

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::

O.A.No. 201/93.

Date: 22.7.1993.

Between:

1. Nazeer Ahmed Khan
2. Smt.G.Surya Kumari
3. Smt.S.Padmaja
4. P.V.M.Prem Kumar
5. D.Nageswara Rao
6. R.Bhaskara Rao
7. K.Dhananjaya Rao
8. D.Venkateswara Rao
9. P.Viswanathan
10. Smt.M.Parvathi
11. N.Jagannadham
12. Smt.S.B.Sujata
13. T.P.Choudary
14. K.Dhavaleswara rao
15. P.Kaniki Reddy
16. Smt.N.Usha Rani
17. K.S.K.Mohan
18. A.Ramakrishna Rao
19. K.Venkata Ramana
20. K.S.N.Murthy
21. K.Bhanu Murthy
22. L.V.Ramana
23. G.Papa Rao
24. M.Surendra RaO
25. P.S.Rajan
26. V.Krishna Murthy
27. B.Veerabhadra Rao
28. S.B.V.Prasade Rao
29. S.V.L.N.Sarma
30. J.Bheema Rao
31. B.Appa Rao
32. K.G.K.Murthy
33. S.Shahinulla
34. A.Srirama Rao
35. Smt.K.K Aruna
36. M.Venkateswara Rao
37. K.Seshagiri RaO
38. P.U.S.M.R.Kumar
39. Smt.R.Rajasree
40. P.Janardhana rao
41. G.V.R.Reddy
42. P.Sreerama Murthy
43. M.Jogarao
44. Smt.M.Nirmaladevi
45. V.Ramamohana Rao
46. A.V.Hanumantha Rao
47. M.Suryanarayana
48. B.Jagannadham

.. .. Applicnts

And

1. Government of India, rep. by its Secretary, Ministry of Defence, South Block, New Delhi-110 011.
2. Scientific Advisor to Rakshamantri and Director General, Research & Development, South Block, New Delhi-110 011.
3. Director, Naval Science and Technological Laboratory, Vigyana Nagar, Visakapatnam-530 027. .. Respondents

HEARD:

For the applicants : Sri S.Lakshma Reddy, Advocate

For the respondents : Sri V.Bhimanna, Addl. CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

THE HON'BLE MR.P.T. THIRUVENGADAM, MEMBER(ADMN.)

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JUDGEMENT

as per Hon'ble Sri P.T.Thiruvengadam, Member(A)

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The applicants are working as Senior Scientific Assistants in the office of the Director, Naval Science and Technological Laboratory, Vigyana Nagar, Visakapatnam. It has been submitted that based on the award of Board of Arbitration the 1st respondent upgraded 822 posts of Senior Scientific Assistants to the scale of Rs.2375-3500. While placing the employees in the upgraded scales of pay, the 2nd respondent had followed the rule of reservation by treating the said posts as promotional posts. In the process, number of reserved community candidates who are junior to the applicants have been placed in the higher scale. In this O.A. the applicants have prayed for a direction to the respondents that the applicants should be placed in the higher scale on par with their juniors as per the seniority list from the date when their juniors are promoted with all consequential benefits.

2. In O.A.No.1030/92 this Bench had discussed in detail the issue raised herein as well as certain other reliefs. Subsequently, with regard to the relief claimed in this O.A. an order has been passed in O.A.No.1030/92 to the effect that the applicants are to be given upgraded scale with effect from 1.1.1988 or from the date on which their respective juniors are given upgraded scale, whichever is later with all consequential benefits including the monetary relief.

To

1. The Secretary, Ministry of Defence,  
Govt. of India, South Block, New Delhi-11.
2. The Scientific Advisor to Raksha Mantri  
and Director General, Research and Development,  
South Block, New Delhi-11.
3. The Director, Naval Science and Technological Laboratory,  
Vigyan Nagar, Visakhapatnam-27.
4. One copy to Mr. S. Lakshma Reddy, Advocate, CAT. Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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3. In O.A.No.1030/92, it was also held that the SC/ST employees who were juniors to the applicants and who had been given the benefit of upgraded scale even though not entitled to the same since reservation in upgradation will not apply, yet they need not be reverted. The ratio followed in the order passed by Bangalore Bench of this Tribunal in O.A.Nos.458-500/90 was adopted while giving the above decision. The relevant operative portion reads as under:-

"Hence, the Bangalore Bench rightly held that all the OC SSAs who are seniors to such of the SC/ST employees who are already given this benefit, have also to be given that benefit if they are found fit, and if necessary, the posts more than 822 under the category of SSAs have to be upgraded. Similar order has to be passed in this O.A. also. But we make it clear that increase in regard to the number of posts for giving benefit of upgraded scale may be temporary and hence after the benefit of the upgraded scale is extended to all those seniors referred to and hence the gradual reduction in view of promotion to the category of JSAs resignations etc. may arise. Ofcourse, it is a matter that is left to the respondents either to gradually reduce the number or to keep the temporary increase of the figure as constant."

4. In the circumstances, this O.A. is disposed of accordingly with similar directions. Time for compliance is four months from the date of receipt of this order.

(Dictated in open court)  
22nd July, 1993.

P.T.T.  
(P.T.Thiruvengadam)  
Member(Admn.)

Neeladri  
( V.Neeladri Rao)  
Vice Chairman

grh.

Deputy P.

18/7/93