

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 171/93

Date of Order: 3.3.1993

BETWEEN :

C.Krishnaiah

.. Applicant.

A N D

Regional Director Employee's State
Insurance Corporation, Hill Fort
Road, AdarshNagar, Hyderabad.

.. Respondent.

Counsel for the Applicant

.. Mr. B.S.Rahi

Counsel for the Respondents

.. Mr. N.R.Devraj

CORAM:

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

T.C.R

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to step up and refix applicant's pay as U.D.C. equal to the pay of his junior (P.K.K.Murthy) and to pay arrears on such refixation and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief are as follows:-

2. The applicant was appointed as L.D.C. in the corporation of respondents on 12.3.1975. The applicant was promoted as U.D.C. on 18.7.1981 on regular basis. One Sri P.K.K.Murthy who is junior to the applicant was appointed as L.D.C. on 28.4.1976 in the respondents corporation. He was promoted as U.D.C. on regular basis on 18.7.1981. As Sri P.K.K.Murthy junior to the applicant was promoted on adhoc basis as U.D.C. earlier than the applicant, the pay of said Sri P.K.K.Murthy was fixed at a higher rate than that of the applicant when the applicant was regularly promoted as U.D.C. on 18.7.1981. As junior to the applicant, was promoted on adhoc basis earlier than the applicant and when the applicant was promoted on regular basis, an anomaly arose as the pay of the applicant was less than that of his junior Sri P.K.K.Murthy. This disparity in pay had continued. So, the present O.A. is filed by the applicant for the relief as already indicated above.

3. Today we have heard Mr.B.S.Rahi, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents. Mr.N.R.Devraj opposes the admission of this O.A. on the ground of limitation. It is well settled that with regard to the fixation of pay and grant of pensionary benefits there cannot be any question of limitation as the grievance would be of

continuous nature. So, in view of this position, we are of the opinion that it is not open for the respondents to raise in this O.A., the point of limitation. But no doubt, the parties that approach the Tribunal are governed by the Provisions of Section 21 of the Administrative Tribunals Act, which deals with the question of limitation. As we are dealing with the case of continuous grievance, in view of the provisions of Section 21 of the Administrative Tribunals Act, the monetary benefits that are to be granted to the applicant are to be restricted only for a period of one year prior to the filing of this O.A.

4. The stepping up of pay should be done w.e.f. the ~~promotion of~~ date of the junior Government servant subject to the fulfilment of the following conditions, namely:-

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same scale.
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay, should be identical.

The applicant satisfied ~~all~~ the ~~above~~ conditions referred to above.

5. So, in view of this position, the pay of the applicant is liable to be stepped up equal to that of his junior and hence a direction is liable to be given to the respondents on the lines indicated above.

6. Hence, the respondents are directed to step up notionally the pay of the applicant on par with his junior Sri P.K.R.Murthy in the post of U.D.C. w.e.f. 18.7.1981 and grant all notional benefits in the post of U.D.C. and the other posts to which the applicant was promoted. Further, we direct the respondents to grant actual monetary benefits

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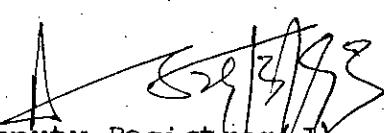
to the applicant w.e.f. 25.2.1992 which is one year from the date of filing of this O.A. O.A. is allowed accordingly. The other reliefs with regard to payment of interest etc are regused.

The parties shall bear their own costs.

T. (Signature)
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 3rd March, 1993

(Dictated in Open Court)


Deputy Registrar (J)

To

1. The Regional Director Employee's State Insurance Corporation, Hill Fort, Road, Adarshnagar, Hyderabad.
2. One copy to Mr. B. S. Rahi, Advocate, 33, Rock Roof-1st Road No. 12, Banjara Hills, Hyderabad.
3. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd
4. One spare copy.

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pvm

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

(W)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR.

DATED: 3 - 2 - 1993.

~~ORDER~~ JUDGMENT:

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

in
O.A. No. 171/93

T.A. No.

(W.P. No.)

Admitted and Interim directions issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

