ble Tribunal in O.A.No.106/1986 without compelling the applicant to approach this Hon'ble Tribunal by way of the present O.A.

7) DETAILS OF THE REMEDIES EXHAUSTED:- The applicant has availed of all the remedies available to him under the relevant service rules. In the above circumstances the applicant has no other effective and alternative remedy except to approach this Hon'ble Tribunal for appropriate reliefs. ~~Matters not previously filed for~~

8) Matters not previously filed or pending with any other Courts, the applicant further declare that ~~that~~ he has not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made, before any Court of Law or any other authority or any other Bench of the Tribunal and nor any such application, Writ Petition or suit is pending before any of them.

9) RELIEF SOUGHT

MAIN RELIEF: To issue an order, directing or writ in the nature of Mandamus declaring the order issued by the Second Respondent herein bearing No.13 (2)/89, dt. 19-08-1993 as illegal,

*Mukul*  
Applicant.

illegal, arbitrary and discreminatory, set aside the same and further direct the respondnts herein to grant the Selection Grade Scale of Pay of Rs.740-880 with effect from 1-10-1980/1-1-1982 and also the Senior Scale of Pay of Rs.1640-2900 w.e.f. 1-1-1986 in favour of the applicant and also direct the respondents to refix the Scale of Pay of the applicant accordingly the and the Pay the consequential arrears of pay at an early date and pass such other order or orders as deemed fit and proper in the circumstances of the case.

(ii) INTERIM RELIEF:- The applicant further prays that this Hon'ble Tribunal may be pleased to expedite the hearing and fix an early date for the hearing of the above O.A. and pass such other order or orders as deemed fit and proper in the circumstances of the case.

~~PARTICULARS OF THE POSTAL ORDER IN RESPECT OF APPLICATION FEE~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

- 2. ~~XXXXXXXXXXXXXXXXXXXX~~ Post Office
- 3. ~~XXXXXXXXXXXXXXXXXXXX~~
- 4. ~~XXXXXXXXXXXXXXXXXXXX~~

~~12) LIST OF ENCLOSURES:- XXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

12. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF APPLICATION fee:-

- 1) No. of I.P.Os.
- 2) Name of the Issuing Post Offices,
- 3) Date of issue of I.P.Os.
- 4) Post Office at which payable.

14. LIST OF ENCLOSURES:-

As mentioned in the Index.

P. Suresh  
Counsel for the Applicant,

VERIFICATION

I, M.C.Krishna Murthy son of M.C.Janaki Ranaiah, aged 58yrs.

Grade-I Hindi Pandi, r/o Telupur, Nellore District, do hereby verify that the contents of Paras 1 to 6 are true to my personal knowledge and para s 7-12 are ~~true~~ believed to be true on legal advice and that I have not supressed any material facts.

HYDERABAD,  
Dt: 22-9-93

To The Registrar,  
CAT/Hud.

M. C. Krishna Murthy  
Applicant.

26/50/-A  
I.P.O. B.C.D.D. Removed

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH::HYDERABAD.

O.A.No. 1237/1993.

Between:

M.C.Krishna Murthy

And

The Welfare Commissioner  
Labour Welfare Organisation  
Kandriya Sadan, Sultan Bazar,  
Hyderabad. and Others,



... Applicant.

.... Respondents

I N D E X    O F    A P P L I C A N T S    M A T E R I A L    P A P E R S

Sl.No.	Date	Description of Documents	P a g e s
1)	19-8-1993	Order of Admn.Cum Accounts Officer <del>Order of Admn.Cum Accounts Officer</del> (Annexure-I) No.13/2/89	1 -
2)	11-2-1992	Order of Welfare Administrator in PF/MCK/92 (Annexure-II)	2 - 4
3)	27-3-1993	Order of Welfare Administrator in PF/MCK/92 (Annexure-III)	5 - 7
4)	26-06-1993	Representation of the applicant to the Government (Annexure-IV)	8 - 11
5)	26-7-1988	Order in T.A.No.106/CAT/86	12 - 15

I certify that the documents filed on behalf of the  
Applicant as Material Papers are true copies of the Originals.

Hyderabad,

Dt: 27-9-1993.

*P. S. S. S. S.*  
Counsel for Appellant.



ANNEXURE I

No.13(2)/89.

Dated: 19-08-1993.

To

Sri M.C.Krishna Murthy,  
Grade I Hindi Pandit  
Through the Headmaster High School,  
Talupur.

Sir,

Sub: Grant of Selection Grade Scale  
etc. - Reg.

With reference to your representation dated 26-6-93 on the subject, I am directed to say that you are not one of the petitioners in T.A.No.106 of 1986 (Original W.P.No.12295 of 1984) in the CAT, Hyderabad Bench and hence the judgement extended/applicable to you, as per the instructions of the Ministry.

Yours faithfully,

Sd/-  
(T. JAGANNADHA RAO)  
Admn. Cum. Accts. Officer.

Copy to:- The Welfare Administrator, Kalichedu  
for information etc. w.r.t. his Lr.  
No.PF/MCK/93 dt. 14-7-93.

...

/True copy/

*Jagan*  
*thou*

ORDER

Sub:- Implementation of Revised scale of pay of Rs.440-750 and Rs.1400-2600 respectively in respect of Sri M.C.Krishna Murthy, Grade I Hindi Pandit, High School, Talapur - Orders Issued.

Ref:- Endt. No.38(1)/90 dt. 1-1-92 of the A.A.O., L.W.O. Hyderabad on copy of Ministry's Lr.No.A-11014/04/86-W.I dt. 16-12-91.

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As per instructions contained in the Ministry's Lr.No.A-11014/04/86-W.I, Dt. 16-12-91, the pay of Sri M.C. Krishna Murthy, Grade I Hindi Pandit, High School, Talapur is refixed at Rs.440/- (Rs.Four hundred and forty only) in the third pay commission scale of pay of Rs.440-20-500-EB-25-700-EB-25-750 w.e.f. 03-10-1973 (i.e., the date from which he opted for CCS (R.P.) Rules, 1973).

The increments sanctioned already in the third Pay Commission scale of Pay of Rs.380-12-440-EB-15-560-EB-20-640 raising his pay from Rs.428-00 to Rs.440-00 to Rs.455/- ~~w.e.f.~~ 01-10-75, ~~xxxxxx~~ from Rs.440/- to Rs.455/- w.e.f. 01-10-75, from Rs.455/- to Rs.470/- w.e.f. 01-10-76 from Rs.470/- to Rs.485/- w.e.f. 01-10-77, from Rs.485/- to Rs.500/- w.e.f. 01-10-78 (The increments sanctioned with effect from 01-10-75 to 01-10-78), were with pecuniary benefit from 16-9-78 only, as the disciplinary proceedings ~~pending~~ against him were disposed off on 15-9-78), from Rs.500/- to Rs.515/- w.e.f. 01-10-79 from Rs.515/- to 530/- w.e.f. 1-10-80, from Rs.530/- to Rs.545/- w.e.f. 1-10-81, from Rs.545/- to 560/- w.e.f. 1-10-82, from Rs.560/- to Rs.580/- w.e.f. 1-10-83, from Rs.580/- to Rs.600/- w.e.f. 1-10-84 & from Rs.600/- to Rs.620/- w.e.f. 1-10-85 respectively are hereby revised as:

from Rs.440/-	to Rs.460/-	w.e.f. 1-10-74	
from Rs.460/-	to Rs.480/-	w.e.f. 1-10-75	X with pecuniary benefit from 16-9-78 only, as the disciplinary proceedings pending against him were disposed off on 15-9-78.
from Rs.480/-	to Rs.500/-	w.e.f. 1-10-76	
from Rs.500/-	to Rs.525/-	w.e.f. 1-10-77	
from Rs.525-00	to Rs.550/-	w.e.f. 1-10-78.	

-3-

from Rs.550-00 to Rs.575-00 w.e.f. 1-10-79.  
 from Rs.575-00 to Rs.600-00 w.e.f. 1-10-80  
 from Rs.600-00 to Rs.625-00 w.e.f. 1-10-81  
 from Rs.625-00 to Rs.650-00 w.e.f. 1-10-82.  
 from Rs.650-00 to Rs.675-00 w.e.f. 1-10-83  
 from Rs.675-00 to Rs.700-00 w.e.f. 1-10-84 and  
 from Rs.700-00 to Rs.725-00 w.e.f. 1-10-85 respectively in  
 the third pay Commission scale of pay of Rs.440-20-500-EB-25-700-EB-  
 25-750.

Consequent to the implementation of Fourth Pay Commission  
 Scales w.e.f. 1-1-86, the scale of pay of Sri M.C.Krishna Murthy,  
 Grade I, Hindi, Pandit, High School, Talupur, is again~~st~~ refixed  
 at Rs.2200/- (Rs.Two thousand and two hundred only) in the Fourth  
 Pay Commission Scale of pay of Rs.1400-40-1600-50-2300-EB-60-2600  
 w.e.f. 01-10-86 (i.e. the date from which he opted for fourth  
 Pay Commission Scales).

The increments ~~x~~ sanctioned already in the Fourth Pay  
 Commission scale of Rs.1350-30-1440-40-1800-EB-50-2200 raising  
 his pay from Rs.1900/- to Rs.1950/- w.e.f. 1-10-87 from Rs.1950/-  
 to Rs.2000/- w.e.f. 1-10-88, from Rs.2000/- to Rs.2050/- w.e.f.  
 1-10-88 from Rs.2050/- to Rs.2100/- w.e.f. 1-10-90 and from  
 Rs.2100/- to Rs.2150/- ~~to Rs.2100/-~~ w.e.f. 1-10-91 respectively are  
 hereby again revised as from Rs.2200/- to Rs.2250/- w.e.f. 1-10-87  
 from Rs.2250/- to Rs.2300/- ~~to Rs.2250/-~~ w.e.f. 1-10-88 from Rs.2300/-  
 to Rs.2360/- w.e.f. 1-10-89, from Rs.2360/- to Rs.2420/- w.e.f.  
 1-10-90 and from Rs.2420/- to Rs.2480/- w.e.f. 1-10-91 respectively  
 in the Fourth Pay Commission scale of Rs.1400-40-1600-50-2300-EB-  
 60-2600.

The Govt. Servant is informed that should there be any  
 excess payment that may be found to have been made as a result  
 of fixation of pay will be refunded by him to Govt. either by  
 adjustment against future payments or otherwise.

Sd/-  
 (M.A. SUBHAN)  
 X WELFARE ADMINISTRATOR.

-4-

To  
Sri M.C.Krishna Murthy, Grade I Hindi Pandit, through the  
Headmaster, High School, Talupur.

- Copy to:-
1. The Head Master High School Talupur along with increment certificate for taking necessary action.
  2. The PAO, D.G.E.T.II, Madras for kind information.
  3. The W.C., L.W.O., Hyderabad for favour of kind perusal w.r.t. the Endt. No.38(1)/90, dt. 1-1-92 of the A.A.O., L.W.O., Hyderabad.
  4. Bill & Bill Clerk.
  5. P.F.

( M.A. SUBHAN )  
WEEFARE ADMINISTRATOR

/ True copy /

*7 Enclosure  
Adm*

O R D E R

Sub:- Implementation of Revised scale of pay of Rs.440-750 and Rs.1400-2600 respectively in respect of Sri M.C. Krishna Murthy, Grade I Hindi Pandit, High School, Talapur - Orders Issued.

- Ref:- 1. Endt. No.38(1) Dt.1-1-92, of the A.A.O. L.W.O. Hyderabad on copy of Ministry's Lr.No.A.11014/04/86-W.I., Dt.16-12-91.  
 2. This Office Order of even No.Dt.11-2-92.  
 3. Lr.No.38(1)/90, dt. 6-11-92 of the W.C. L.W.O., Hyderabad.  
 4. Option Forms Dt.20-11-92 of Sri M.C.Krishna Murthy, Grade I Hindi pandit, High School, Talupur.

...

In partial modification of this office order of even no. Dated 11-2-92 and in pursuance of the orders contained in the reference third cited above and as per fresh options exercised by him on 20-11-90, the pay of Sri M.C.Krishna Murthy, Grade I Hindi Pandit, High School, Talapur is refixed at Rs.460/- (Rs.Four hundred and sixty only) in the third ~~xx~~ pay Commission scale of Pay of Rs.440-20-500-EB-25-700-EB-25-750 w.e.f. 01-01-1973 (i.e., the date from which he opted for C.C.S.(R.P.) Rules, 1973).

\*The increments sanctioned already in the third pay commission scale of pay of Rs.440-20-500-EB-25-700-EB-25-750 raising his pay.

From Rs.440-00	to	Rs.460-00	w.e.f.	1-10-74,	
from Rs.460-00	to	Rs.480-00	w.e.f.	1-10-75	X with pecuniary X benefit from X 16-9-78 only, X as the X disciplinary X proceedings X pending.
from Rs.480-00	to	Rs.500-00	w.e.f.	1-10-76	
from Rs.500-00	to	Rs.525-00	w.e.f.	1-10-77	
from Rs.525-00	to	Rs.550-00	w.e.f.	1-10-78	
against him were disposed off on 15-9-78.					

from Rs.550-00 to Rs.575-00 w.e.f. 1-10-79,

from Rs.575-00 to Rs.600-00 w.e.f. 1-10-80

from Rs.600-00 to Rs.625-00 w.e.f. 1-10-81,

from Rs.625-00 to Rs.650-00 w.e.f. 1-10-82

from Rs.650-00 to Rs.675-00 w.e.f. 1-10-83

from Rs.675-00 to Rs.700-00 w.e.f. 1-10-84 and

from Rs.700-00 to Rs.725-00 w.e.f. 1-10-85

respectively are hereby again revised as:

from Rs.460-00 to Rs.480-00 w.e.f. 1-1-74,  
from Rs.480-00 to Rs.500-00 w.e.f. 1-1-75  
from Rs.500-00 to Rs.525-00 w.e.f. 1-1-76  
from Rs. 525-00 to Rs.550-00 w.e.f. 1-1-77  
from Rs.550-00 to Rs.575-00 w.e.f. 1-1-78,  
from pending against him were disposed off on 15-9-78.

from Rs.575-00 to Rs.600-00 w.e.f. 1-1-79  
from Rs.600-00 to Rs.625-00 w.e.f. 1-1-80  
from Rs.625-00 to Rs.650-00 w.e.f. 1-1-81  
from Rs.650-00 to Rs.675-00 w.e.f. 1-1-82  
from Rs.675-00 to Rs.700-00 w.e.f. 1-1-83  
from Rs.700-00 to Rs.725-00 w.e.f. 1-1-84 and  
from Rs.725-00 to Rs.750-00 w.e.f. 1-1-85  
respectively in the third pay Commission scale of pay  
of Rs.440-20-500-EB-25-700-EB-25-750.

