

(82)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1582/94.

Dt. of Decision : 9-9-96.

A. Somanath

..Applicant.

Vs

1. The Executive Engineer (Electrical),
Visakhapatnam Central Electrical
Division, CPWD., D.No.48-3-37,
Srinagar, Visakhapatnam-530 016.
2. The Supdt. Enginner(Electrical)
Hyderabad Central Electrical Circle,
CPWD, Nirman Bhavan,
Koti, Hyderabad.
3. The Director General of Works,
Central PWD, Nirman Bhavan,
New Delhi.
4. The Union of India, Rep.by its
Secretary, Min.of Urban Development,
Nirman Bhavan, New Delhi. .. Respondents.

Counsel for the Applicant : Mr. P.B.Vijaya Kumar

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

CORAM:

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

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member(Admn.))

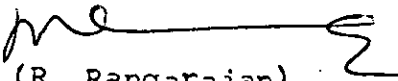
Heard Mr. P.B.Vijaya Kumar, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA was given the scale of pay of /425-700/- in the Third Pay Commission scales of pay w.e.f.1-1-73. He was appointed to the selection grade w.e.f. 1-1-83 in the scale of pay of Rs.550-900/-. Later the applicant was promoted as Junior Engineer Gr-I from 13-7-87. On his promotion as JE Gr-I his pay fixation was done under FR 22(C). However by the order NO.A-11014/3/93-EC.VI 16-7 dated 4-1-94 (Page-9 of the OA) it was decided to withdraw the benefit of pay fixation under FR 22 (C). ~~But~~ Instead it was decided to ^{the pay} ~~refix~~ refix under FR 22 (a)(ii). R-1 by the impugned order No.8(2)/94/VCED/6408-10 dated 19-12-94 (Page-7 of the OA) ^{the} ~~refixed~~ refixed pay of the applicant in terms of the directions of R-3 vide his letter dated 4-1-94 and also issued instructions for recovery of excess payment.

3. This OA is filed impugning the above orders and for a direction to restrain the respondents from re-fixation of pay and also for payment of consequential benefits.

4. The applicant in this OA is similarly situated as the applicant in OA.1581/94. ^{the} For reasons stated in OA.1581/94 this OA is also to be disposed of on the same lines.

4. In the result, the impugned order No.A-11014/3/93-EC.VI 16-7 dt.4-1-94 and also the impugned order No.8(1)/94/VCED/6411-13 dt. 19-12-94 are upheld to the extent of re-fixation of pay. The question of recovery is left to open ~~xxx~~ ^{and} R-3 is directed to decide the issue within a period of 3 months from the date of receipt of a copy of this order ⁱⁿ on the basis of the observations made in OA.1581/94. No costs.


(R. Rangarajan)
Member(Admn.)

(Dated : The 9th Sept. - 1996.
(Dictated in Open Court)

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: 3 :

OA.1582/94.

Copy to:-

1. The Executive Engineer(Electrical), Visakhapatnam Central Electrical Division, CPWD, B.No.48-3-37, Srinagar, Visakhapatnam-16.
2. The Supdt Engineer(Electrical) Hyderabad Central Electrical Circle, CPWD, Nirman Bhavan, Koti, Hyd.
3. The Director General of Works, Central PWD, Nirman Bhavan, New Delhi.
4. The Secretary, Min. of Urban Development, Union of India, Nirman Bhavan, New Delhi.
5. One copy to Sri. P.B.Vijayakumar, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

2/10/94

QA-1582/94

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Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 9/9/96

ORDER/JUDGEMENT
R.A./C.P./M.A. NO.

D.A. NO. 1582/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH - 7 OCT 1996 हैदराबाद न्यायपीठ HYDERABAD BENCH
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