

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

O.A.NO.1065/93.

Date: 11-4-1996.

Between:

R.V.S. Sarma Applicant

And

Regional Director,
ESI Corporation,
Hyderabad. .. Respondent

Counsel for the Applicant : Sri B.S.Rahi, Advocate

Counsel for the Respondent : Sri N.R.Devaraj, Sr.CGSC

C. O. D. A. M. 2

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGMENT

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

Heard Sri B.S.Rahi, learned counsel for the applicant
and Mr. ----- for the respondent.

2. The applicant herein joined as LDC in Employees' State Insurance Corporation, A.P.Region on 30.4.1970. He was promoted as UDC on 1.1.1981. The applicant worked as Assistant/Head Clerk on adhoc basis from 3.4.1989 to 15-5-1990 when he was promoted as Asst./Head Clerk on regular basis.

...3/-

3. Sri K.R.M.M.Reddy joined as LDC on 10.1.1972 in the same ESI Corporation in A.P.Region and he was promoted as UDC on regular basis on 16.4.1979. Sri Reddy worked as Assistant/Head Clerk on adhoc basis from 23.1.1982 to 9.6.1989 when he was regularly promoted as Assistant/Head Clerk. In view of adhoc promotion of Sri Reddy earlier to the applicant herein, the applicant's pay was fixed at lower stage in the cadre of Assistant/Head Clerk compared to Sri Reddy when he was regularly promoted to that cadre.

4. The applicant submitted his representation dated 24.7.1992 (Annexure-3) to the Director General, ~~ESI Corporation New Delhi but that representation~~ ^{for stepping up his pay equal to that of his junior} Sri Reddy, was turned down by a reply dt. 7.4.1993 bearing No. 52-A/27/17/92-Estt.I(A) (Annexure A.4).

5. Aggrieved by the negative reply given by the respondent, the applicant filed this OA praying for a direction to the respondents to step up his pay with respect to Sri K.R.M.M.Reddy in the cadre of Assistant/Head Clerk from the date he was regularly promoted as Assistant/Head Clerk.

6. In this OA also, the memorandum dt. 16.7.1981 bearing No.52-A/22/12/76-Estt. was issued by the respondent corporation asking for willingness from the volunteers for promotion to the post of Head Clerk/Assistant. It is reported that the applicant has not given his willingness, whereas Sri Reddy had submitted his willingness.

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and hence Sri Reddy was posted on adhoc basis as Head Clerk at Adoni, as he was already working as UDC in that place.

7. The main contention of the applicant in this OA is that he has not seen the memorandum dt. 16.7.1981 as it was not brought to his notice. Hence, he could not give his willingness to go on adhoc promotion as Assistant/Head Clerk. A similar contention has been dealt with in OA 966/93 disposed off today. We took the advantage of the observation made by this Tribunal in a similar case on 4.11.1994. It was held in that OA that "even if there was nothing on record to show that it was specifically brought to the personal notice of the applicant, we are inclined to hold that the applicant could not have been ignorant of the note."

8. No other contentions are raised in this O.A. by the applicant. It fails and hence accordingly it is liable to be dismissed.

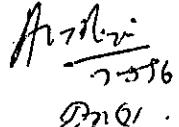
9. The OA is therefore dismissed. No costs.



(R. Rangarajan)
Member (Admn.)

Dated 11th April, 1996.
Dictated in the open court.

Grh.


A. M. R.
7-5-96
Dn 61

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Copy to:-

1. The Regional Director, ESI Corporation, Adarshnagar, Hyd.
2. One copy to Sri. B.S.Rahi, advocate, CAT, Hyd.
3. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One copy spare.

Rem/-

RR
17/6/95

07-106795

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : MCA

DATED: 11/4/96

ORDER/JUDGEMENT

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

IN
B.A. NO. 1067/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

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