Consequent to the implementation of Fourth  
Pay Commission scales w.e.f. 1-1-86, the pay of Sri  
M.C.Krishna Murthy, Grade I Hindi Pandit, High  
School, Talupur is again refixed at Rs.2200/- (Rs.Two thousand  
and two hundred only) in the Fourth Pay & Commission Scale  
of Pay of Rs.1400-40-1600-50-2300-EB-60-2600 w.e.f. 01-01-1986  
(i.e., the date from which he opted for Fourth Pay  
Commission scales). The increment raising his pay from  
Rs.2200-00 to Rs.2250-00 w.e.f. 01-01-1986 is hereby sanctioned.

The increments sanctioned already in the Fourth  
Pay Commission scale of pay of Rs.1400-40-1600-50-2300-EB-60-2600  
raising his pay from Rs.2200/- to Rs.2250/- w.e.f. 1-10-87  
from Rs.2250/- to Rs.2300/- w.e.f. 1-10-88, from Rs.2300/- to  
Rs.2420/- w.e.f. 1-10-90 and from Rs.2420/- to Rs.2480/- w.e.f. 1-10-91 from  
Rs.2480/- to Rs.2540/- w.e.f. 1-10-92 respectively are hereby

-7-

from Rs. 2250/- to Rs.2300/- w.e.f. 1-1-87  
from Rs.2300/- to Rs. 2360/- w.e.f. 1-1-88  
from Rs.2360/- to Rs.2420/- w.e.f. 1-1-89  
from Rs.2420/- to Rs.2480/- w.e.f. 1-1-90  
from Rs.2480/- to Rs.2540/- w.e.f. 1-1-91 and  
from Rs.2540/- to Rs.2600/- w.e.f. 1-1-92  
respectively in the Fourth Pay Commission scale of pay  
of Rs.1400-40-1600-50-2300-EB-60-2600.

The Govt. Servant is informed that should there be  
any excess payment that may be found to have been made  
as a result of fixation of pay will be refunded by him to  
Govt. either by adjustment against future payments or otherwise.

(M.A. SUBHAN)  
Welfare Administrator.

To

Sri M.C.Krishna Murthy, Grade I Hindi Pandit, through the  
Headmaster High School, Talupur.

- Copy to:- 1. The HM HS Talupur along with increment certificate  
for taking necessary action.  
2. The W.C., L.W.O., Hyd. for f/o kind information  
w.r.t. his lr. No.38(1)/90 dt.6-11-92.

TC

*[Handwritten signature]*

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ANNEXURE IV

By Regd. Post Ack. Due

Talaupur.  
26-06-93.

From

M.C.Krishna Murthy,  
Hindi Pandit Grade I,  
L.W.O. High School,  
TALUPUR?  
Sydapuram Mandal,  
Nellore Dt. (A.P.) 524 409.

/THROUGH PROPER CHANNEL/

To

The Secretary to the Govt.,  
Government of ~~India~~ India,  
Ministry of Labour,  
Shram Shakti Bhavan,  
Rafi Marg,  
NEW DELHI.

Respected Sir,

Sub: Grant of Selection Grade Scale and Senior  
Scale thereon - Reg.

---

As the outset, I submit that I have been working in the Labour Welfare Organisation since 21-8-1961 as Grade II Hindi Pandit and since 1-00-1966 as Grade I Hindi Pandit. I have to retire from service on the A.N. of 30-9-1993.

At the time of implementation of 3rd Pay Commission Scales, I have been given the scale of Rs.380-640 instead of Rs.440-750. This was erroneously given. I have been continuously representing to the Higher authorities for the rectification of this anomaly.

At last, my efforts have become fruitful and the Ministry has been pleased to implement the Pay Scale of Rs.440-750/- (Revised to Rs.1400-2600) by their order No.A.11014/04/86 WI. dt. 16-12-1991 (Copy enclosed).

Consequent to this, my pay scales have been revised without taking my fresh options for the change of pay scales; vide Order No.PF/MCK/92, dt. 11-2-92 of the Welfare Administrator, L.W.O., Kalichedu (A.P.) (Copy enclosed).

I submitted a detailed representation dt. 2-9-92 to the Welfare Commissioner, L.W.O. (A.P. & T.N.), Hyderabad to provide me with the facility of F.R. 23(5) 1 and 2 clause produced from Govt. of India, Ministry of Finance, G.M.No.2 (62) Estt.III/60, dt. 29th August, 1960; and the Welfare Com-



-2-

missioner has been pleased to extend me the Provision of FR 23(5) in his letter No.38(1)/90, dt. 6-11-92 addressed to the Welfare Administrator, L.W.O., Kalichedu (copy enclosed). I have submitted my options on 20-11-92.

Consequently, the Welfare Administrator, L.W.O., Kalichedu has been pleased to issue the Order No.PF/MCK/92, dt. 27-3-93 (copy enclosed), by which I have exhausted my T.P.C. Scale of Rs.440-750 on 1-1-85 and IV Pay Commission Scale of Rs.1400-2600 on 1-1-92. As I have reached the maximum, I have no increments to get on 1-1-93.

As such, the anomaly prevailed in 1975 (at the time of implementation of III P.C. Scales) has been rectified in the year ending of 1991 by the Ministry and in 1993 by the W.A., L.W.O. Kalichedu (A.P.) I was continuously representing for the rectification of the anomaly.

While so, I received a communication, ~~Hyderabad vide No.13(2), dt. 21-12-92~~ Hyderabad vide No.13(2), dt. 21-12-92 on 5-1-93 (Copy enclosed) by which the Ministry's decision with regard to the grant of Selection grade scale was intimated, stating that the judgement of CAT cannot be extended to other employees.

In this connection, I would like to submit that my post is a single one drawing Central Government Pay Scales from the very beginning. I could not go to the CAT, Hyderabad along with the other 23 petitioners of MM, L.W.O., Kalichedu who got selection grades, because the anomaly pending since 1975 in my Pay Scales have been rectified by the Ministry only on 16-12-91 as stated above. Thus, it took nearly sixteen years for the rectification which also means otherwise as inordinate delay.

In the IV Pay Commission report under the Head 'Other categories of staff' vide Item No.11.43, it is stated that the selection grade for the 440-750 grade is 740-880 and the Senior Scale is Rs.1640-2900 (Copy enclosed).

-84-

I have completed my 14 years of service as Grade I Hindi Pandit on 1-10-1980 and 3/4th span of Pay Scale of Rs.440-750 by 1-1-82.

I am eligible to get the selection grade pay scale of Rs.740-880 w.e.f. 1-10-80/1-1-82 as per rules. Almost all the Teachers drawing Central Scale of Rs.400-750 in T.P.C. throughout the country have got the selection grade scale of Rs.740-880 except myself. Thus, I am ill-fated.

I have completed my 32 years of Service in this Organisation and I am to retire on the A.N. of 30-9-93.

I am a poor Teacher having five children, three of them are studying in various colleges and one in High School level. I have to look after their education even for another five years. My elder son, Mr. M.C. Gopinath is employed in Indian Air Force as Equipment Assistant and he is now working at Brar Square, Delhi-10.

I submit that I have attended to the various in service Trainings conducted by the Central Hindi Institute at Dehradun in 1967 and at Hyderabad in 1979, besides various trainings conducted by the A.P. State Govt. from time to time.

The Matric Trained Teachers of this organisation drawing 330-560 (Revised to 1200-2040) have been given the senior scale of Rs.1400-2600 except to myself, which is prescribed as Rs.1640-2900.

With regard to my services, the Pass percentage in my subject Hindi stands cent per cent in both the S.S.C. Public Exams conducted by the Board of Secondary Education, Hyderabad and the Seventh Class Common Examinations conducted by the District Common Examinations Board, Nellore during March-April, 1993.

In these circumstances stated, I humbly pray your kind honour to consider the case sympathetically and to implement the selection grade scale of Rs.740-880 w.e.f. 1-10-80/1-1-82;

-4-

referring the matter to the Finance Ministry, if it is found necessary and thereon the Senior Scale of Rs.1640-2900 wee.f. 1-1-86 as allowed to the other Central Pay Scale Drawing Matric Trained Teachers of this organisation and to retire me peacefully and happily after serving in the organisation for about 32 years, for which act of kindness, I shall be very much grateful to you throughout my remaining period of life,

Respected Sir,

Yours faithfully,

(M.C.KRISHNA MURTHY)

Advance copy submitted to the Secretary to the Government, Government of India, Ministry of Labour, New Delhi to save delay.

( M.C. KRISHNA MURTHY )

TC  
P. S. S. S.  
three

1. Under Secy of India rep. by  
under Secretary to Government  
of India, Ministry of Labour  
and Rehabilitation,  
New Delhi.
2. Under Secretary to Government of India,  
Ministry of Finance  
(Department of Expenditure)  
New Delhi.
3. The Welfare Commissioner,  
Labour Welfare Organisation,  
Hyderabad.

.. Respondents.

Application under section 29(1) of the Administrative Tribunal Act, 1985 transferred from the High Court of Andhra Pradesh praying that in the circumstances stated therein the Tribunal will be pleased to issue an order direction, or writ particularly one in the nature of a writ of Mandamus, under Article 226 of the constitution of India, Direct the respondents herein to maintain the seniority of the petitioners in the unit of Mica Mines Labour Welfare Organisation, Kalichedu. Without clubbing them with the Employees of other organisations under the Welfare Commissioner the 3rd respondent herein and give them the Selection Grade in the posts held by them as per the letter issued by the Ministry of Labour in its letter No.Z-11015/18/78 coordination dated 22-10-1979 and pass such other and further orders.

FOR THE APPLICANTS: MR. P.KRISHNAREDDY (ADVOCATE)

FOR THE RESPONDENTS: MR. K.V.SUBBA RAO? Addl. C.G.S.c.

The Tribunal made the following orders:-

This is an application received by this Tribunal on transfer under section 29(1) of the Administrative Tribunals Act, 1985. 23 applicants herein who are in the unit of Mica Mines Labour Welfare Organisation, Kalichedu seek a writ of mandamus or other appropriate writ, direction or order against the respondents herein particularly the 3rd respondent directing them to give Selection Grade to the petitioners in the posts held by them as per letter issued by the Ministry of Labour No.Z-11015/18/78-Co-ordination dated 22-10-1979. By that letter, the Government of India draw the attention of the attached sub-ordinate

office under the Ministry of Labour to O.M.No.35015/1/78-Estt(L) dated 12-7-1978 issued by the Department of Personnel and Administrative Reforms on the subject of the introduction of X Selection Grade in Group 'C' and 'D' and requested that the Ministry ~~may~~ be informed as to whether the Selection Grade under Group 'C' and 'D' have been introduced. It is the grievance of the petitioners that although in the O.M.No.F.7(21)-E,000(A)/74 dated 10-1-1977 the President has sanctioned the introduction of Selection Grade in Group 'C' and 'D' cadres with effect from 1-8-1976, which was communicated to all the units including Mica Mines Labour Welfare Organisation, the petitioners have all along been denied the benefit of selection grade and that has lead to the filing of this petition.

2. It is not disputed that the petitioners have been appointed to the various posts under the Mica Mines ~~Organisation~~ that they have not been promoted to any higher post so far. The petitioners state that there are no posts in this organisation to which they could be promoted. They have thus stagnated in the same posts ever since their appointment. In such a situation they claim that they were eligible for Selection Grade.

3. Their claim is opposed on three grounds: Firstly on the ground that the posts held by each of the petitioners are very few; Secondly that the petitioners were not eligible to the grant of Selection grade under the norms prescribed by the 3rd Pay Commission and thirdly that the organisation does not possess sufficient funds. In our view, none of those grounds are tenable.

4. The norms laid down in the Memo dated 10-1-1977 referred to prescribe inter alia that only persons holding

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posts which are filled up by direct recruitment to an extent of not less than 75% would qualify for Selection Grade. It is not denied that the posts to which the petitioners belong are all filled in by direct recruitment; they are not filled in promotion at all. Persons holding those posts thus qualify for being considered for grant of Selection Grade. This Memo which governs grant of Selection grade does not lay down that imparting of Selection Grade would depend upon the number of persons holding the particular category of posts or the cadre strength of that category of posts. That Memo, on the other hand, declares that it does not preclude consideration of other cases for grant of selection grade where the aforesaid condition of eligibility are not satisfied, if it is established that there is acute stagnation. That there is acute stagnation in the posts held by the petitioners is not disputed and apparent on the face of the record. The petitioners have been holding these posts ever since their first appointment about 25 to 40 years ago. The criteria of eligibility laid down in the aforesaid Memo is where the promotional prospects are more than 50% of the strength of that cadre, the incumbents are not entitled to grant Selection Grade. Admittedly there are no posts in the unit of Mice Mines Labour Welfare Organisation to which the petitioners could be promoted. This criteria is therefore fulfilled. The Memo further lays down that where promotional prospects are 25% or less and in the case on hand, the promotional prospects are nil, the Selection grade may be allowed to 20%. Even, according to the respondents, the petitioners are denied the Selection grade only because posts are isolated and very few. However, this Memo does not lay down that Selection Grade cannot be awarded if the posts are few. The grant of Selection grade is .. 5



CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

Date : 28/9/93

O.A. Regd. No. 3050/93

To  
Mr. P. Sree Narayana Murthy,

Sir, Advocate

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter; failing which your application will not be registered and action Under Rule 5 (4) will follow.

1. Material Papers should be clubbed to the 1st two sets of govt.
2. Chronological statement of events should be filed
3. Formed Affidavits are to be deleted.
4. Copy of the impugned Order should be clubbed to the Affidavits' set of govt.
5. Section should be furnished in Para 4.
6. Para 9, 'Writ of Mandamus' has to be deleted.



