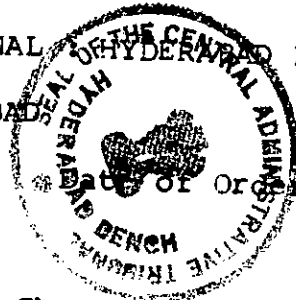


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD BENCH



O.A.No. 547/94

Date of Order: 22.4.97

BETWEEN:

- | | |
|---------------------------|---------------------------|
| 1. A.S.Govinda Rao | 18. Ch.Appa Rao |
| 2. B.Tataji | 19. V.James |
| 3. S.Varahalu | 20. T.V.Ramana |
| 4. M.Trinadham | 21. P.T.Ravindranathan |
| 5. A.Appa Rao | 22. K.Bisoi |
| 6. K.Prasad | 23. P.Demudu |
| 7. M.D.Bukari | 24. K.Veerarwamy |
| 8. K.Appa Rao | 25. C.Aharon |
| 9. N.Suryanarayana | 26. B.Thrimurthy |
| 10. E.Sasidharan | 27. K.Saradprasada |
| 11. K.K.Macnandran Pillai | 29. E.Rama Krishna Rao |
| 13. P.K.Mohan Chandran | 30. A.Vijaya Bhaskara Rao |
| 14. V.Vijayan | 31. K.Rama Murthy |
| 15. M.K.Velayudhan | 32. S.Veera Raju |
| 16. K.P.Mathew | 33. P.Ananda Raju |
| 17. E.Satyanarayana | 34. M.Xalxo |

.. Applicants.

AND

1. Union of India, rep. by its
Secretary to Government, New Delhi - 110 001.
2. The Chief of Naval Staff,
Naval Headquarters, New Delhi - 110 001.
3. Flag Officer, Commanding-in-Chief,
Eastern Naval Command,
Naval Base, Visakhapatnam-530 014.
4. Admiral Superintendent, Naval Dockyard,
Visakhapatnam- 530 014.
5. Joint Collector of Defence Accounts(Navy),
NAD-Kotharoad, Visakhapatnam-9.

.. Respondents.

Counsel for the Applicant

.. Mr.N.Rama Mohan Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

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

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

[Handwritten signature]

the impugned orders and ordered to retain the earlier pay fixation.

Hence we have no doubt in our mind to follow the same direction as given in OA.470/93.

9. In the result the impugned orders Nos. PES/3202/SU/HSK-I, dt. 29.3.93 and PES/3202/SU/HSK-I, dt. 11.2.94 are hereby set aside. The earlier pay fixation of the applicants in the grade of HSK -I on par with their juniors is allowed to be continued, provided the applicants give their fresh option now to come to the revised scales of pay from the date ~~at~~ when their increment in the lower scale fell. The option as above should be exercised by the applicant within one month from the date of receipt of a copy of this order. If they fail to opt as above then the impugned orders have to be enforced.

10. The OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY
[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद न्यायाधीश
HYDERABAD BENCH

FILE NUMBER..	547/94
तारीख का हारोख	22/4/97
Date of Judgement	22/4/97
कