IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.519 of 1993

DATE OF JUDGMENT: 2nd   July,   1993

BETWEEN:

Smt. D.Vidyaveni   ..   Applicant

AND

The Regional Director,
Employees State Insurance Corporation,
Hyderabad-463.   ..   Respondent

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. B.S.Rahi, Advocate

COUNSEL FOR THE RESPONDENT: Mr. N.R.Devaraj, Sr. CGSC

CORAM:

JUDGMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDICIAL).

This application was filed under Section 19 of the

to step up the pay of the applicant and refix the applicant's

pay as Upper Division Clerk equal to the pay of her junior

Shri Ali Hyder within a specified period. The facts so far

necessary to adjudicate this OA in brief are as follows:-

State Insurance Corporation as Lower Division Clerk on 11.9.79.

At the time of joining service in ESI Corporation her

basic pay was Rs.260/- per month. The applicant was promoted

as Upper Division Clerk on regular basis on 15.5.1989. Shri

K.M.G.Ali Hyder joined service in the same establishment as

LDC on 1.10.1980 on the same basic pay of Rs.260/- per month.

The said Ali Hyder due to fortuitous circumstances was
as UDC
promoted/on adhoc basis prior to 15.5.1989. The said Mr.Ali Hyder

was promoted on regular basis as UDC on 9.6.1989. Both in the

LDC cadre and in the UDC cadre, in the seniority list, the

applicant continued to be senior to the said Ali Hyder. As

the said Ali Hyder was promoted on adhoc basis and even though
the applicant was promoted on regular basis on 15.5.1989, an

anomaly was had arisen in the pay of the applicant as she was

drawing less pay than that of her junior, Shri K.M.G.Ali

Hyder who was promoted on regular basis on 9.6.89. The
the anomaly arose due to the fact that Shri Ali Hyder,

junior to the applicant earned some increments on his adhoc

promotion as UDC. It is the case of the applicant that her

pay cannot be less than that of her junior Shri K.M.G.Ali

Hyder and so her pay is liable to stepped up equal to that

of her junior Shri Ali Hyder.

2.   Heard Shri B.S.Rahi, learned counsel for the
applicant and Mr. ....,

for the Respondents. This OA is covered by our earlier

judgment in OA 621/92. The facts in OA 621/92 and in the

present OA are identical. So, in view of this position,

the applicant is also entitled to the benefit of the Judgment
in OA 621/92 and the same directions as given to the respon-

dent in OA 621/92 are liable to be given to the respondent

in this OA also. In the result, the respondent is hereby directed to step up notionally the pay of the applicant on par with her junior Shri K.M.G.Ali Hyder in the post of UDC with effect from 9.6.1989 which is the date on which the said Shri Ali Hyder was promoted on regular basis to the post of UDC. We further direct the respondent to grant all notional benefits in the post of UDC and other post/posts to which the applicant was promoted and restrict the actual which is one year prior to the date of filing of this OA.

3.   The OA is allowed accordingly. The other relief

bear her own costs.

(Dictated in the open Court).

(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 2nd July, 1993.

To
1. The Regional Director,
   vsn   Employees' State Insurance Corporation, Hill Fort Road, Hyderabad-463.

2. One copy to Mr.B.S.Rahi, Advocate, 33 Rock roof III
   Road No.12, Banjara Hills, Hyderabad.

3. One copy to Mr.N.R.Devrai, Sr CGSC CAT Hyd.
   One copy to Library, CAT.Hyd.

5. One spare copy.

pvm.

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.GORTY : MEMBER(AD)

            AND

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

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

Dated : 2-7 -1993

ORDER/JUDGMENT:
_____

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

                in
            — .. 1 . ﹏

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