Resubmitted:

1. Objections complying with 2) all the necessary papers have been made  
Summary provided to O.A. 3) Material papers clubbed.  
Counsel to Applicant  
30/9/93.

*[Signature]*  
Deputy Registrar (Judl)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A. NO. 1237 OF 1993

Between:

M.C. Krishna Murthy

....

Applicant

AND

The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar  
HYDERABAD

& 3 Others.

....

Respondents

I N D E X

Sl. No.	Date	Particulars of Documents.	Annexures	Page No.
1.	16-12-1991	Lr. A-11014/04/86	R-1	6
2.	26-07-1988	Judgement in T.A. No.106/86	R-2	1-2
3.	30-11-1992	No.A-12034/13/84-WI	R-3	12-13
4.	19-08-1993	No. 13(2)/89	R-4	14

Dated: 20-12-1993.

N.V. Raghav Reddy  
COUNSEL FOR RESPONDENTS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A. NO. 1237 OF 1993

Between:

M.C.Krishna Murthy

...

Applicant

AND

The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
HYDERABAD

...

Respondents

& 3 Others.

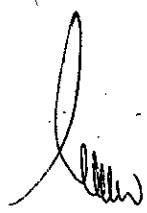
COUNTER AFFIDAVIT

I, V. Sambasiva Rao, S/o Sri Subbaiah,  
aged about 56 years, Occupation: Welfare Commissioner,  
Labour Welfare Organisation, Hyderabad, R/o Hyderabad  
do hereby solemnly affirm and sincerely state on Oath  
as follows:


1. I am the 1st Respondent herein and as such  
I am well acquainted with the facts of the case. I am  
authorised to give this affidavit on behalf of  
other respondents also.

2. I have read the Original Application filed  
by the above named applicant and I deny the several  
material allegations made therein except those that are  
specifically admitted herein.

Attestor:

  
T. JAGANNADHA RAO.  
Admn. Cum-Accts. Officer,  
L.W.O., HYDERABAD.

Deponent.

  
Contd....Page 2  
(V.S. RAO)  
WELFARE COMMISSIONER,  
LABOUR WELFARE ORGANISATION,  
HYDERABAD.

:: 2 ::

3. Before traversing in detail the several material allegations, averments and contentions made therein, I beg to submit as follows:-

4. In reply to Paras 1 and 2 it is submitted that they are formal needs no comments.

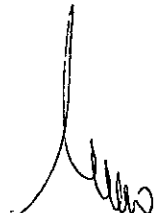
5. In reply to Para No.3 it is submitted that it is not correct to say that the claim of the applicant has been rejected by the Administrative-cum-Accounts Officer, Office of the Welfare Commissioner, Labour Welfare Organisation, Hyderabad to the Applicant vide his letter No.13(2)/89 Dated:19-8-1993 (Copy enclosed). Further the applicant is ~~was~~ uncertain whether he gets the Selection Grade scale i.e., Rs.740-880 either from 01.10.1980 or from   01.01.1982.

6. In reply to Para No. 4 & 5 Needs no comments.

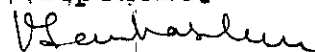
7. In reply to Para No.6(1), needs no comments.

8. In reply to Para No.6(b) it is submitted that the scale of pay Rs.380--640 was granted to the applicant in accordance with the Third Pay Commission Report. On submitting the representation by the Applicant to the Ministry for granting him the higher scale of pay Rs.440--750 as in the case of

Attestor:

  
T. JAGANNADHA RAO,  
Admn. Cum-Accts. Officer,  
L.W.O., HYDERABAD.

Deponent.



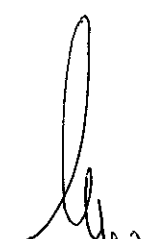
Contd.....Page 3  
(Y.S. RAO)  
WELFARE COMMISSIONER,  
LABOUR WELFARE ORGANISATION,  
HYDERABAD.

|| :: 3 ::

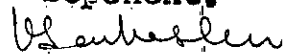
,, Grade I Hindi Pandits working in the Ministry of Railways and Defence, the Govt. of India, Ministry of Labour, New Delhi vide their letter No. A-11014/04/86-W.I. Dated: 16-12-1991, (copy enclosed), conveyed their approval for implementation of the higher scale of pay Rs. 440 - 750 (Revised to Rs. 1400 - 2600 in the Fourth Pay Commission Report) to the Applicant. Accordingly the pay of the applicant was refixed in the Third Pay Commission scale of pay Rs. 440-750 with effect from 1-1-73 and then refixed in the scale of pay Rs. 1400 - 2600 with effect from 1-1-1986 in accordance with the Fourth Pay Commission Report.

9. In reply to Para No. 6(c) it is submitted that 23 employees of different categories of Group 'C' & 'D' working in this Organisation had filed a Writ Petition (No. 12295/84) in the High Court of Andhra Pradesh, Hyderabad for implementation of Selection Grade Scales of Pay for the posts held by them. The said Writ Petition was transferred to the Central Administrative Tribunal, Hyderabad Bench, Hyderabad for the decision. Thereupon the Central Administrative Tribunal, Hyderabad issued its Judgement Dated: 26.7.88 (copy enclosed), on T.A. No. 106/1986 directing the Respondents to allow Selection

Attestor:

  
T. JAGANNADHA RAO,  
Admn. Cum-Accts. Officer,  
L.W.O., HYDERABAD.

Deponent.

  
Contd.... Page 4

(V. S. RAO)  
WELFARE COMMISSIONER,  
LABOUR WELFARE ORGANISATION,  
HYDERABAD.


:: 4 ::

Grade Scales of Pay to 23 petitioners only. Under these different categories of Group 'C' and 'D' employees, any of the employees of the category of Hindi Pandits had not filed the Writ Petition in the Court. Ministry of Labour, New Delhi after consulting the matter with the Ministry of Finance conveyed their approval vide (Lr.No.A-12034/13/84-W.I. Dated:30-11-92 that the judgement, of Central Administrative Tribunal shall be implemented in respect of 23 petitioners of M.M.L.W.O. only and cannot be extended to other employees (i.e., other than Petitioners). Accordingly the applicant was informed vide letter No.13(2)/89 Dated:19.8.93 of the Administrative-cum-Accounts Officer, Labour Welfare Organisation, Hyderabad as mentioned against Para 3 above.

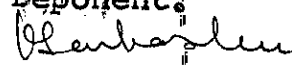
10. In reply to Para No. 6(d) it is submitted that in the light of the Ministry's letter No.A-12034/13/84-W.I. Dated:30-11-92 the application of the applicant, is not considered.

11. In reply to Para No. 6(e) it is submitted, that the applicability of Senior Scale of Pay Rs.1640 - 2900 or, otherwise, to the applicant, the matter will be examined and finalised, as early as possible.

Attestor:

  
T. JAGANNADHA RAO,  
Admn. Cum-Accts. Officer,  
L.W.O., HYDERABAD.

Deponent:

  
Contd....Page 5  
(Y.S. RAO)  
WELFARE COMMISSIONER,  
LABOUR WELFARE ORGANISATION,  
HYDERABAD.

:: 5 ::

12. In reply to Para No. 6(f) it is submitted that as stated supra it may be added that the Selection Grade Scales were implemented in respect of 23 different employees only (who had filed a W.P. No. 12295/84 in the High Court of Andhra Pradesh) as per the instructions of the Govt. of India, Ministry of Labour, New Delhi vide their Lr. No. A-12034/13/84-W.I. dated: 30.11.92.

In as much as the applicant has not made out any case much less a prima facie case even for admission it is submitted that the original application be dismissed with costs.

Sworn and signed before me  
on this *Eight* Day of  
December, 1993 at Hyderabad.

Deponent.

*V. S. Rao*  
(V. S. RAO)  
WELFARE COMMISSIONER,  
LABOUR WELFARE ORGANISATION,  
HYDERABAD.

BEFORE ME

*T. Jagannadha Rao*  
ADVOCATE : HYDERABAD

T. JAGANNADHA RAO.  
Admn. Cum-Accts. Officer,  
L.W.O., HYDERABAD.

6  
33  
No. 111012/04/38-...I.  
Government of India  
Ministry of Labour  
Jawahar House  
New Delhi Road

New Delhi, dated 16-12-91

To

The Welfare Commissioner,  
Labour Welfare Organisation,  
Block-V (Ground Floor)  
General Pool Office, Accommodation  
Complex (near Govt. Maternity Hospital)  
Sultan Bazar, Hyderabad-500135

A  
Sub:- Representation of Shri M.C. Krishnamurthy,  
Hindi Pandit, Grade-I, High School, Talapur  
for implementation of scale of Rs. 440-750  
(Revised Rs. 1400-2800) - reg.

.....

30/12  
Sir,

1 am directed to refer to your letter No.  
38(1)/90 dated 22-5-90 on the above subject and to  
convey the approval of the Ministry for implementation  
scale of Rs. 440-750 (Revised to Rs. 1400-2800) to  
Shri M.C. Krishnamurthy, Hindi Pandit, Grade-I, Talapur.

151  
31/12  
Yours faithfully,

(A. B. S. 1)  
Welfare Administrator (H-9)

12  
31/12  
Spl Doc  
E 23/12  
Government of India, Ministry of Labour,  
O/o. Welfare Commissioner,  
G. P. O. A. Complex,  
Block V, Ground Floor,  
Sultan Bazar,  
HYDERABAD-500135

6/1  
No. 38(1)/90

Dated: 01-01-1992

Copy communicated to:- The Welfare Administrator,  
Kalichedu (PO), Dist. Nellore (AP) for information and taking  
necessary action.

4  
(K. Suryanarayana Sarma)  
Administrative-cum-Accounts  
Officer.

Master Copy

- 35  
- 97 -  
- 2 -
- (8)
1. Union of India, rep. by  
Under Secretary to Government  
of India, Ministry of Labour  
and Rehabilitation,  
New Delhi.
  2. Under Secretary to Government of India,  
Ministry of Finance  
(Department of Expenditure)  
New Delhi.
  3. The Welfare Commissioner,  
Labour Welfare Organisation,  
Hyderabad.

... Respondents.

Application under section 29 (1) of the Administrative Tribunal Act, 1985 transferred from the High Court of Andhra Pradesh praying that in the circumstances stated therein the Tribunal will be pleased to issue an order direction, or writ particularly one in the nature of writ of Mandamus, under Article 226 of the constitution of India, direct the respondents herein to maintain the seniority of the petitioners in the unit of Mica Mines Labour Welfare Organisation, Kalichedu. Without clubbing them with the Employees of other organisations under the Welfare Commissioner the 3rd respondent herein and give them the Selection Grade in the posts held by them as per the letter issued by the Ministry of Labour in its letter No. Z.11015/18/78 coordination dated 22-10-1979 and pass such other and further orders.

FOR THE APPLICANTS: MR. P. KRISHNAREDDY (ADVOCATE)

FOR THE RESPONDENTS: MR. K. V. SUBBA RAO, Addl. C.G.S.C.

The Tribunal made the following order:-

This is an application received by this Tribunal on transfer, under section 29(1) of the Administrative Tribunals Act, 1985. 23 applicants herein who are in the unit of Mica Mines Labour Welfare Organisation, Kalichedu seek a writ of mandamus or other appropriate writ, direction or order against the respondents herein particularly the 3rd respondent, directing them to give Selection Grade to the petitioners in the posts held by them as per letter issued by the Ministry of Labour No. Z-11015/18/78-Co-ordination dated 22-10-1979. By that letter, the Government of India drew the attention of the attached sub-ordinate

contd..3..



95- (7) 39 11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

TUESDAY THE TWENTY SIXTH DAY OF JULY  
ONE THOUSAND NINE HUNDRED AND EIGHTY EIGHT.

: PRESENT :

THE HON'BLE MR. JUSTICE K. MADHAVA REDDY: CHAIRMAN.  
AND

THE HON'BLE MRS. J. ANJANI DAYARAM : MEMBER (ADMN.)  
MADRAS BENCH.

TRANSFER APPLICATION NO. 106 OF 1986.  
(U.P.No. 12295/84).

.....

Between:-

1. G. Sreeramam Murthy. X
2. P. Mallikarjunam X
3. S. A. Hamood X
4. K. V. Chalamaiiah. X
5. P. Umamaheswara Rao. X
6. I. Rowland. X
7. C. John Issac X
8. G. R. Subba Rao X
9. Dr. K. Haranadiah X
10. H. Eli or X
11. U. Ivy. Mary X
12. Ch. Manjula X
13. D. Masthanaiah X
14. B. Kuppaiah X
15. V. Mariamma X
16. P. Khador Khan ✓
17. S. Subba Rao ✓
18. K. Panchalaiah ✓
19. N. Kondaiah ✓
20. Kethu Shankaraiah. ✓
21. B. Santhamma ✓
22. N. Balaiiah. ✓
23. K. Nagabhasura Devi ✓

... Applicants/  
petitioners.

And

contd..2..

(16)

(37)

-101-

- 4 -

(14)

posts which are filled up by direct recruitment to an extent of not less than 75% would qualify for Selection Grade. It is not denied that the posts to which the petitioners belong are all filled in by direct recruitment; they are not filled in promotion at all. Persons holding these posts thus qualify for being considered for grant of Selection Grade. This Memo which grants grant of Selection Grade does not lay down that granting of Selection grade would depend upon the number of persons holding the particular category of posts or the cadre strength of that category of posts. That Memo, on the other hand, declares that it does not preclude consideration of other cases for grant of Selection grade where the aforesaid condition of eligibility are not satisfied, if it is established that there is acute stagnation. That there is acute stagnation in the posts held by the petitioners is not disputed and apparent on the face of the records. The petitioners have been holding these posts ever since their first appointment about 25 to 40 years ago. The criteria of eligibility laid down in the aforesaid Memo is where the promotional prospects are more than 50% of the strength of that cadre, the incumbents are not entitled to grant Selection Grade. Admittedly there are no posts in the unit of Mico Mines Labour Welfare Organisation to which the petitioners could be promoted. This criteria is therefore fulfilled. The Memo further lays down that where promotional prospects are 25% or less and in the case on hand, the promotional prospects are nil, the Selection grade may be allowed to 20%. Even, according to the respondents, the petitioners are denied the Selection grade only because posts are isolated and very few. However, this Memo does not lay down that Selection Grade cannot be awarded if the posts are few. The grant of Selection grade is not made dependant upon the cadre strength. It envisages grant of Selection Grade to relieve stagnation where there are promotional prospects. In this case

contd..5..

offices under the Ministry of Labour to O.M.No.35015/1/78-Estt(L) dated 12-7-1978 issued by the Department of Personnel and Administrative Reforms on the subject of the introduction of X Selection Grade in Group 'C' and 'D' and requested that the Ministry may be informed as to whether the Selection Grade under Group 'C' and 'D' have been introduced. It is the grievance of the petitioners that although in the O.M.NO. F.7(21)-E.III(A)/74 dated 10-1-1977 the President has sanctioned the introduction of Selection Grade in Group 'C' and 'D' cadres with effect from 1-8-1976, which was communicated to all the units including Mica Mines Labour Welfare Organisation, the petitioners have all along been denied the benefit of selection grade and that has lead to the filing of this petition.

