

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 294/93

Date of Order: 31.3.1993

BETWEEN:

T.V.Ramachandra Rao

.. Applicant.

A N D

1. The Union of India, rep. by its Secretary, Min. of Communications, Dept. of Telecommunications, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Circle, Abids, Hyderabad - 1.
3. The Senior Superintendent, Telegraph Traffic Division, Visakhapatnam.

.. Respondents.

Counsel for the Applicant

.. Mr. M.P.Chandramouli

Counsel for the Respondents

.. Mr. M.Jaganmohan Reddy

CORAM:

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

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud1.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to fix the pay of the applicant at Rs.600/- w.e.f. 1.7.1986 and to pay to the applicant all consequential benefits and also arrears that have accrued.

2. According to the applicant there is delay of 65 days in filing this O.A. So, M.A.245/93 is moved on behalf of the applicant in the O.A. to condone the delay of 65 days. After hearing both sides we find sufficient cause is made out by the applicant in not approaching this Tribunal intime. So, the delay of 65 days in approaching this Tribunal is condoned and M.A.254/93 is allowed. As M.A. is allowed we direct the Registry to register the O.A.

3. After hearing Mr. MP.Chandramouli, Advocate for the applicant and Mr. M.Jagan Mohan Reddy, Standing Counsel for the respondents we are of the opinion that this O.A. can be disposed of at the admission stage. Hence we proceed to dispose of this O.A. at the admission stage as the material is sufficient.

4. A few facts have got to be stated to adjudicate this O.A.

5. The applicant while working as ~~Section~~ Superintendent ^{viser} at District Telegraph Office, Sreekakulam reached the stage of Efficiency Bar. According to the applicant the pay scale that governs him is Rs.525-15-560-EB-20-20-640. The applicant is said to have reached the stage of efficiency bar increment on 1.7.1985. The Departmental Promotions Committee had met on 1.7.1985 and had considered the case of the applicant to release the efficiency bar increment. But the departmental

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promotion committee did not release the efficiency bar increment due on 1.7.1985. The departmental promotion committee had again reviewed the case of the applicant with regard to the release of efficiency bar increment on 1.7.1986. The departmental promotion committee found fit the applicant for release of efficiency bar increment and recommended for the release of the same. So, accordingly the efficiency bar increment was released w.e.f. 1.7.1986 in favour of the applicant. So, the applicant's pay consequent to the release of the efficiency bar increment rose from Rs.560-580 w.e.f. 1.7.1986. It is the grievance of the applicant that his efficiency bar increment had been denied to him without any basis on 1.7.1985. It is further the case of the applicant if it is construed the efficiency bar increment that became due to him on 1.7.1985 had been denied to him on valid grounds that the normal increment that became due to him on 1.7.1986 should have been released by the respondents thus raising his pay w.e.f. 1.7.1986 from Rs.580-600. A representation seems to have been made by the applicant for redressal of his grievance and the competent authority had passed final orders rejecting his representation as per the orders dated 25.11.1991. So, the present O.A. is filed by the applicant for the relief as already indicated above.

6. Even though the efficiency bar increment that became due on 1.7.1986 had been denied to the applicant by ^{The} ~~the~~ Departmental Promotion Committee, the applicant had not chosen to question the action of the respondents in time (i.e. within one year from 1.7.86) denying the said efficiency bar increment that became due to the applicant from 1.7.1986. So, in view of this position the action of the respondents in not granting the efficiency bar increment as and when it became due on 1.7.1985 had got to be held as valid.

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7. Admittedly the DPC had recommended for the efficiency bar increment to the applicant as on 1.7.1986 with effect from 1.7.1986 the applicant's pay has been raised from Rs.560-580 after the said E.B. increment had been released. But as already pointed out that the grievance of the applicant is that the respondents should have also considered to release the normal increments as and when it became due to him in the month of July 1986.

8. Government of India, Min. of Finance OM No. (14)-E.III (A)/68 dated 4.9.1968 reads as follows:

"A question has been raised whether, at the subsequent crossing of efficiency bar, after a government servant was held up at the efficiency bar stage for some time, his original date of increment should be restored or he may be ordered to serve for one year at the new stage after crossing efficiency bar so as to earn the next increment."

It has been decided that in such cases, once the competent authority has determined the stage at which the Government servant concerned should draw his pay from the date he is allowed to cross the efficiency bar, the next increment above the stage will accrue to him on the usual date of drawal of increment if otherwise admissible and not after rendering one year's service."

The fact that the normal increment became due to the applicant as on 1.7.1986 is not in dispute in this O.A. But the record placed before us does not disclose that the release of normal increment that became due to the applicant on 1.7.1986 had been considered by the respondents. As a matter of fact the respondents had not at all considered in terms of Note 4 to F.R.25 to release the normal increment as and when it became due to him. So, in view of this position, appropriate direction is liable to be given to the respondents.

9. Hence, we direct the respondents to consider to release the normal increment notionally to the applicant as and when it became due after the EB increment was sanctioned

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to the applicant with all notional consequential benefits. Even though final orders had been passed on 25.11.1991 the applicant has approached this Tribunal on 16.3.1993. Some there is delay on the part of the applicant in approaching this Tribunal. ^{Govt. leave & the normal government of India} So, in view of this position we direct the respondents to pay the actual arrears to the applicant only from one year prior to the filing of this O.A. keeping in mind the Provisions of Section 21 of the Administrative Tribunals Act.

O.A. is allowed accordingly. This order shall be implemented by the respondents within 3 months from the date of the receipt of the same.

The parties shall bear their own costs.

T - Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 31st March, 1993

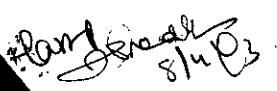
(Dictated in Open Court)


Deputy Registrar (J)

To
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1. The Secretary, Min.of Communications,
Union of India, Dept.of Telecommunications, New Delhi.
2. The Chief General Manager, Telecommunications,
A.P.Circle, Abids, Hyderabad-1.
3. The Senior Superintendent, Telegraph Traffic
Division, Visakhapatnam.
4. One copy to Mr.M.P.Chandramouli, Advocate, 1-7-139/1
S.R.K.Nagar, Musheerabad, Hyderabad.
5. One copy to Mr.M.Jaganmohan Reddy, Addl.CGSC.CAT.Hyd.
6. One spare copy.

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Ram Gopal
8/4/93

TYPED BY (S) COMPARED BY
CHECKED BY (S) APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

THE HON'BLE MR.K.BALASUBRAMANIAN :
MEMBER(ADMN)

AND

THE HON'BLE MR.T.CHANDRASEKHAR
REDDY : MEMBER(JUL)

DATED: 31 - 3 - 1993

ORDER/JUDGMENT

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

in

O.A.No. 294/93.

T.A.No.

(W.P.No)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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