

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 376/94.

Dt. of Decision : 1.8.1994.

1. Y. Jagan Mohan Reddy	27. P. Raghu
2. Jameela Begum	28. Ch. Chandra Reddy
3. Mohd. Najeebuddin	29. K. Sudhakar Rao
4. L. Chandra Kumar	30. T. Koteswara Rao
5. M. Trivikrama Rao	31. P. Rama Rao
6. T.S.S. Ramanujam	32. B. Yadagiri
7. Ch. N.V. Bhadram	33. E. Sree Lakshmi
8. T. Sri Ram	34. K. Krishna Kumari
9. A. Satyanarayana Murthy	35. C.V. Nataraj
10. L. Krishna Murthy	36. Pradeep Raj Saxena
11. M. Krishna Mohan	37. A.V. Prabhakar Rao
12. VSRK Prasad	38. B. Raju
13. D. Joseph Henry	39. P. Ravinder
14. B. Suryaprakash	40. P. Ramachandha Rao
15. M. Mohan Rao	41. D. Raghuramam
16. T.N. Shamraj	42. M. Vara Prasad
17. C.A. Vijaya Kumar	43. M.A. Lateef
18. P. Vasundhara Devi	44. G. Sudhakar
19. G.N. Ravinder	45. Laxmi Narayana
20. L. Venkates Ratnam	46. V. Satya Gopal
21. S. Bhasker Rao	47. P. Kalasekhar
22. G. Seetha	48. M. Padmini
23. CLV. Subba Rao	49. Ch. Reguel
24. K. Gnayaneswar Rao	50. J. Vijaya Rani
25. G. Lakshmi	51. GVS. Sastry
26. B.V. Ramana Murthy	

.. Applicants.

VS

1. Union of India, rep. by the Secretary, Ministry of Finance, New Delhi.
2. Union of India, rep. by its Secretary, Ministry of Home Affairs, New Delhi.
3. The Registrar, General Census, 2-A, Mansingh Road, New Delhi.
4. The Director, Census Operations, Somajiguda, Hyderabad.

.. Respondents.

Counsel for the Applicants : Mr. J. Sudhir

Counsel for the Respondents : Mr. N.V. Raghava Reddy, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(33)

O.A.NO.376/94.

JUDGMENT

Dt: 1.8.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICECHAIRMAN)

Heard Shri J.Sudhir, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. This OA was filed praying for setting aside the order dated 9.3.1994 of R-4 in No.A.11014/1/90-Estt., by declaring the same as illegal, arbitrary and discriminatory and violative of Articles 14, 16, 21 and 19(d) of the Constitution of India and for a direction to the respondents to continue to pay to the applicants in the pay scale of Rs.1350-2200 till a final order is passed by the Supreme Court.

3. All these 51 applicants filed OA 957/90 praying for a declaration that they are entitled for the pay scale of Rs.1350-2200 with effect from 1.1.1986 and for arrears. The same was allowed by the order dated 9.7.92. SLP No.16533/93 was filed against the said order of this Bench. By the order dated 4.10.1993, the Supreme Court directed ~~to give 1982 pay scale~~ that, "pending notice", there shall be interim stay on the condition that the difference will be kept apart subject to the orders of the court." It is stated that ^{even} after the said order was received by R-4, the applicants were paid salary in the

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pay scale of Rs.1350-2200 till the end of February 1994. The pay in the said pay scale was paid to the applicants from May 1993. ^{But} ~~and~~ the arrears from 1.1.1986 till April, '93 as per the judgment dated 9.7.1992 were not paid. By the impugned order dated 9.3.1994, the applicants are paid in the lower scale of Rs.1200-2040 ^{from March 1994,} and the recovery also was ordered.

4. It is stated for the respondents that in pursuance of the order dated 4.10.1993 of the Supreme Court, the difference in pay ~~in the ^{new} pay scales of~~ Rs.1200-2040 and 1350-2200 with effect from 1.1.1986 till April 1993 and from March 1994 was set-apart.

5. It is now stated for the applicants that when the order dated 28.8.1992 in OA 244/91 was passed by the Cuttack Bench of C.A.T., in regard to the ~~date~~ Entry Operators in the Census Department directing for payment of salary in the pay scale of Rs.1350-2200 with arrears from 1.1.1986, the Department preferred SLP before the Supreme Court with an application praying for condoning the delay (Petition No.509509) and the same was dismissed by the order dated 15.3.1993, and hence the ~~from as per impugned order~~ recovery has to be stayed.

6. It ~~is~~ stated for the applicants herein that they had already filed a petition before the Supreme Court praying for vacating the interim order dt.4.10.93.

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Copy to:-

1. Secretary, Ministry of Finance, Union of India, New Delhi.
2. Secretary, Ministry of Home Affairs, Union of India, New Delhi.
3. The Registrar, General Census, 2-A, Mansingh Road, New Delhi.
4. The Director, Census Operations, Somajiguda, Hyderabad.
5. One copy to Mr. J. Sudhir, Advocate, 3-5-703, Opp: Old MLA Qrs, Himayatnagar, Hyderabad-500 029 (A.P.)
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library
8. One spare.

kku.

*P. J. Sudhir
2/5/80*

C.R.C.

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It is for the applicants to bring to the notice of the Supreme Court about the order dated 9.3.1994 of R-4 which is challenged in this OA.

7. As already observed, the applicants already moved this Tribunal praying for pay in the pay scale of Rs.1350-2200 with effect from 1.1.1986 and for arrears and it was ordered by the order dated 9.7.1992 in OA 957/90 and the same was challenged before the Supreme Court and the interim order dated 4.10.1993 was already passed by the Supreme Court. Hence, the proper course for the applicants is to approach the Supreme Court and bring to the notice of the Supreme Court about the order dated 9.3.1994 in No.A.11014/1/90-Estt.

8. In the circumstances, the only relief that can be granted in this OA is to restrain the respondents from enforcing the impugned order dated 9.3.1994 to the extent of recovery till 1.12.1994 so as to enable the applicants to move the Supreme Court in the meanwhile. The OA is ordered accordingly at the admission stage. (for the above reason, it is not necessary to consider as to whether this OA is maintainable or whether it has to be converted as a Miscellaneous Application in OA 957/93). No costs.

On
(R.RANGARAJAN)
MEMBER (ADMN.)

V.Neeladri Rao
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 1st August, 1994.
Open court dictation.

Ansley 2854
Dy. Registrar (Jud.1)

vsn

(a)
of-376/94

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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.G.RTHI : MEMBER(A)

AND

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

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 1-8-1994.

ORDER/JUDGMENT:

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

in

O.A.No. of-376/94

T.A.No.

(M.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions *staying* *sts*

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