2. It is not disputed that the petitioners have been appointed to the various posts under the Mica Mines Labour Welfare Organisation between 1949 and 1964 and that they have not been promoted to any higher post so far. The petitioners state that there are no posts in this organisation to which they could be promoted. They have thus stagnated in the same posts ever since their appointment. In such a situation they claim that they were eligible for Selection Grade.

3. Their claim is opposed on three grounds: Firstly on the ground that the posts held by each of the petitioners are very few; Secondly that the petitioners were not eligible to the grant of Selection grade under the norms prescribed by the 3rd Pay Commission and thirdly that the organisation does not possess sufficient funds. In our view, none of these grounds are tenable.

4. The norms laid down in the Memo dated 10-1-1977 referred to prescribe inter alia that only persons holding

contd..4..

- 103 -

(11)

38  
15

all the conditions for grant of Selection grade are fulfilled. The only other ground on which the claim of the petitioners is opposed is that the Mico Mines Labour Welfare Organisation, Kalichedu does not have sufficient funds. In the face of the Presidential sanction for introduction of Selection Grades in Group 'C' and 'D' cadres to which the petitioners belong, this cannot be sustained. Funds have to be allocated for meeting the statutory claims.

5. This application is, therefore, allowed. The petitioners will be allowed Selection Grade with effect from 1-8-1976 as directed in O.M. dated 10-1-1977. We make no order as to costs. Shri K.V. Subba Rao represents on behalf of the respondents.

Sd/- x x x x x  
(G. VENKATA RAO)  
DEPUTY REGISTRAR (J)

// True copy //

T. N. Reddy,  
SECTION OFFICER (J).

- To
1. The Under Secretary to Govt. of India, Ministry of Labour and Rehabilitation, New Delhi.
  2. The Under Secretary to Govt. of India, Ministry of Finance, (Department of Expenditure) New Delhi.
  3. The Welfare Commissioner Labour Welfare Organisation, Hyderabad.
  - ✓ 4. One copy to Mr. P. Krishna Reddy, 3-5-899 Himayatnagar, Hyderabad.
  5. One copy to Mr. K.V. Subba Rao CGSC.
  6. Sri Sanjeev Malhotra, All India Services, Law Journal 89, Hakikatnagar, Mal Road, New Delhi.
  7. M/S. Eastern Book Company 34, Lal Bagh, Lucknow.
  8. M/S. Delhi Law Times, 5355, Jawahar Nagar, Kolhapur Road, Delhi.
  9. Sri Hasin Ahmed Special Representative Reporter, A.I.R. Limited No. 21-1-1984 & 65 Gandhi Bazar, oppo. High Court Buildings, Bar Counsel Gate Hyderabad-2
  10. The Administrative Tribunal Reporter, Bhagat Singh Market 90, New Delhi.
  11. Sri K.B.S. Sarma, General Secretary, All India Equal Rights Association, E. 58, HUMA Residential Complex, Vanastalipuram, Hyderabad.
  12. The Deputy Registrar (J) Central Administrative Tribunal, Hyderabad Bench. at Hyderabad.
  13. One copy to Library, Central Administrative Tribunal, Hyderabad Bench, Hyderabad
  14. Five spare copy (s).

ks. *[Signature]*

.....

(40)

(13)

Government of India, Ministry of Labour,  
O/A. WELFARE COMMISSIONER,  
LABOUR WELFARE ORGANISATION,  
KAMALAYA SADAN,  
F-10, K. H. ROAD,  
HYDERABAD-500 195.

No. 13(2)/92

Dated: 21-12-1992

To

All the Employees at  
Sl.Nos.6,7,8,14,16,17,24,25,26,27 and  
Sri K.Haranath, Vaid,  
Sri K.Danaiah, Compounder.

Sir/Madam,

SUB:-Grant of Selection Grade Scales of  
Pay to the Employees under MMLWO,  
Kalichedu - Reg.

...

With reference to your Represent-  
ation on the subject, I am directed to forward herewith  
a copy of Ministry's letter No.A-12034/13/84-W.I.  
Dated: 30th November, 1992, for your information.

Yours faithfully,

*He*

(K.Suryanarayana Salma)  
Admn.cum.Accts.Officer.

4332  
29/12

Copy to:-The Welfare Administrator, Kalichedu(PO)-524 409,  
Distt. Nellore (AP) for information. (His File  
No. PF/GSR/92 refers).

" Master Copy

(P.T.O.)

(12) (39)  
69

No.A-12034/13/84-W.I.  
Government of India  
Ministry of Labour  
Jaisalmer House (Single storey hutments)  
Mansingh Road

...  
New Delhi, dated the 30 Nov. 1992.

To  
The Welfare Commissioner,  
Sultan Bazar,  
Hyderabad.

Sub: Grant of Selection Grade Scales of pay to certain  
Employees under MMLWO, Kalichedu - reg.

Sir,

I am directed to refer to your letter No.13/(2)/92 dated  
2.9.92 on the above subject and to inform you that the matter  
was taken up with Ministry of Finance. They have intimated that the  
judgement of CAT in respect of 23 petitioners of MMLWO had to be  
implemented because of inordinate delay on the part of Ministry of  
Labour to process the judgement. The SLP filed against the  
judgement of CAT was dismissed by the Supreme Court on the grounds  
of delay. Accordingly, the judgement of CAT cannot be extended to  
other employees. Accordingly the request of representationists  
may be dealt with suitably.

Yours faithfully,

*hmanu*  
(H.K.NARULA)  
Director.

*C21u*

*Recd. on  
15/12/92*

*07.12.92*

*622v*

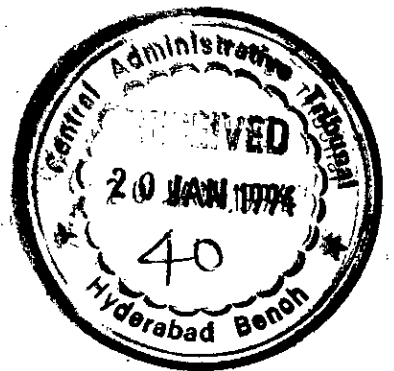
*13  
6  
21/11*

In the C.A.T.  
Hyd Bench

QA 1237/93

Counter Affidavit

---



Received by  
Shri. N. V. Raghava Reddy  
S. 25/1/94  
S. 24/1/94.

may be filed  
21/1/94

Filed by:-

N. V. Raghava Reddy  
Addl. Cr.

18 copy 12/5

(14)

(41)

No.13(2)/89

Dated: 19-08-1993

To

Sri M.C.Krishna Murthy,  
Grade I Hindi Pandit  
Through the Headmaster, High School,  
Talupur.

Sir,

Sub:-Grant of Selection Grade Scale  
etc. - Reg.

...

With reference to your representation  
Dated:26-6-93 on the subject, I am directed to  
say that you are not one of the Petitioners in  
T.A. No.106 of 1986 (Original W.P.No.12295 of 1984)  
in the CAT, Hyderabad Bench and hence the Judgement  
of the CAT in the above Court Case can not be  
extended/applicable to you, as per the  
instructions of the Ministry.

Yours faithfully,

(T.JAGANNADHA RAO)  
Admn.cum.Accts.Officer

Copy to:-The Welfare Administrator, Kalichedu  
for information etc. w.r.t.his Lr.  
No.PF/MCK/93 Dt:14.7.93



(412)

In the Central Administrative Tribunal, Hyderabad Bench  
at Hyderabad.

O.A.No. 1237 of 1993.

Between:

M.C.Krishna Murthy.

..Applicant.

and

Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadam, Sultan Bazar,  
Hyderabad and 3 others.

..Respondents.

Reply Affidavit.

...

I.M.C.Krishnamurthy, son of M.C.Jankiramalah, aged 58 years, Grade-I Hindi Pandit (Retired), resident of Talupur, Nellore District, now temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state as follows:-

1. I am the applicant in the above O.A. and hence I am well acquainted with the facts of the case.

2. I have read the counter affidavit of the 1st-respondent filed in the above O.A. I submit that the material facts and contentions stated therein are incorrect and untenable.

3. I submit in reply to averments in paragraph 5 of the counter Affidavit that I am entitled to benefits of selection grade/Junior scale of pay as the applicants in T.A.No.106/1986 which was already allowed by this Hon'ble Tribunal. The post of Hindi Pandit Grade-I ~~with~~ Central scales of pay was the only <sup>o</sup> post in the respondent organisation. Therefore there were no ~~no~~ further avenues of promotion for me and thus, I was made to stagnate  
1st page.

Corrss.

*J. S. Rao*  
Attest

*M. Krishna Murthy*  
Deponent.

2.

in the post of Grade-I Hindi Pandit till my retirement from service on 30-9-1993. I completed 14 years of continuous service as Grade-I Hindi Pandit by 1-10-1980 and also 3/4th of the span of pay scale of Rs.440-750 w.e.f. 1-1-1982. Therefore I was entitled to selection grade scale of pay w.e.f. 1-10-1980 and alternatively w.e.f. from 1-1-1982. Thus, I humbly submit there is no ambiguity in my claim to the selection grade pay scale.

4. I submit in reply to averments in paragraphs 8 and 9 of the counter affidavit, that the post of Grade-I Hindi Pandit comes under the category of Group 'C' post. I am to submit and state in other departments as in Railways and Defence, Hindi Pandits Grade-I were granted the selection grade pay scale of Rs.740-880 and selection grade/senior scale of Rs.1640-2900, which benefit has been denied to me. Also the applicant in T.A.No.106/1986 have all been given the benefit of the said decision/judgment of this Hon'ble Tribunal, which has been upheld by the Supreme Court of India. When once there is no dispute that I am also similarly placed as the applicant in T.A.No.106/10986 considering my appointment to the post of Grade-I Hindi Pandit, that there were no further chances of promotion, and that I had completed the prescribed period of service, I am entitled as of right to claim of ~~Junior~~/Senior scale/selection grade as per 4th pay Commission report. The mere circumstances that I was not a party to the case in T.A.No.106/1986 ought not to be permitted as a ground to deny to me the benefits of the judgment of this Hon'ble Tribunal, which has become final.

2nd page.

Corrss.

*T. Rao*  
Attorney

*Manilal*  
Deponent.

2. I humbly submit and state that the action of the respondent in denying the selection made before some pay scale is discriminatory and offends the Fundamental Rights of equality before law guaranteed under Articles 14 and 16 of the Constitution of India.

3. I submit that an accord was with revision of pay scales, of the pay commission, which was notified to selection made scale of Rs. 140-250 w.e.f. 1-10-80/1-1-82 and consequent on the implementation of pay scales notified by the A.P. Pay Commission for the revised Graduate Engineers, pay scale was to be fixed in the selection for the scale of pay of Rs. 140-250 w.e.f. 1-1-86 and therefore pay that this Hon'ble Tribunal may be pleased to issue orders accordingly to the above.

Y.A.

Jointly filed at Hyderabad  
on this 15th day of February, 1984  
and signed by me in my presence. Before me,  
Jd and I at home.  
Jd and I at home.  
Jd and I at home.

3.

5. I humbly submit and state that the action of the respondent in denying the selection grade/Senior scale pay scale is discreminatory and offends the Fundamental Rights of equality before law guaranteed under Articles 14 and 16 of the Constitution of India.

6. I submit that in accordance with Revision of pay scales, of the 3rd Pay commission, I am entitled to selection grade scale of pay Rs.740-880 w.e.f 1-10-80/1-1-82 and consequent on the implementation of pay scales prescribed by the 4th - Pay Commission for the Trained Graduate Teachers, my pay scale has to be fixed in the selection grade scale of pay of Rs.1640-2900 w.e.f. 1-1-1986 and I therefore pray that this Hon'ble Tribunal may be pleased to issue orders accordingly in the above O.A.

Solemnly affirmed at Hyderabad

on this 15th day of February, 1994

and signed his name in my presence.

3rd and last page.

Corrse.

*M. Srinivas*  
Deponent.

Before me.,

*T. S. Raju*  
Advocate, Hyderabad.

In the Central Administrative Tribunal Hyderabad Bench  
at Hyderabad.

O.A.No. of 1993.

Between:

M.Krishna Murthy.

..Applicant.

and

*Ps Welfare Commissioner  
and others*

..Respondents.

Material Papers.

I n d e x.

S.No.	Particulars.	Page.
1.	Extract of 4 th Pay Commission Book at page 285.	1
2.	Extract of Memo dt.10-1-1977 Ministry of Finance, New Delhi addressed to all the Ministeries etc.	2-3

*Ps I certify that the Material Papers II filed  
here with are true copies of originals Ps*

Hyderabad.

15-2-1994

*72/111*  
Counsel for Applicant.

Extract of 4th Pay Commission Book. at page 235.

xx

xx

xx

11.43. The three selection grades for teachers are Rs.530-630. Rs.740-880 and Rs.775-1,000 for primary school, trained graduate teacher/head-master, primary school and post-graduate teacher/headmaster, middle school respectively. These are different from the entry scales. It has been reported that the national commission on teachers under the chairmanship of Professor D.P. Chattopadhyaya has given its report to Government on the pay structure of teachers and the same is under consideration. Keeping this in view we have not suggested any changes in their pay scales except simplification of the selection grade which we recommend as follows:-

PST	.. Rs.1,400-2,600
TGT	.. Rs.1,640-2,900
PGT	.. Rs.2,000-3,500.

xxx

xxx

xxx

*True Letter  
P  
me*

2.

