

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::

O.A.No. 428/93.

Date: 22.7.1993.

Between:

1. B.Kasi Viswanadham

2. S.Saikumar

... ... Applicants

And

1. Union of India, rep. by the Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi-110 011.
2. Scientific Adviser, Director General, R&D, DRDO, South Block, New Delhi-110 011.
3. Director, DRDL, Kanchanbagh, Hyderabad-500 258.
4. Director, DMRL, Kanchanbagh, Hyderabad-500 258.
5. Officer Incharge, Interim Test Range Technical Group, DRDL Campus, Kanchanbagh, Hyderabad.
6. Sr.Quality Assurance Officer, (SQAE (Senior Quality Assurance Establishment (Systems), Boinpalli, Secunderabad.
7. K.Rajagopal, Sr.Scientific Asst., DRDL, Kanchanbagh, Hyderabad.
8. S.S.Mupid, Sr.Scientific Asst., Aeronautic Research and Dev. Establishment, Pune, Maharashtra State. ... Respondents

HEARD:

For the applicants : Sri N.Rama Mohana Rao, Advocate

For the 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.)

.....

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

....

The applicants in this O.A. are working as Senior Scientific Assistants in Defence Laboratories viz. Director General of Quality Assurance and DRDL respectively 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 Foreman 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 Assistants in the newly created posts in the scale of Rs.840-1040. The applicants alleged that junior SC/ST candidates who have 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.

22/10
X

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 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 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 of 1990 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

(19)

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 and 3) squarely cover 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.

(Dictated in open court)

P. J. Thiruvengadam

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

Neeladri

(V.Neeladri Rao)
Vice Chairman

8/7/83
Deputy Registrar(J)

grh.

To

1. The Secretary, Union of India, Govt.of India, Ministry of Defence, South Block, New Delhi-11.
2. The Scientific Adviser, Director General, R&D, DRDO, South Block, New Delhi-11.
3. The Director, DMRL.Kanchanbagh, Hyderabad-258.
4. The Director, DMRL.Kanchanbagh, Hyderabad-258.
5. The Officer Incharge, Interim Test Range Technical Group DRDL, Campus Kanchanbagh, Hyderabad.
6. The Sr.Quality Assurance Officer, (SQAE)Senior Quality Assurance Establishment & Systems, Boinpalli, Secunderabad.
7. One copy to Mr.N.Rammohan Rao, Advocate, CAT.Hyd.
8. One copy to Mr.N.v.Raghava Reddy, Addl.CGSC.
9. One copy to Library CAT.Hyd.
10. One spare copy.

pvm.

Letter for P.V.R.

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NELADRI 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.N.

in

O.A.NO.

428/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

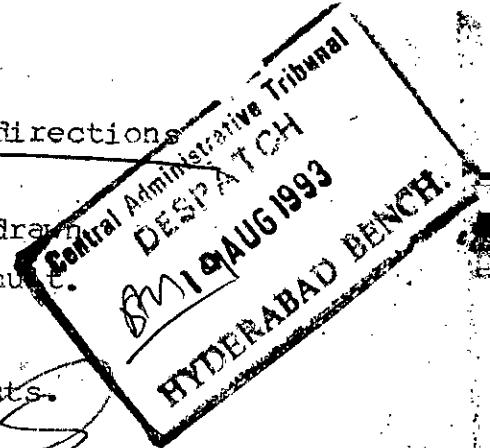
Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.



pvm

10

17/8/93