

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 920/94.

Dt. of Decision : 2-6-97.

K.Sundara Raman

.. Applicant.

Vs

1. The Union of India, rep. by its Secretary, Min.of Finance, North Block, New Delhi.
2. The Accountant General, Andhra Pradesh-II, Hyderabad.
3. The Pay & Accounts Officer, O/o the Collector of Central Excise, Kannavarithota, Guntur-4.

Respondents.

Counsel for the applicant : Mr.V.Jogayya Sarma

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.Venkat Rao for Mr.V.Jogayya Sarma, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA is retired Superintendent of Central Excise. One of his colleagues Mr. B.Ramamurthy T.A. 45/88 praying for a direction to fix his pension at Rs.418 per month w.e.f., 1-1-79 as per the memorandum F.No.1(3)-EV/83 dated 22-10-83 and to pay the difference of pension paid and payable between 1-1-79 upto date. That TA was disposed of by holding that the clarification sought to be given between the employees who have ----- after that date, " is illegal and contravenes Article 14 of the Constitution of India and on that basis it was directed that the respondents should extend the benefit stipulated in para 3(iii) (a) (ii), (b) (ii) namely, "full dearness pay appropriate to the pay equal to such average emolument, shall be added to the average emoluments", shall be given to the petitioner irrespective of the date of his retirement. With the above direction that TA was allowed.

3. The applicant in the present OA also prayed for a similar relief as he is also retired as a Dy. Office Superintendent before the crucial date. He submitted a representation dt. 24-1- to the respondent authorities to give him the same benefit as was granted to Mr.B.Ramamurthy in TA. 45/88. That representation was rejected by the impugned letter No.PAD-I/IV/Per/1994/541 dt. 11-2-1994 (Page-8). As it is stated in the impugned letter that the direction is only in respect of Mr.B.Ramamurthy and it cannot be made applicable in general.

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4. Aggrieved by the above, he has filed this OA to set aside the impugned letter No.PAD-I/IV/Pen/1994/541 dt. 11-2-94 (page-8) and for a consequential direction to give him the same relief as was given to Mr.B.Ramamurthy by this Tribunal in TA.45/88. Today it was brought to our notice by the learned counsel for (C) the respondents that the SLP/bearing No.11956/94 in Civil Appeal No.2986/95 was filed ^{before} on the Apex Court and the Apex Court had held that there is no discrimination if the same benefit is not extended to ~~the~~ persons - ^{year} retired earlier to the ~~crucial~~ of 1979. In view of the above decision of the Supreme Court, the learned counsel for the respondents submit that the applicant is ~~also~~ not entitled to the benefit as given to Mr.B.Ramamurthy who was applicant in TA.45/88.

5. The learned counsel for the applicant also submits that in view of the decision of the Supreme Court, the applicant is not eligible to get the relief as prayed for in this OA.

6. In view of what is stated above, we find that the OA is liable only to be dismissed and accordingly it is dismissed. No costs.

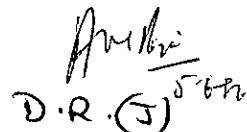

(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)

21(6)(7)


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 2nd June 1997.
(Dictated in the Open Court)

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D.R. (J) 5th

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Copy to:

1. The Secretary, Min. of Finance, North Block, New Delhi.
2. The Accountant General, Andhra Pradesh-II, Hyderabad.
3. The Pay and Accounts Officer, O/O the Collector of Central Excise, Kannavarithota, Guntur.
4. One copy to Mr.V.Jogayya Sarma, Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR: M
(J)

DATED

21/6/97

ORDER/JUDGEMENT

M.A./I.A./C.A. NO.

in

C.A. NO. 920/94

Admitted and Interim directions
Issued.

Allied

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकार सभा
Central Administrative Tribunal
अधिकार/DESPATCH

13 JUN 1997

हैदराबाद न्यायालय
HYDERABAD BENCH