Copy of Office Memorandum No. F.7(21)--III(A)/74 dated the 10th January, 1977 from the Ministry of Finance (Department of Expenditure), New Delhi, addressed to all the Ministries, etc.

...

Subject: Selection Grades in Groups 'C' and 'D' Cadres-  
Implementation of the recommendations of the  
third Pay Commission.

...

The undersigned is directed to refer to the recommendations of the Third Pay Commission on the subject mentioned above contained in paragraphs 51-53 of Chapter 8 of their Report and to say that these recommendations were accepted by Government in principle vide item 9 of the Annexure to the Resolution No. 70(34)/73-Imp Cell dated 1-11-1973 issued by the Ministry of Finance (Department of Expenditure). The aforesaid recommendations were the subject matter of discussion in the Anomalies Committee of the National Council (JCM) at their meetings held on the 21st April, 1975, 10th December, 1975 and 8th April, 1976 and the report of the said committee containing the clarifications and amendment recommended jointly by the Official and Staff Side was adopted by the National Council at meeting held on the 30th July, 1976. After further consideration of the matter, the President is pleased to sanction the introduction of Selection Grade in Groups C and D cadres with effect from the 1st August, 1976 subject the following conditions :-

xxx

xxx

xxx

(v) For becoming eligible to be considered for appointment to the Selection Grade, an employee should have rendered such length of service which would have brought him to the stage represented by 3/4th

3.

of the span of the revised scale of the Ordinary Grade/  
inclusive of the service rendered in the pre-revised  
scale of that Grade subject to a minimum of 14 years  
of service. This will not, however, have the effect of  
deliberalising the criteria which might be applicable  
in respect of Selection Grades already in vogue.

(vi) The time-sculer for the Selection Grades  
should start near-about the 3/4th span of the ordinary  
Grade and should end short of the maximum of the scale  
of pay of the next promotional post.

xxx

xx

xxx

*True Excess*  
*Plan*  
*she*



Nellore District.

In the Central Administrative  
Tribunal, Hyderabad Bench at  
Hyderabad.

O.A.No.

of 1993.



Material papers. 11  
...

Sri P.Sree Rama Murthy  
Counsel for the Applicant.

FAIRLIST CASE

DATED: 16-2-94

Nellore District.

In the Central Administrative  
Tribunal, Hyderabad Bench at  
Hyderabad.

O.A.No. 1237 of 1993.



Reply Affidavit.

...

*Received copy:  
no. 16/2/94  
16/2/94*

*6  
21/2/94*

Sri P.Sree Rama Murthy  
Counsel for the Applicant.

*may be filed  
16/2/94*

Wellore District.

In the General Administration  
Department, Hyderabad Bench at  
Hyderabad.

O.A.No. 1237 of 1983.



Reply Affixed.

For the Applicant  
Sri P. Sree Rama Murthy

## CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

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

II COURT

ORIGINAL APPLICATION NO. 1237/8 OF 199

TRANSFER APPLICATION NO.  
CERTIFIED

OLD PETN. NO.

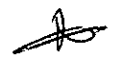
## CERTIFICATE

Certified that no further action is required to be taken  
and the case is fit for consignment to the Record Room(Decided).

Dated:

Counter Signed.

Court Officer/Section Officer

  
Signature of the Dealing Asst.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDRABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1237 of 1993

DATE OF DECISION: 15/11/76

McKercher

APPLICANTS


Versus

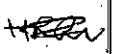
WC Lwo

RESPONDENTS

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of C.A.T. or not?

  
(HSSP)  
MEMBER (Jud.)

 (HRRN)  
Vice Chairman/Member (Adm.)

(49)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1237-of 1993

DATE-OF-ORDER: 15th-November, 1996

BETWEEN:

M.C.KRISHNA MURTHY

.. Applicant

AND

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,
2. The Administrative-cum-Accounts Officer,  
Office of the Welfare Commissioner,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,
3. The Director, Labour Welfare,  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi,
4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.SREERAMA MURTHY

COUNSEL FOR THE RESPONDENTS: SRI N.V.RAGHAVAREDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,  
MEMBER (JUDL.)

None appeared for the applicant. Heard Shri  
N.V.Raghva Reddy, learned standing counsel for the  
respondents.

Jai

2. The applicant has filed this Original Application praying this Tribunal to declare that the order bearing No.13(2)/89 dated 19.8.93 is illegal, discriminatory, arbitrary, to grant selection grade scale of pay in the scale of pay Rs.740-880 effective from 1.10.80/1.1.82 and also senior scale of pay of Rs.1640-2900 effective from 1.1.86 in his favour, and for a direction to the respondents to refix his scale of pay and to pay the consequential arrears etc.

3. The case of the applicant is that he was working as Grade-I Hindi Pandit in the Labour Welfare Organisation High School at Talupur, Sydapuram Mandal of Nellore District, that the said school was under the control of the 1st respondent, that he joined the service as Grade-II Hindi Pandit on 21.8.61, that he was working as Grade-I Hindi Pandit from 1.10.66 to the date of filing of the application, and that he is due to retire effective from 30.9.93. It is his case that on implementation of the 3rd Pay Commission, he was given the scale of pay of Rs.380-640 instead of the pay of Rs.440-750 to which scale he was legitimately entitled to, that on account of wrong fixation of pay in the lower scale of pay he was aggrieved, that he submitted a representation to the respondents for rectification of the mistake, that by the order dated 11.2.92 (Annexure-II) his pay was refixed at Rs.440/- in the scale of pay of Rs.440-750, that on implementation of the 4th Pay Commission scales effective from 1.1.86, his

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pay was again refixed at Rs.2200/- in the scale of pay of Rs.1400-2660 effective from 1.10.86, that by the order dated 27.3.93 (Annexure-III) issued in partial modification of the order dated 11.2.92, his pay was refixed at Rs.460/- in the 3rd Pay Commission scale of pay of Rs.440-750 effective from 1.1.73, that on that date he opted for Central Civil Services (Revised Pay) Rules, 1973, that consequent upon the implementation of the 4th Pay Commission pay scales his pay was refixed at Rs.2200/- in the scale of pay of Rs.1400-2600, that the applicant submits that the 4th Pay Commission provided 3 selection grade scales for Teachers at Rs.530-630, Rs.740-880 and Rs.775-1000, <sup>respectively,</sup> for primary trained graduate teachers and post graduate teachers, that he is entitled for selection grade of pay in the scale of pay of Rs.740-880, that on 26.6.93 he submitted a representation to R-4 requesting that he may be given selection grade pay in the scale of pay of Rs.740-880 effective from 1.10.80/1.1.82, that 23 other employees working under the respondents filed Writ Petition (No.12295/84) that they were similarly situated like him, that the Writ Petition was subsequently transferred to this Tribunal and renumbered as T.A.No.106/86, that on 26.7.88, the Tribunal allowed the prayer of the applicants therein and directions were <sup>issued</sup> ~~ordered~~ to accord selection grade pay scale effective from 1.8.86, that against the decision of the Tribunal, the respondents preferred SLP before the Hon'ble Supreme Court of India, that the same was dismissed, that he could not approach the Hon'ble Tribunal earlier as department took nearly 20 years for

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rectification of the anomaly, that his claim for grant of selection grade was rejected by R-2 by his order dated 19.8.93 (Annexure I), that the ground for rejection was that the judgment in the T.A. could not be extended or applied as per the instructions of the Ministry of Labour, that he was entitled to senior scale of pay of Rs.1640-2900 as per the implementation of the 4th Pay Commission scales for Teachers, that there were no further promotional avenues to him to higher post, that he stood stagnated in the same post for several years, that the Pay Commission recommended selection grade scales of pay to the Teachers situated like him keeping in view of the stagnation of the employees working under the respondents, without any further promotion, that this matter was reexamined and accepted by this Tribunal in its judgement in TA 106/86, that the said judgment has become final, that the respondents have failed to implement the said judgement to him, and that he has been constrained to file this application.

4. The respondents filed their reply affidavit stating that it is not correct to say that the claim of the applicant has been rejected by the Administrative-cum-Accounts Officer, Office of the Welfare Commissioner, Labour Welfare Organisation, Hyderabad to the applicant vide his letter bearing No.13/2/89 dated 19.8.93, that the applicant is uncertain as to whether he gets <sup>e</sup>that selection grade scale in the scale of pay of Rs.740-880 either from 1.10.80 or 1.1.82, that the applicant was granted the scale

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of pay of Rs.380-640 in accordance with the 3rd Pay Commission recommendations, that subsequently the applicant made representation for granting him higher scale of pay as in the case of Hindi Pandit Grade-I, that the Ministry of Railways and Defence conveyed their approval in their letter No.A-11014/04/86-W.I dated 16.12.91 for implementation of the higher scale of pay, that the said scale of pay was revised to Rs.1400-2600, that accordingly effective from 1.1.73 the pay of the applicant was refixed in that revised scale on the basis of the recommendations of the 4th Pay Commission, that the decision in the Writ Petition filed by 23 employees working in this organisation is in no way applicable to the case of the applicant, that the decision in TA 106/86 to allow the selection grade scale of pay to the said petitioners of different categories of Group 'C' and 'D' employees was implemented, that among 23 petitioners, none was in the category of Hindi Pandit Grade-I, that the Ministry of Labour after consulting the matter with the Ministry of Finance conveyed their approval to the effect that the decision in TA 106/86 shall be implemented only to the petitioners in that TA, that accordingly the applicant was informed vide letter NO.13(2)/89 dated 19.8.93, that the applicability of senior scale of pay of Rs.1640-2900 or otherwise to the applicant will be finalised shortly, that inasmuch as the applicant has not made out any claim for admission of the original application.

5. During the course of the arguments, the learned counsel for the respondents furnished a copy of the OM

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No.7(21)-E.III(A)/74-Vol.II dated 24.10.78 and submitted that the applicant had crossed 3/4th of the span of the pay scale of Rs.440-750, that in the said scale there were 13 stages and the applicant had crossed 3/4th of the span in the said scale and with effect from 1.1.84 he had reached Rs.700/- in the said scale. Thus the respondents submitted that there is no reason for granting the selection grade scale of pay to the applicant.


6. The applicant has satisfied that he had crossed 3/4th span of the revised scale of pay of the ordinary grade for the eligibility for grant of selection grade as indicated in the clarificatory note dated 24.10.78. Further, he himself was not definite as to from which date his pay was required to be revised i.e, whether from 1.10.80 or from 1.1.82. The respondents have given him the benefit of refixation of his pay on the recommendations of the 3rd and 4th Pay Commissions. He reached the 10th stage giving this grade as prayed for by him. With his reaching 10th stage with effect from 1.1.83 in the scale of pay of Rs.440-750 he had crossed 3/4th span with effect from 1.1.84 when he reached the pay of Rs.700/-.

7. In view of the above submission, we do not find that the applicant had fulfilled the eligibility condition for granting the relief as prayed for in this OA. We would not have allowed the respondents not to accede to his request if he is similarly placed as the applicants in TA 106/86 as he had not fulfilled the eligibility condition and as the applicant has not filed any worthwhile document to show that he had fulfilled the conditions as stipulated

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in the Memo quoted above, we are satisfied that the action of the respondents rejecting his claim is in order.

8. In that view, we find no merits in this OA and accordingly it is dismissed. No order as to costs.

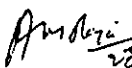
  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDICIAL)

15.11.96

(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED: - 15th - November, - 1996  
Dictated in open court.

vsn

  
28/11/96

..8..

O.A.NO.1237/93

Copy to:

1. The Welfare Commissioner, Labour Welfare Organisation, Kendriya Sadan, Sultan Bazar, Hyderabad.
2. The Administrative cum Accounts Officer, O/O The Welfare Commissioner, Kendriya Sadan, Sultan Bazar, Hyderabad.
3. The Director, Labour Welfare, Ministry of Labour, Jaiselmer House, Mansingh Road, New Delhi.
4. The Secretary to Govt. of India, Min. of Labour, Shrama Shakti Bhavan, New Delhi.
5. One copy to Mr.P.Srearama Murthy, Advocate, CAT, Hyderabad.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

YLKR

(57)

9/12/96

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(D)

DATED:

15/11/96

ORDER/JUDGEMENT

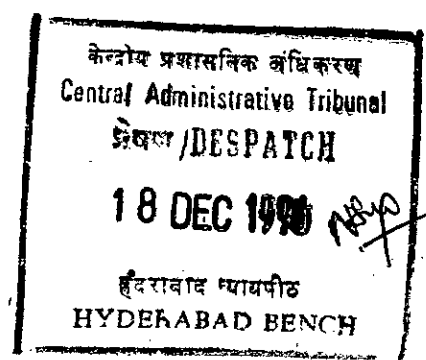
R.A./C.P/M.A.No.

O.A.No. 1237/93<sup>in</sup>

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

II COURT

YLKR



52

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :  
AT HYDERABAD.

No. M.A. 994 of 1999  
R.A. SR4547 of 1999  
in O.A. 1237 of 1993

DATE OF ORDER : 16.3.2000.

BETWEEN :

M.C. Krishna Murthy S/o M.C. Janaki Ramaiah,  
aged about 64 years, Gr. I Hindi Pandit (Retd.),  
Labour Welfare Organisation High School,  
Talupur,  
Nellore District.

... Applicant

A N D

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad.
2. Administrative-cum-Accounts Officer,  
O/o Welfare Commissioner,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad.
3. The Director (Labour Welfare),  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi.
4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhawan,  
New Delhi.

... Respondents

For the applicant : Mr. S. Rama Krishna Rao, counsel.

For the respondents: Mr. B. Narasimha Sharma, Sr. Standing Counsel.

CORAM :

The Hon'ble Mr. R. Rangarajan, Member (A).

The Hon'ble Mr. B. S. Jai Parameshwar, Member (J).

