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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::

O.A.No.109/93.

Date: 22 -7-1993.

Between:

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|------------------------|-------------------------|
| 1. M.V.Ravindranath | 22. K.L.Katyayani |
| 2. Dilip Ratolikar | 23. G.Mallika |
| 3. Ashis Dutta Gupta | 24. S.Satyanarayana |
| 4. D.Selvaraju | 25. D.Bhavani Prasad |
| 5. Chacko Regy Joseph | 26. S.Vijaya Lakshmi |
| 6. R.Ashok | 27. B.Rajendra Prasad |
| 7. N.C.Madhu | 28. C.Ramakesava Rao |
| 8. N.Ashok Reddy | 29. T.Sivanageswara Rao |
| 9. Y.Bhagya Rekha | 30. T.Rajendra Singh |
| 10. D.Shanta Kumari | 31. S.Koteswara Rao |
| 11. S.G.Katarni | 32. B.Gangadhara Sastry |
| 12. D.Satya Mani | 33. EDE Madhava Rao |
| 13. P.Niranjan Reddy | 34. MEVP Venkata Ratnam |
| 14. V.Prabhakar | 35. R.Viswanatham |
| 15. Md.Mohseen | 36. U.A.V.Prasad |
| 16. V.Rama Mohan Rao | 37. K.Yadi Reddy |
| 17. B.Jai Karan | 38. D.Jagadish Chander |
| 18. P.Subrahmanyam | 39. A.Purushotham |
| 19. VPCCK Varadarajulu | 40. D.Sitarama Raju |
| 20. Katikum Deva | 41. S.Nageswara Rao |
| 21. K.Paul Prasad | |

.. Applicants

And

1. Union of India, rep. by the Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi-110 001.
2. Scientific Adviser, Director-General, Research & Development, Defence Research & Dev. Organisation, 'B' Wing, Sena Bhavan, DHQ PO., New Delhi-110 011.
3. Director, Defence Research Development Laboratory, Kanchanbagh, Hyderabad-500258.
4. Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad-500058
5. Director, Explosives Research & Dev. Lab., Sutarwadi, Pune-411 008.
6. Officer-in-Charge, Explosives Research and Dev. Laboratory, ERDL Cell, DRDL Premises, Hyderabad-500 258.

.. Respondents

5/10/93

27

HEARD:

For the applicants : Sri N.Rama Mohan Rao, Advocate
For respondents : Sri N.V.Raghava Reddy Addl.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN
THE HON'BLE MR.P.T. THIRUVENGADAM, MEMBER(ADMN.)

I JUDGMENT OF THE DIVISION BENCH AS PER HON'BLE SRI
P.T. THIRUVENGADAM, MEMBER(ADMN.) I

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The applicants in this O.A. are working as Senior Scientific Assistants in various Defence Research and Development Organisations at Hyderabad. The case of the applicants is that the Board of Arbitration set-up by the Government of India for resolving dispute relating to the assignment of appropriate scales of pay to Senior Scientific Assistants had given an award that the Senior Scientific Assistants are entitled to be assigned the same scale of pay of Rs.840-1040 on par with Foremen and that the award is to be operative from 22.9.1982. The applicants have submitted that another O.A.No.857/89 has been filed before this Bench of the Tribunal questioning the legality and validity of fixation of ratio for two different scales of pay to Senior Scientific Assistants viz. 49:51 as existing between the cadres of Foremen and Assistant Foremen. However, in the present O.A. the applicants have limited their prayer to the issue regarding reservation at the time of placement of 49% of Senior Scientific Assistant in the newly created posts in the scale of Rs.840-1040. The applicants alleged that junior SC/ST candidates who have

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been given the benefit of placement in the higher scale are not eligible for the same and that they (applicants) should be assigned the higher scale with effect from the dates of their entitlement strictly in terms of the award of the Board of Arbitration dt. 12.8.1985.

2. The issues raised came up for detailed discussion in O.A.No.1030/92 filed before this Bench, wherein the following order has been passed:-

"In the result the applicants have to be given the upgraded scale from 1.1.1988 or from the dates on which their respective juniors are given ~~that~~ benefit whichever is later with all consequential benefits including monetary relief. Further, if ultimately the Supreme Court holds that the benefit of the upgraded scale had to be given from 22.9.1982 or if the Supreme Court gives any partial relief these applicants also had to be given the same relief. But if the Supreme Court ~~upholds~~ upholds the case of the respondents that the benefit had to be given from 1.1.1988 only this O.A. in regard to the above relief stands dismissed."

3. In O.A.No.1030/92, it has been 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 of 1990 was adopted while giving the above decision. The relevant operative portion

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in O.A.No.1032/92 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. Since the orders passed above (referred to in paras- 2 & 3) squarely covers the situation in this O.A. the same orders are passed in this O.A. Time for compliance is four months from the date of receipt of this order.

5. The O.A. is disposed of accordingly. No costs.

P. T. Thiruvengadam

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

(Signature)
(V.Neeladri Rao)
Vice Chairman

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

(Signature)
8/8/93
Deputy Registrar

To

1. The Secretary, Ministry of Defence, Union of India, grh. South Block, New Delhi-1.
2. The Scientific Adviser, Director General, Research & Development, Defence Research & Dev.Organisation, 'B' Wing, Sena Bhavan, DHQ PO, New Delhi-11.
3. The Director, Defence Research Development Laboratory, Kanchanbagh, Hyderabad-258.
4. The Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad. 58.
5. The Director, Explosives Research & Dev.Lab, Sutarwadi, Pune-8.
6. The Officer-in-charge, Explosives Research and Dev.Laboratory, DRDL Cell, DRDL, Premises, Hyderabad-258.
7. One copy to Mr.N.Rammohan Rao, Advocate, CAT.Hyd.
8. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

pvm

(Handwritten notes)
22/7/93
P.T. Thiruvengadam

TYPED BY

COMPARED BY

CHECKED BY

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. A. B. GORTHY : MEMBER(A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM:M(A)

Dated: 22-7-1993

~~ORDER~~/JUDGMENT:

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

O.A.No. 109/93.
T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No. orders as to costs.

DESPATCH

19 AUG 1993

HYDERABAD BENCH.

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