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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: :HYDERABAD BENCH: :
AT HYDERABAD.

O.A.No. 25/1994.

Date: 12-4-1996.

Between:

G. Koteswara Rao Applicant

And

Regional Director,
ESI Corporation,
Adarshnagar, Hyderabad. Respondent

Counsel for the Applicant : Sri B.S.Rahi, Advocate.

Counsel for the Respondent : Sri N.R.Devaraj, Sr.CGSC

C O R A M:

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

J U D G M E N T

X as per Hon'ble Sri R. Rangarajan, Member (Administrative) X

Heard Sri B.S.Rahi, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondent.

2. The applicant in this OA was appointed as L.D.C. on 30.4.1968. He worked as adhoc UDC at Hyderabad from 9.2.1977 to 19.4.1977 when he was regularised as UDC at Hyderabad.

3. The applicant compares his pay with that of one Sri Gurumurthy, who is reported to be his junior. Sri Gurumurthy had joined as LDC on 16.5.1968 and he officiated on adhoc basis as UDC from 19.8.1974 to 19.4.1977 when he was regularised in the said post of UDC.

...2/-



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4. The applicant filed representation dt. 19.7.93 to the Director General, ESI Corporation, New Delhi for stepping up of his pay equal to the pay of his junior Sri Gurumurthy. That representation was rejected by impugned order dt. 27.12.1993 bearing No.52-A/27/17/92-Estt.I(A) (Annexure A.4).

5. Aggrieved by the above rejection, the applicant has filed this OA for a direction to the respondents for stepping up of his pay with respect to his junior Sri M. Gurumurthy from the date Sri Gurumurthy was drawing more pay than the applicant in the cadre of UDC.

6. The main contention of the respondents in not granting him stepping up is because of the fact that the applicant was not willing to go as UDC to Vizianagaram when a memorandum calling for volunteers dt. 15/16.2.1972 bearing No.AP/Ett.4(6)/57-67 was issued. The learned Standing Counsel produced a copy of the option letter submitted by the applicant in response to the memorandum dt. 15/16/2.72. This option letter of the applicant dt. 17.2.1972 indicates that he is willing to go on adhoc promotion only to four places which does not include Vizianagaram. Sri Gurumurthy, junior to the applicant had also given his willingness by his letter dt. 19.2.1972 (Pg.13 of material papers filed with the ~~repy~~ statement) which indicates that he is willing to go to Vizianagaram on adhoc promotion. In view of the refusal of the applicant to go over to Vizianagaram on adhoc promotion as UDC, his junior Sri Gurumurthy who gave willingness to go to Vizianagaram was posted as adhoc UDC at Vizianagaram.

..3/-



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The applicant failed to give his willingness to go to Vizianagaram on adhoc posting as UDC when options were called by memorandum dt. 15/16.2.1972. Hence, he cannot now claim stepping up of pay with respect to his junior Sri Gurumurthy who was prepared to go to Vizianagaram on adhoc basis as UDC.

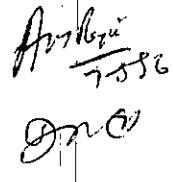
7. In view of the above, the OA does not merit any consideration. In the result the OA is dismissed. No costs.



(R. Rangarajan)
Member (Admn.)

Dated 12th April, 1996.
Dictated in the open court.

Grh.



DRC



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Copy to:-

1. The Regional Director, CSC Corporation, Adyarbhag, Hyderabad.
2. One copy to Mr. S. S. Nabi, Advocate, C.A.T., Hyd.
3. One copy to Col. M. Devaraj, Dr. C.C.O.O., C.A.T., Hyd.
4. One copy to Library, C.A.T., Hyd.
5. One spare copy.

Revd.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 12/4/96

ORDER/JUDGEMENT

M.A. NO/R.A/C.A. No.

IN
B.A. NO. 25/4

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