ORDER

B. S. Jai Parameshwar, Member (J)

Heard the Learned Counsels,

The applicant in the O.A. has filed <sup>thus</sup> an application for reviewing the order dated 15.11.1996 passed in O.A. 1237 of 1993. The said review application has been filed on 16.11.1999. The applicant has also filed M.A. 994 of 1999, praying for condonation of 1130 days delay in filing the review application. The applicant has stated in his application for condonation of

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delay that his advocate was not present on 15.11.1996 when the O.A. was heard by the Hon'ble Tribunal, that his counsel felt shy of intimating the result of the O.A. to the applicant, that subsequently the applicant learnt about the dismissal of O.A.1237 of 1993, which was decided on merits, after receiving a copy of the judgment passed in the said O.A., that the applicant met with an accident which prevented him from moving for one year and he was treated by the doctors at Nellore and Madras. For all these reasons, the applicant states there has been a delay of 1130 days in filing the review application. Hence, he prays that the delay be condoned.

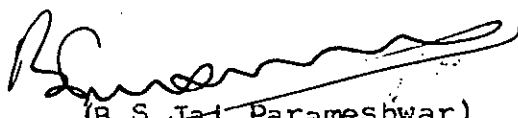
2. The respondents have filed an objection to this M.A. wherein they have stated that it is not known how the applicant had issued a legal notice when the matter was supposed to be pending for adjudication before the Hon'ble Tribunal. They further state that the applicant has not filed any proof to the said submission, that the applicant had not filed any material to show that he had met with an accident and that there are no <sup>Convincing</sup> grounds to condone the delay.


3. In the R.A., the ld.counsel for the applicant has attempted to rely on a CT Scan <sup>alleged to have</sup> done on the applicant. From that it cannot be said that the applicant was unable to attend to his normal duties. Further the applicant has not taken any action to obtain a copy of the order in the O.A. either from the Tribunal or from his Advocate in time. He has no right to issue a Lawyer's notice if he is of the opinion that the case is under adjudication as the case is sub-judice. The applicant made no effort to know the reasons for his case being pending. He woke up only after a length of time and learnt about the dismissal of his case. The reasons for condoning the delay is not appropriate and cannot be accepted. The respondents have clearly

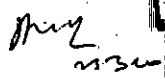


stated in the reply as to why the reasons given by the applicant in the M.A. should not be taken note of. We agree with the reply given by the respondents.

4. In view of what has been stated above, the M.A. bearing No.994 of 1999 is dismissed. Consequently, R.A. SR4547 of 1999 is also rejected.

  
(B.S. Jai Parameshwar)  
Member (J)  
16.3.00

  
(R. Rangarajan)  
Member (A)

  
msu

r.s.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.  
HYDERABAD.

1ST AND 11ND COURT

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

COPY TO

1. HDHND
2. HRRN ( ADMN ) MEMBER.
3. HBSJP. M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN  
MEMBER ( ADMN )

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

DATE OF ORDER

16/3/00

MA/RA/CE NO

994/00

IN

RA SR 4547/00

G.A. NO.

1237/00

ADMITTED AND INTERIM DIRECTIONS  
ISSUED  
ALLOWED

C.P. CLOSED

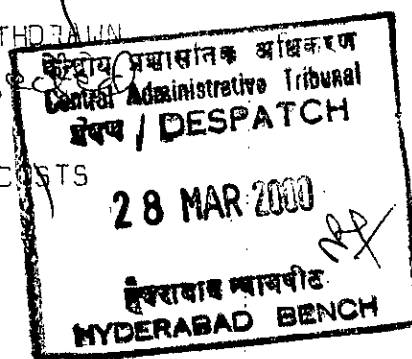
R.A. CLOSED

DISPOSED OF WITH DIRECTIONS  
MIS  
DISMISSED

DISMISSED AS WITHDRAWN

RA SR. Rejected  
ORDER/REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1237-of 1993

DATE OF ORDER: 15th-November, 1996

BETWEEN:

M.C.KRISHNA MURTHY

AND



1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,

2. The Administrative-cum-Accounts Officer,  
Office of the Welfare Commissioner,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,

3. The Director, Labour Welfare,  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi,

4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.SREERAMA MURTHY

COUNSEL FOR THE RESPONDENTS: SRI N.V.RAGHAVAREDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,  
MEMBER (JUDL.)

None appeared for the applicant. Heard Shri  
N.V.Raghva Reddy, learned standing counsel for the  
respondents.

*Jai*

2. The applicant has filed this Original Application praying this Tribunal to declare that the order bearing No.13(2)/89 dated 19.8.93 is illegal, discriminatory, arbitrary, to grant selection grade scale of pay in the scale of pay Rs.740-880 effective from 1.10.80/1.1.82 and also senior scale of pay of Rs.1640-2900 effective from 1.1.86 in his favour, and for a direction to the respondents to refix his scale of pay and to pay the consequential arrears etc.

3. The case of the applicant is that he was working as Grade-I Hindi Pandit in the Labour Welfare Organisation High School at Talupur, Sydapuram Mandal of Nellore District, that the said school was under the control of the 1st respondent, that he joined the service as Grade-II Hindi Pandit on 21.8.61, that he was working as Grade-I Hindi Pandit from 1.10.66 to the date of filing of the application, and that he is due to retire effective from 30.9.93. It is his case that on implementation of the 3rd Pay Commission, he was given the scale of pay of Rs.380-640 instead of the pay of Rs.440-750 to which scale he was legitimately entitled to, that on account of wrong fixation of pay in the lower scale of pay he was aggrieved, that he submitted a representation to the respondents for rectification of the mistake, that by the order dated 11.2.92 (Annexure-II) his pay was refixed at Rs.440/- in the scale of pay of Rs.440-750, that on implementation of the 4th Pay Commission scales effective from 1.1.86, his

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pay was again refixed at Rs.2200/- in the scale of pay of Rs.1400-2660 effective from 1.10.86, that by the order dated 27.3.93 (Annexure-III) issued in partial modification of the order dated 11.2.92, his pay was refixed at Rs.460/- in the 3rd Pay Commission scale of pay of Rs.440-750 effective from 1.1.73, that on that date he opted for Central Civil Services (Revised Pay) Rules, 1973, that consequent upon the implementation of the 4th Pay Commission pay scales his pay was refixed at Rs.2200/- in the scale of pay of Rs.1400-2600, that the applicant submits that the 4th Pay Commission provided 3 selection grade scales for Teachers at Rs.530-630, Rs.740-880 and Rs.775-1000<sup>respectively,</sup> for primary trained graduate teachers and post graduate teachers, that he is entitled for selection grade of pay in the scale of pay of Rs.740-880, that on 26.6.93 he submitted a representation to R-4 requesting that he may be given selection grade pay in the scale of pay of Rs.740-880 effective from 1.10.80/1.1.82, that 23 other employees working under the respondents filed Writ Petition (No.12295/84) that they were similarly situated like him, that the Writ Petition was subsequently transferred to this Tribunal and renumbered as T.A.No.106/86, that on 26.7.88, the Tribunal allowed the prayer of the applicants therein and directions were <sup>issued</sup> ~~ordered~~ to accord selection grade pay scale effective from 1.8.86, that against the decision of the Tribunal, the respondents preferred SLP before the Hon'ble Supreme Court of India, that the same was dismissed, that he could not approach the Hon'ble Tribunal earlier as department took nearly 20 years for

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rectification of the anomaly, that his claim for grant of selection grade was rejected by R-2 by his order dated 19.8.93 (Annexure I); that the ground for rejection was that the judgment in the T.A. could not be extended or applied as per the instructions of the Ministry of Labour, that he was entitled to senior scale of pay of Rs.1640-2900 as per the implementation of the 4th Pay Commission scales for Teachers, that there were no further promotional avenues to him to higher post, that he stood stagnated in the same post for several years, that the Pay Commission recommended selection grade scales of pay to the Teachers situated like him keeping in view of the stagnation of the employees working under the respondents, without any further promotion, that this matter was reexamined and accepted by this Tribunal in its judgement in TA 106/86, that the said judgment has become final, that the respondents have failed to implement the said judgment to him, and that he has been constrained to file this application.

4. The respondents filed their reply affidavit stating that it is not correct to say that the claim of the applicant has been rejected by the Administrative-cum-Accounts Officer, Office of the Welfare Commissioner, Labour Welfare Organisation, Hyderabad to the applicant vide his letter bearing No.13/2/89 dated 19.8.93, that the applicant is uncertain as to whether he gets <sup>e</sup>that selection grade scale in the scale of pay of Rs.740-880 either from 1.10.80 or 1.1.82, that the applicant was granted the scale

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of pay of Rs.380-640 in accordance with the 3rd Pay Commission recommendations, that subsequently the applicant made representation for granting him higher scale of pay as in the case of Hindi Pandit Grade-I, that the Ministry of Railways and Defence conveyed their approval in their letter No.A-11014/04/86-W.I dated 16.12.91 for implementation of the higher scale of pay, that the said scale of pay was revised to Rs.1400-2600, that accordingly effective from 1.1.73 the pay of the applicant was refixed in that revised scale on the basis of the recommendations of the 4th Pay Commission, that the decision in the Writ Petition filed by 23 employees working in this organisation is in no way applicable to the case of the applicant, that the decision in TA 106/86 to allow the selection grade scale of pay to the said petitioners of different categories of Group 'C' and 'D' employees was implemented, that among 23 petitioners, none was in the category of Hindi Pandit Grade-I, that the Ministry of Labour after consulting the matter with the Ministry of Finance conveyed their approval to the effect that the decision in TA 106/86 shall be implemented only to the petitioners in that TA, that accordingly the applicant was informed vide letter NO.13(2)/89 dated 19.8.93, that the applicability of senior scale of pay of Rs.1640-2900 or otherwise to the applicant will be finalised shortly, that inasmuch as the applicant has not made out any claim for admission of the original application.

5. During the course of the arguments, the learned counsel for the respondents furnished a copy of the OM

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No.7(21)-E.III(A)/74-Vol.II dated 24.10.78 and submitted that the applicant had crossed 3/4th of the span of the pay scale of Rs.440-750, that in the said scale there were 13 stages and the applicant had crossed 3/4th of the span in the said scale and with effect from 1.1.84 he had reached Rs.700/- in the said scale. Thus the respondents submitted that there is no reason for granting the selection grade scale of pay to the applicant.

6. The applicant has satisfied that he had crossed 3/4th span of the revised scale of pay of the ordinary grade for the eligibility for grant of selection grade as indicated in the clarificatory note dated 24.10.78. Further, he himself was not definite as to from which date his pay was required to be revised i.e, whether from 1.10.80 or from 1.1.82. The respondents have given him the benefit of re-fixation of his pay on the recommendations of the 3rd and 4th Pay Commissions. He reached the 10th stage giving this grade as prayed for by him. With his reaching 10th stage with effect from 1.1.83 in the scale of pay of Rs.440-750 he had crossed 3/4th span with effect from 1.1.84 when he reached the pay of Rs.700/-.

7. In view of the above submission, we do not find that the applicant had fulfilled the eligibility condition for granting the relief as prayed for in this OA. We would not have allowed the respondents not to accede to his request if he is similarly placed as the applicants in TA 106/86 as he had not fulfilled the eligibility condition and as the applicant has not filed any worthwhile document to show that he had fulfilled the conditions as stipulated

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in the Memo quoted above, we are satisfied that the action of the respondents rejecting his claim is in order.

8. In that view, we find no merits in this OA and accordingly it is dismissed. No order as to costs.

STATE OF ANDHRA PRADESH  
CERTIFICATE TO DEPT. CORP.

*Ambari*  
*Ambari*

CHIEF JUSTICE  
JUDGE  
JUDGE  
Central Prison and Jail  
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

R.A.NO. OF 1999

IN

O.A.NO. 1237 OF 1993

BETWEEN:

M.C.Krishna Murthy, S/o.M.C.Janaki  
Ramaiah, aged about 64 years, Gr.I  
Hindi Pandit (Retd), Labour Welfare  
Organisation High School, Talupur,  
Nellore District.

...APPLICANT

A N D

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad.
2. Administrative-cum-Accounts Officer,  
O/o.Welfare Commissioner, Kendriya Sadan,  
Sultan Bazar, Hyderabad.
3. The Director (Labour Welfare)  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi.
4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

...RESPONDENTS

REVIEW APPLICATION FILED UNDER RULE 17 OF CAT  
(PROC) RULES, 1987

For the reasons stated in the accompanying affidavit, it is respectfully prayed that the Hon'ble Tribunal may be pleased to review its order dated 15-11-96 in O.A.1237/93 in the interest of justice and be pleased to pass such other and further order or orders as the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

HYDERABAD  
Dt.6-11-1999.

K. Parvathu  
COUNSEL FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

R.A.NO. OF 1999

IN

O.A.NO. 1237 OF 1993

BETWEEN:

M.C. Krishna Murthy

...APPLICANT

A N D

The Welfare Commissioner, Labour Welfare  
Organisation, Kendriya Sadan, Sultan  
Bazar, Hyderabad and three others.

...RESPONDENTS

A F F I D A V I T

I, M.C. Krishna Murthy, S/o. M.C. Janaki Ramaiah, aged about 64 years, Gr. I Hindi Pandit (Retd) Labour Welfare Organisation High School, Talupur Nellore District, do hereby and sincerely state as follows:

1. I am deponent herein and applicant in the O.A.NO. 1237/93 and therefore well acquainted with the facts of the case.
2. I submitted the O.A. 1237/93 aggrieved against the 2nd Respondent's letter dt. 19.8.93 rejecting my claim for fixation of the Selection Grade pay Scale in the scale of Rs. 440-750 w.e.f. 1-1-1982. The Hon'ble Tribunal observed in para No. 5 (page 5 & 6 of the order dt. 15-11-1996 in O.A. 1237/93) that at the time of argument the learned Respondents furnished a copy of the O.M. dated 24-10-78 and consequent on fixation of pay with effect from 1-1-84 I had reached the scale of Rs. 700 in the said Scale. An error crept in this para as the Respondents had misled the Tribunal by stating that I had been drawing Rs. 700 in the Scale of 440-750 w.e.f. 1-1-84. This is the travesty of the truth as I had drawn Rs. 700 in the scale Rs. 440-750 w.e.f. 1-1-83 and not from 1-1-84. The fact that I had reached payment of Rupees 700 in Scale of Rs. 440-750 as on 1-1-83 was not considered and basing on the averments made by the Respondents, the contentions of the Respondents were recorded under para 5 of the judgement which had

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M. Krishna

gone against my interest as my pay as to be protected and refixed w.e.f. 1-1-83.

