

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1308/94.

Dt. of Decision : 24.10.94.

R.Srinivasa Murthy

.. Applicant.

Vs

1. The Registrar,
Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.
2. The Registrar,
Central Administrative Tribunal,
23-A, Thornhill Road,
Allahabad Bench, Allahabad. .. Respondents.

Counsel for the Applicant : Mr. K.Venkateswara Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIODASAN : MEMBER (JUDL.)

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

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DA 1308/94.

Dt. of Order:24-10-94,

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(Order passed by Hon'ble Shri A.V.Haridasan,
Member (J)).

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This is an application filed by a Lower Division Clerk working in the Central Administrative Tribunal, Hyderabad Bench. His grievance is that his increments which fell due from 1-11-1991 onwards have not been drawn and payment made to him accordingly for no reason at all. It is alleged in the application that though a notice under Rule 16 of CCS (CCA) Rules of 1965 had been served on the applicant through the Deputy Registrar of this Bench issued by the Deputy Registrar, C.A.T. Lucknow, no final order in that matter has been issued and that there is no justification for not drawing the increments. When the application came up for admission, Shri Devraj, took notice on behalf of the Respondents. Shri Devraj, argued that the application is premature as the applicant had not exhausted the remedies which are open to him by making a representation to the competent authority in regard to drawal and disbursement of his increments. We also find that there is force in this argument. Shri K.Venkateshwar Rao, appearing for the applicant argued that as the payment of salary to the employees on each month and drawal of increments as and when they fall due being routine Administrative matters it is not as if an employee had to request for pay and annual increments and therefore it cannot be held that there is a statutory remedy provided

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for the applicant which he has not exhausted before filing this application. Though there is no statutory requirement of filing an appeal or a representation for getting the pay or annual increments, it is necessary that litigation in service matters has to be minimised. A litigation has to be fought only when it becomes unavoidable. Therefore even if ~~there~~ is no representation or appeal is provided before resorting to litigation, it is advisable that the employee who got a grievance, should have projected his grievance to the competent authority and the competent authority ~~should~~ ^{for} ~~take~~ ^{take} a decision on it without delay. If this is done, unavoidable litigations in service matters can be avoided. The applicant, who is a staff working in the Central Administrative Tribunal should have himself considered it more appropriate to make a representation first and then only, if his grievance remains unresolved should have filed his application. However, Shri Devraj, learned senior standing counsel for the Central Government gracefully concedes that the ~~xxx~~ respondents could consider the representation of the applicant in regard to non-drawal of his increments within a reasonable time. In the result, the application is disposed of with a direction to the applicant to make a representation in regard to non-drawal of increments to the Deputy Registrar, C.A.T., Hyderabad

Bench within a period of 10 days and to the Respondents to consider and dispose of the representation within a period of one month from the date of receipt of the said representation. There is no order as to costs.



(R.RANGARAJAN)
Member (A)



(A.V.HARIDASAN)
Member (J)

Dt. 24th October, 1994.
Dictated in Open Court.

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Deputy Registrar (Judl.)

Copy to:-

1. Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
2. Registrar, Central Administrative Tribunal, 23-A, Thornhill road, Allahabad Bench, Allahabad.
3. One copy to Sri. K. Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. M.R. Devarej, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-


M. R. Devarej
7/11/94.

07-1308/9

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER (J)

AND

R.Ranganathan.

THE HON'BLE MR.A.B.GORTHI : MEMBER (A)

Dated: 24/10/94

ORDER/JUDGMENT.

M.B./R.P./G.P./No.

O.A.NO.

1308/9

T.A.NO.

(U.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with ~~Directions:~~

Central Administrative Tribunal
DESPATCH

Dismissed.

Dismissed as withdrawn. 9 NOV 1994

Dismissed for Default.

Rejected/Ordered

HYDERABAD BENCH

No order as to costs.

YLKR

24/10/94