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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

O.A.NO.1024/93

Between:

Date of Order: 7.7.95.

P.Krishna Kumar

...Applicant.

And

1. Flag Officer,
Commanding in Chief,
Eastern Naval Command,
Visakhapatnam.

2. Commander,
Officer in Charge,
Communication Centre,
Naval Base,
Visakhapatnam.

...Respondents.

Counsel for the Applicant : Mr.P.B.Vijaya Kumar.

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC.

CORAM:

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

contd...

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

This OA is filed for a direction to the respondents herein to implement the judgment in OA 79/90 dated 26-3-1991 by extending the said ratio to the applicant herein and for a consequential direction for proper fixation of pay by quashing the impugned proceedings No.COMCEN/275/1, dated 9.11.1992 whereby the excess payment of Rs.8000/- and recovery of the same was intimated to the applicant and consequential letter dated 26-7-1993 of R-2.

2. This OA involves two reliefs.

3. The first relief is in regard to fixation of his seniority from the date of his initial appointment as a Telephone Operator Gr.II and the second relief is for recovery of excess amount of Rs.8000/- paid to him consequent to his fixation of pay in the scale of Rs.260-480. These two reliefs are not related to each other.

4. Learned counsel for the applicant submitted that he is withdrawing his prayer for the first relief if he is permitted to file a fresh OA later.

5. Counter affidavit has been filed by the respondents. After hearing the arguments on both sides for some time the learned counsel for the applicant brought to my notice the judgment of the Ernakulam Bench of this Tribunal in OA 814/93 dated 4.3.1994 (A copy of the *unreported* judgment in OA 814/93 delivered by Ernakulam Bench of

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this Tribunal is taken on record). It is further submitted by him that if the directions of the Ernakulam Bench in OA 814/93 is implemented in his case also as the direction in this judgment is to be implemented on all such similarly placed Naval Staff as the Chief of Naval Staff is one of the respondents in that OA, the interest for Rs.8000/- will not arise and it is likely that he may get some arrears also. In view of this he submitted that he is withdrawing the second prayer also.

6. It is seen from the judgment of Ernakulam Bench of this Tribunal in OA 814/93 delivered on 4.3.1994 that the Chief of Naval Staff, Naval Headquarters is the third respondent in that OA. Hence, the direction in that OA ^{has} ~~is~~ to be implemented in accordance with ~~the~~ law by R-3 ~~letter by R-3~~. In view of this the submission of the learned counsel for the applicant that he is withdrawing the second prayer with liberty to file a fresh OA in future if need arises can be accepted.

7. In view of the above submissions, this OA can be disposed of giving liberty to the applicant to file a fresh OA in regard to his seniority from the date of his initial appointment as Telephone Operator Gr.II and also giving liberty to the applicant to file a fresh OA in case it becomes necessary for him, if a move is taken to recover the excess amount of Rs.8,000/-.

8. In view of the above I leave both the issues open to be agitated upon later if so advised and there is need to do so.

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9. However, a direction has to be given to R-1 and R-2 in this OA not to effect recovery of Rs.8,000/- till such a time a decision is taken on the basis of the judgment given by Ernakulam Bench of this Tribunal in OA 814/93 by the competent authority (R-3 in OA 814/93).

10. With the above direction the OA is disposed of. No costs.



(R.Ranganarajan)
Member (Admn.)

sd/grh.

Dated 7th July, 1995.
Dictated in open court.


DEPUTY REGISTRAR (J)

TO

1. Flag Officer, Commanding in Chief,
Eastern Naval Command, Visakhapatnam
2. Commander, Officer in Charge, Communication Centre,
Naval Base, Visakhapatnam.
3. One copy to Mr.P.B.Vijaya Kumar, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

*Together with
copy of Tish 2
CAT Ernakulam
in OA 814/93
A 4-3P3.*

YLKR

TYPED BY
CHECKED BY

COMPALED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE SHRI A.V.HARIDASAN: MEMBER (J)

AND

R. Rangarajan.
THE HON'BLE SHRI A.B. GORNTI: MEMBER (J)

DATED 7-7-95

ORDER/JUDGMENT

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

in

O.A.NO. 1024/93

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs

Central Administrative Tribunal
DESPATCH
2 AUG 1995 NY
HYDERABAD BENCH

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*Co to note
in the enclosure
given in the order sheet
on*

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No spare copy