3. It is also further ~~sum~~ observed by the Hon'ble Tribunal under para 6 of the judgement that I had reached the 10th stage w.e.f. 1.1.83 in the scale of pay of Rs.440-750 having crossed 3/4th span w.e.f. 1.1.84 when I reached the pay of Rs.700/-. The respondents have failed to bring to the notice of this Hon'ble Tribunal that I had reached the pay of Rs.700/- even by 1.1.83 after reaching 10th stage in the scale of Rs.440-750. This factual error could not be high-lighted as the counsel for the applicant was not present during the course of ~~my~~ arguments. Further the respondents in their counter contended that I was drawing a pay of Rs.440/- as on 1.1.73 which is also a misleading fact. Infact I was drawing Rs.460/- as on 1.1.73 and this basic information was not brought to the notice of this Hon'ble Tribunal by the respondents. Correspondingly when the comparison of pay drawn by me is taken into account as on 1.1.83 I was drawing a pay of Rs.700/- and this fact was also not brought to the notice of this Hon'ble

4. It is further submitted that the due and drawn statement from January, 1973 onwards were made available to me by the respondents and I had come to know that the figures quoted by the respondents in their counter are far from truth. As the documents in support of my contentions have been secured, I chose to file this review petition bringing out the facts of the case and the errors committed by the respondents in bringing ~~me~~ to the notice of the Hon'ble Tribunal.

5. It is further submitted that consequent on becoming eligible for selection grade in the scale Rs.740-880, the scale which I was drawing i.e. Rs.440-750 should have been revised in the selection grade and the arrears ought to have been paid w.e.f. 1.1.83 which fact also was not brought to the notice of the Hon'ble Tribunal and there was no opportunity for the Hon'ble Tribunal to advert to this subject while passing the orders.

6. It is further submitted that another glaring point that

was not brought to the notice of this Hon'ble Tribunal was though the senior scale of Rs.1640-2900 made effective from 1.1.86. It was not implemented in my case eventhough I was eligible by that time and I was in the post held by me till 30.9.93. This fact also could not be presented as the counsel for the applicant was not present and with the averments made by the respondents, this Hon'ble Tribunal was carried away and the orders were passed in O.A.No. 1237/93.

7. It is further submitted that the Hon'ble Tribunal had expressed the view under para 6 of the judgement in O.A.No.1237/93 that I was myself was not ~~different~~ definite as to from which date my pay was required to be revised i.e., whether from 1.10.80 or from 1.1.82. I had reiterated this point in O.A. itself claiming that on completion of 14 years of service when I was promoted to Gr.I Hindi Pandit, I was entitled for revision of pay and refixation of pay w.e.f. 1.10.80. Hence there is no ambiguity as far as the date of implementation is concerned and my stand continues to be that I am entitled for the refixation of pay w.e.f.1.10.80. It is also fact that I had retired while drawing a scale of pay Rs.1400-2600 instead of Rs.1640-2900 to which I was rightly entitled which was denied by the respondents. Therefore my claim also substantiated by the fact that I was entitled to be fixed in the scale of Rs.1640-2900 at the time of my retirement, which fact also could not be brought to the light due to the reasons mentioned above.

8. The Hon'ble Tribunal also observed in para 7 of the judgement that no document in fact of my claims were produced at the time of hearing. I could only lay my hand to certain documents which were made available to me after I had recovered from mental illness and that was the reason that was prompted me to file this review petition seeking the review of the judgement dt.15.11.96.

9. I further submit that as mentioned above the factual position could not brought to the light before the Hon'ble Tribunal at the time of hearing of the case due to the absence of my counsel, resultantly the O.A.No.1237/93 was dismissed on 15.11.96, to the detriment of my interest as no justice was done to me in the absence

of consideration of the factual position mentioned above.

In the light of the above submissions, it is respectfully prayed that the Hon'ble Tribunal may be pleased to review its order dt.15.11.1996 in C.A.No.1237/93, in the interest of justice and be pleased to pass such other and further order or orders, as the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

Sworn and signed  
on this 16th day  
of November, 1999  
at Hyderabad.

BEFORE ME

*Hyma C.*  
Advocate

*M. K. S.*  
DEPONENT

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A-I 6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1237 of 1993

DATE OF ORDER: 15th-November, 1996

BETWEEN:

M.C.KRISHNA MURTHY

.. Applicant

AND,

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,
2. The Administrative-cum-Accounts Officer,  
Office of the Welfare Commissioner,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,
3. The Director, Labour Welfare,  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi,
4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.SREERAMA MURTHY

COUNSEL FOR THE RESPONDENTS: SRI N.V.RAGHAVAREDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,  
MEMBER (JUDL.))

None appeared for the applicant. Heard Shri N.V.Raghva Reddy, learned standing counsel for the respondents.

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2. The applicant has filed this Original Application praying this Tribunal to declare that the order bearing No.13(2)/89 dated 19.8.93 is illegal, discriminatory, arbitrary, to grant selection grade scale of pay in the scale of pay Rs.740-880 effective from 1.10.80/1.1.82 and also senior scale of pay of Rs.1640-2900 effective from 1.1.86 in his favour, and for a direction to the respondents to refix his scale of pay and to pay the consequential arrears etc.

3. The case of the applicant is that he was working as Grade-I Hindi Pandit in the Labour Welfare Organisation High School at Talupur, Sydapuram Mandal of Nellore District, that the said school was under the control of the 1st respondent, that he joined the service as Grade-II Hindi Pandit on 21.8.61, that he was working as Grade-I Hindi Pandit from 1.10.66 to the date of filing of the application, and that he is due to retire effective from 30.9.93. It is his case that on implementation of the 3rd Pay Commission, he was given the scale of pay of Rs.380-640 instead of the pay of Rs.440-750 to which scale he was legitimately entitled to, that on account of wrong fixation of pay in the lower scale of pay he was aggrieved, that he submitted a representation to the respondents for rectification of the mistake, that by the order dated 11.2.92 (Annexure-II) his pay was refixed at Rs.440/- in the scale of pay of Rs.440-750, that on implementation of the 4th Pay Commission scales effective from 1.1.86, his

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rectification of the anomaly, that his claim for grant of selection grade was rejected by R-2 by his order dated 19.8.93 (Annexure I), that the ground for rejection was that the judgment in the T.A. could not be extended or applied as per the instructions of the Ministry of Labour, that he was entitled to senior scale of pay of Rs.1640-2900 as per the implementation of the 4th Pay Commission scales for Teachers, that there were no further promotional avenues to him to higher post, that he stood stagnated in the same post for several years, that the Pay Commission recommended selection grade scales of pay to the Teachers situated like him keeping in view of the stagnation of the employees working under the respondents, without any further promotion, that this matter was reexamined and accepted by this Tribunal in its judgement in TA 106/86, that the said judgment has become final, that the respondents have failed to implement the said judgement to him, and that he has been constrained to file this application.

4. The respondents filed their reply affidavit stating that it is not correct to say that the claim of the applicant has been rejected by the Addministrative-cum-Accounts Officer, Office of the Welfare Commissioner, Labour Welfare Organisation, Hyderabad to the applicant vide his letter bearing No.13/2/89 dated 19.8.93, that the applicant is uncertain as to whether he gets <sup>e</sup>that selection grade scale in the scale of pay of Rs.740-880 either from 1.10.80 or 1.1.82, that the applicant was granted the scale

*Jain*

pay was again refixed at Rs.2200/- in the scale of pay of Rs.1400-2600 effective from 1.10.86, that by the order dated 27.3.93 (Annexure-III) issued in partial modification of the order dated 11.2.92, his pay was refixed at Rs.460/- in the 3rd Pay Commission scale of pay of Rs.440-750 effective from 1.1.73, that on that date he opted for Central Civil Services (Revised Pay) Rules, 1973, that consequent upon the implementation of the 4th Pay Commission pay scales his pay was refixed at Rs.2200/- in the scale of pay of Rs.1400-2600, that the applicant submits that the <sup>3rd</sup> ~~4th~~ Pay Commission provided 3 selection grade scales for Teachers at Rs.530-630, Rs.740-880 and Rs.775-1000<sup>scope. H. only</sup> for primary trained graduate teachers and post graduate teachers, that he is entitled for selection grade of pay in the scale of pay of Rs.740-880, that on 26.6.93 he submitted a representation to R-4 requesting that he may be given selection grade pay in the scale of pay of Rs.740-880 effective from 1.10.80/1.1.82, that 23 other employees working under the respondents filed Writ Petition (No.12295/84) that they were similarly situated like him, that the Writ Petition was subsequently transferred to this Tribunal and renumbered as T.A.No.106/86, that on 26.7.88, the Tribunal allowed the prayer of the applicants therein and directions were <sup>issued</sup> ~~ordered~~ to accord selection grade pay scale effective from 1.8.86, that against the decision of the Tribunal, the respondents preferred SLP before the Hon'ble Supreme Court of India, that the same was dismissed, that he could not approach the Hon'ble Tribunal earlier as department took nearly 20 years for

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No.7(21)-E.III(A)/74-Vol.II dated 24.10.78 and submitted that the applicant had crossed 3/4th of the span of the pay scale of Rs.440-750, that in the said scale there were 13 stages and the applicant had crossed 3/4th of the span in the said scale and with effect from 1.1.84 he had reached Rs.700/- in the said scale. Thus the respondents submitted that there is no reason for granting the selection grade scale of pay to the applicant.

6. The applicant has satisfied that he had crossed 3/4th span of the revised scale of pay of the ordinary grade for the eligibility for grant of selection grade as indicated in the clarificatory note dated 24.10.78. Further, he himself was not definite as to from which date his pay was required to be revised i.e, whether from 1.10.80 or from 1.1.82. The respondents have given him the benefit of re-fixation of his pay on the recommendations of the 3rd and 4th Pay Commissions. He reached the 10th stage giving this grade as prayed for by him. With his reaching 10th stage with effect from 1.1.83 in the scale of pay of Rs.440-750 he had crossed 3/4th span with effect from 1.1.84 when he reached the pay of Rs.700/-.

7. In view of the above submission, we do not find that the applicant had fulfilled the eligibility condition for granting the relief as prayed for in this OA. We would not have allowed the respondents not to accede to his request if he is similarly placed as the applicants in TA 106/86 as he had not fulfilled the eligibility condition and as the applicant has not filed any worthwhile document to show that he had fulfilled the conditions as stipulated

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of pay of Rs.380-640 in accordance with the 3rd Pay Commission recommendations, that subsequently the applicant made representation for granting him higher scale of pay as in the case of Hindi Pandit Grade-I, that the Ministry of Railways and Defence conveyed their approval in their letter No.A-11014/04/86-W.I dated 16.12.91 for implementation of the higher scale of pay, that the said scale of pay was revised to Rs.1400-2600, that accordingly effective from 1.1.73 the pay of the applicant was refixed in that revised scale on the basis of the recommendations of the 4th Pay Commission, that the decision in the Writ Petition filed by 23 employees working in this organisation is in no way applicable to the case of the applicant, that the decision in TA 106/86 to allow the selection grade scale of pay to the said petitioners of different categories of Group 'C' and 'D' employees was implemented, that among 23 petitioners, none was in the category of Hindi Pandit Grade-I, that the Ministry of Labour after consulting the matter with the Ministry of Finance conveyed their approval to the effect that the decision in TA 106/86 shall be implemented only to the petitioners in that TA, that accordingly the applicant was informed vide letter NO.13(2)/89 dated 19.8.93, that the applicability of senior scale of pay of Rs.1640-2900 or otherwise to the applicant will be finalised shortly, that inasmuch as the applicant has not made out any claim for admission of the original application.

5. During the course of the arguments, the learned counsel for the respondents furnished a copy of the OM

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in the Memo quoted above, we are satisfied that the action of the respondents rejecting his claim is in order.

8. In that view, we find no merits in this OA and accordingly it is dismissed. No order as to costs.

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*Amal*  
11/11/66

Central

HYDERABAD BENCH

Reg:- Review application

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

R.A.NO. OF 1999

IN

O.A.NO.1237 OF 1993

BETWEEN:

M.C. Krishna Murthy ... Applicant

a n d

The Welfare Commis-  
sioner, Labour Wel-  
fare Organisation,  
Kendriya Sadan,  
Sultan Bazar,  
Hyderabad and three  
others.

... Respondents



REVIEW APPLICATION

*Received copy  
padma naga V  
16/11/99  
T. G. G. S. C.*

FILED ON 6.11.1999

FILED FOR: APPLICANT

FILED BY:

SANKA RAMA KRISHNA RAO,  
K. PARVATHI,  
ADVOCATES, 1-8-549/C,  
IInd Floor, Chikkadpally,  
Hyderabad- 20

COUNSELS FOR THE APPLICANT

*Santhosh  
19/11*

*Manoj  
19/11*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

R.A.NO. OF 1999

IN

O.A.NO. 1237 OF 1993

BETWEEN:

M.C.Krishna Murthy, S/o.M.C.Janaki  
Ramaiah, aged about 64 years, Gr.I  
Hindi Pandit (Retd), Labour Welfare  
Organisation High School, Talupur,  
Nellore District.

...APPLICANT

A N D

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad.
2. Administrative-cum-Accounts Officer,  
O/o.Welfare Commissioner, Kendriya Sadan,  
Sultan Bazar, Hyderabad.
3. The Director (Labour Welfare)  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi.
4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

...RESPONDENTS

REVIEW APPLICATION FILED UNDER RULE 17 OF CAT  
(FROC) RULES, 1987

For the reasons stated in the accompanying affidavit, it is respectfully prayed that the Hon'ble Tribunal may be pleased to review its order dated 15-11-96 in O.A.1237/93 in the interest of justice and be pleased to pass such other and further order or orders as the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

HYDERABAD  
Dt/6-11-1999.

K. Parvath  
COUNSEL FOR THE APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

R.A.NO. OF 1999

IN

O.A.NO. 1237 OF 1993

BETWEEN:

M.C. Krishna Murthy

...APPLICANT

A N D

The Welfare Commissioner, Labour Welfare  
Organisation, Kendriya Sadan, Sultan  
Bazar, Hyderabad and three others.

...RESPONDENTS

A F F I D A V I T

I, M.C. Krishna Murthy, S/o. M.C. Janaki Ramaiah, aged about 64 years, Gr.I Hindi Pandit (Retd) Labour Welfare Organisation High School, Talupur Nellore District, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am deponent herein and applicant in the O.A.NO.1237/93 and therefore well acquainted with the facts of the case.
2. I submit that I have filed O.A.1237/93 aggrieved against the 2nd Respondent's letter dt.19.8.93 rejecting my claim for fixation of the Selection Grade pay Scale in the scale of pay of Rs.740-880 w.e.f. 1-10-1980/1-1-1982. The Hon'ble Tribunal observed in para No.5 (page 5 & 6 of the order dt.15-11-1996 in O.A.1237/93) that at the time of argument the learned counsel for the Respondents furnished a copy of the O.M. dated 24-10-78 and consequent on fixation of pay with effect from 1-1-84 I had reached the scale of Rs.700 in the said Scale. An error crept in this para as the Respondents had mislead the Hon'ble Tribunal by stating that I had been drawing Rs.700 in the Scale of 440-750 w.e.f. 1-1-84. This is the travesty of the truth as I had drawn Rs.700 in the scale Rs.440-750 w.e.f. 1-1-83 and not from 1-1-84. <sup>In</sup> The fact that I had reached payment of Rupees 700 in Scale of Rs.440-750 as on 1-1-83 was not considered and basing on the averments made by the Respondents, the contentions of the Respondents were recorded under para 5 of the judgement which had



gone against my interest as my pay as to be protected and refixed w.e.f. 1-1-83.

3. It is also further ~~xxx~~ observed by the Hon'ble Tribunal under para 6 of the judgement that I had reached the 10th stage w.e.f. 1.1.83 in the scale of pay of Rs.440-750 having crossed 3/4th span w.e.f. 1.1.84 when I reached the pay of Rs.700/-. The respondents have failed to bring to the notice of this Hon'ble Tribunal that I had reached the pay of Rs.700/- even by 1.1.83 after reaching 10th stage in the scale of Rs.440-750. This factual error could not be high-lighted as the counsel for the applicant was not present during the course of ~~xxx~~ arguments. Further the respondents in their counter contended that I was drawing a pay of Rs.440/- as on 1.1.73 which is also a misleading fact. Infact I was drawing Rs.460/- as on 1.1.73 and this basic information was not brought to the notice of this Hon'ble Tribunal by the respondents. Correspondingly when the comparison of pay drawn by me is taken into account as on 1.1.83 I was drawing a pay of Rs.700/- and this fact was also not brought to the notice of this Hon'ble Tribunal.

4. It is further submitted that the due and drawn statement from January, 1973 onwards were made available to me by the respondents and I had come to know that the figures quoted by the respondents in their counter are far from truth. As the documents in support of my contentions have been secured, I chose to file this review petition bringing out the facts of the case and the errors committed by the respondents in bringing ~~me~~ to the notice of the Hon'ble Tribunal.

5. It is further submitted that consequent on becoming eligible for selection grade in the scale Rs.740-880, the scale which I was drawing i.e. Rs.440-750 should have been revised in the selection grade and the arrears ought to have been paid w.e.f. 1.1.83 which fact also was not brought to the notice of the Hon'ble Tribunal and there was no opportunity for the Hon'ble Tribunal to advert to this subject while passing the orders.

6. It is further submitted that another glaring point that

contd...

was not brought to the notice of this Hon'ble Tribunal was though the senior scale of Rs.1640-2900 made effective from 1.1.86. It was not implemented in my case eventhough I was eligible by that time and I was in the post held by me till 30.9.93. This fact also could not be presented as the counsel for the applicant was not present and with the averments made by the respondents, this Hon'ble Tribunal was carried away and the orders were passed in O.A.No. 1237/93.

7. It is further submitted that the Hon'ble Tribunal had expressed the view under para 6 of the judgement in O.A.No.1237/93 that I was myself was not ~~fixment~~ definite as to from which date my pay was required to be revised i.e., whether from 1.10.80 or that on completion of 14 years of service when I was promoted to Gr.I Hindi Pandit, I was entitled for revision of pay and refixation of pay w.e.f. 1.10.80. Hence there is no ambiguity as far as the date of implementation is concerned and my stand continues to be that I am entitled for the refixation of pay w.e.f.1.10.80. It is also fact that I had retired while drawing a scale of pay Rs.1400-2600 instead of Rs.1640-2900 to which I was rightly entitled which was denied by the respondents. Therefore my claim also substantiated by the fact that I was entitled to be fixed in the scale of Rs.1640-2900 at the time of my retirement, which fact also could not be brought to the light due to the reasons mentioned above.

8. The Hon'ble Tribunal also observed in para 7 of the judgement that no document in fact of my claims were produced at the time of hearing. I could only lay my hand to certain documents which were made available to me after I had recovered from mental illness and after I had filed a review petition seeking the review of the judgement dt.15.11.96.

9. I further submit that as mentioned above the factual position could not brought to the light before the Hon'ble Tribunal at the time of hearing of the case due to the absence of my counsel, resultantly the O.A.No.1237/93 was dismissed on 15.11.96, to the detriment of my interest as no justice was done to me in the absence

of consideration of the factual position mentioned above.

In the light of the above submissions, it is respectfully prayed that the Hon'ble Tribunal may be pleased to review its order dt.15.11.1996 in O.A.No.1237/99, in the interest of justice and be pleased to pass such other and further order or orders, as the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

Sworn and signed

on this 6th day

of November, 1999  
at Hyderabad.

BEFORE ME

SD/-

Advocate

SD/-

DEPONENT

A-I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.1237 of 1993

DATE OF ORDER: 15th November, 1996

BETWEEN:

M.C.KRISHNA MURTHY

.. Applicant

AND

1. The Welfare Commissioner,  
Labour Welfare Organisation,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,
2. The Administrative-cum-Accounts Officer,  
Office of the Welfare Commissioner,  
Kendriya Sadan, Sultan Bazar,  
Hyderabad,
3. The Director, Labour Welfare,  
Ministry of Labour, Jaisalmer House,  
Mansingh Road, New Delhi,
4. The Secretary to Govt. of India,  
Ministry of Labour, Shram Shakti Bhavan,  
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.SREERAMA MURTHY

COUNSEL FOR THE RESPONDENTS: SRI N.V.RAGHAVAREDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,  
MEMBER (JUDL.))

None appeared for the applicant. Heard Shri  
N.V.Raghva Reddy, learned standing counsel for the  
respondents.

Jai

2. The applicant has filed this Original Application praying this Tribunal to declare that the order bearing No.13(2)/89 dated 19.8.93 is illegal, discriminatory, arbitrary, to grant selection grade scale of pay in the scale of pay Rs.740-880 effective from 1.10.80/1.1.82 and also senior scale of pay of Rs.1640-2900 effective from 1.1.86 in his favour, and for a direction to the respondents to refix his scale of pay and to pay the consequential arrears etc.

3. The case of the applicant is that he was working as Grade-I Hindi Pandit in the Labour Welfare Organisation High School at Talupur, Sydapuram Mandal of Nellore District, that the said school was under the control of the 1st respondent, that he joined the service as Grade-II Hindi Pandit on 21.8.61, that he was working as Grade-I Hindi Pandit from 1.10.66 to the date of filing of the application, and that he is due to retire effective from 30.9.93. It is his case that on implementation of the 3rd Pay Commission, he was given the scale of pay of Rs.380-640 instead of the pay of Rs.440-750 to which scale he was legitimately entitled to, that on account of wrong fixation of pay in the lower scale of pay he was aggrieved, that he submitted a representation to the respondents for rectification of the mistake, that by the order dated 11.2.92 (Annexure-II) his pay was refixed at Rs.440/- in the scale of pay of Rs.440-750, that on implementation of the 4th Pay Commission scales effective from 1.1.86, his

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rectification of the anomaly, that his claim for grant of selection grade was rejected by R-2 by his order dated 19.8.93 (Annexure I), that the ground for rejection was that the judgment in the T.A. could not be extended or applied as per the instructions of the Ministry of Labour, that he was entitled to senior scale of pay of Rs.1640-2900 as per the implementation of the 4th Pay Commission scales for Teachers, that there were no further promotional avenues to him to higher post, that he stood stagnated in the same post for several years, that the Pay Commission recommended selection grade scales of pay to the Teachers situated like him keeping in view of the stagnation of the employees working under the respondents, without any further promotion, that this matter was reexamined and accepted by this Tribunal in its judgement in TA 106/86, that the said judgment has become final, that the respondents have failed to implement the said judgement to him, and that he has been constrained to file this application.

4. The respondents filed their reply affidavit stating that it is not correct to say that the claim of the applicant has been rejected by the Addministrative-cum-Accounts Officer, Office of the Welfare Commissioner, Labour Welfare Organisation, Hyderabad to the applicant vide his letter bearing No.13/2/89 dated 19.8.93, that the applicant is uncertain as to whether he gets that selection grade scale in the scale of pay of Rs.740-880 either from 1.10.80 or 1.1.82, that the applicant was granted the scale

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pay was again refixed at Rs.2200/- in the scale of pay of Rs.1400-2600 effective from 1.10.86, that by the order dated 27.3.93 (Annexure-III) issued in partial modification of the order dated 11.2.92, his pay was refixed at Rs.460/- in the 3rd Pay Commission scale of pay of Rs.440-750 effective from 1.1.73, that on that date he opted for Central Civil Services' (Revised Pay) Rules, 1973, that consequent upon the implementation of the 4th Pay Commission pay scales his pay was refixed at Rs.2200/- in the scale of pay of Rs.1400-2600, that the applicant submits that the <sup>3rd</sup> ~~4th~~ Pay Commission provided 3 selection grade scales for Teachers at Rs.530-630, Rs.740-880 and Rs.775-1000, <sup>scope of pay</sup> for primary trained graduate teachers and post graduate teachers, that he is entitled for selection grade of pay in the scale of pay of Rs.740-880, that on 26.6.93 he submitted a representation to R-4 requesting that he may be given selection grade pay in the scale of pay of Rs.740-880 effective from 1.10.80/1.1.82, that 23 other employees working under the respondents filed Writ Petition (No.12295/84) that they were similarly situated like him, that the Writ Petition was subsequently transferred to this Tribunal and renumbered as T.A.No.106/86, that on 26.7.88, the Tribunal allowed the prayer of the applicants therein and directions were <sup>issued</sup> ~~ordered~~ to accord selection grade pay scale effective from 1.8.86, that against the decision of the Tribunal, the respondents preferred SLP before the Hon'ble Supreme Court of India, that the same was dismissed, that he could not approach the Hon'ble Tribunal earlier as department took nearly 20 years for

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No.7(21)-E.III(A)/74-Vol.II dated 24.10.78 and submitted that the applicant had crossed 3/4th of the span of the pay scale of Rs.440-750, that in the said scale there were 13 stages and the applicant had crossed 3/4th of the span in the said scale and with effect from 1.1.84 he had reached Rs.700/- in the said scale. Thus the respondents submitted that there is no reason for granting the selection grade scale of pay to the applicant.

6. The applicant has satisfied that he had crossed 3/4th span of the revised scale of pay of the ordinary grade for the eligibility for grant of selection grade as indicated in the clarificatory note dated 24.10.78. Further, he himself was not definite as to from which date his pay was required to be revised i.e, whether from 1.10.80 or from 1.1.82. The respondents have given him the benefit of re-fixation of his pay on the recommendations of the 3rd and 4th Pay Commissions. He reached the 10th stage giving this grade as prayed for by him. With his reaching 10th stage with effect from 1.1.83 in the scale of pay of Rs.440-750 he had crossed 3/4th span with effect from 1.1.84 when he reached the pay of Rs.700/-.

7. In view of the above submission, we do not find that the applicant had fulfilled the eligibility condition for granting the relief as prayed for in this OA. We would not have allowed the respondents not to accede to his request if he is similarly placed as the applicants in TA 106/86 as he had not fulfilled the eligibility condition and as the applicant has not filed any worthwhile document to show that he had fulfilled the conditions as stipulated

*Jul*



of pay of Rs.380-640 in accordance with the 3rd Pay Commission recommendations, that subsequently the applicant made representation for granting him higher scale of pay as in the case of Hindi Pandit Grade-I, that the Ministry of Railways and Defence conveyed their approval in their letter No.A-11014/04/86-W.I dated 16.12.91 for implementation of the higher scale of pay, that the said scale of pay was revised to Rs.1400-2600, that accordingly effective from 1.1.73 the pay of the applicant was refixed in that revised scale on the basis of the recommendations of the 4th Pay Commission, that the decision in the Writ Petition filed by 23 employees working in this organisation is in no way applicable to the case of the applicant, that the decision in TA 106/86 to allow the selection grade scale of pay to the said petitioners of different categories of Group 'C' and 'D' employees was implemented, that among 23 petitioners, none was in the category of Hindi Pandit Grade-I, that the Ministry of Labour after consulting the matter with the Ministry of Finance conveyed their approval to the effect that the decision in TA 106/86 shall be implemented only to the petitioners in that TA, that accordingly the applicant was informed vide letter NO.13(2)/89 dated 19.8.93, that the applicability of senior scale of pay of Rs.1640-2900 or otherwise to the applicant will be finalised shortly, that inasmuch as the applicant has not made out any claim for admission of the original application.

5. During the course of the arguments, the learned counsel for the respondents furnished a copy of the OM

*JL*

in the Memo quoted above, we are satisfied that the action of the respondents rejecting his claim is in order.

8. In that view, we find no merits in this OA and accordingly it is dismissed. No order as to costs.

CE/11/11

*Ambari*  
*Ambari*

Central Board of Secondary Education

HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: HYDERABAD BENCH  
AT: HYDERABAD

R.A.NO. OF 1999

IN

O.A.NO.1237 OF 1993

BETWEEN:

M.C. Krishna Murthy ... Applicant

a n d

The Welfare Commis-  
sioner, Labour Wel-  
fare Organisation,  
Kendriya Sadan,  
Sultan Bazar,  
Hyderabad and three  
others.

... Respondents



REVIEW APPLICATION

FILED ON 6.11.1999

FILED FOR: APPLICANT

FILED BY:

SANJANA RAMA KRISHNA  
K. PARVATHI,  
ADVOCATES,  
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Hyderabad-

COUNSELS FOR T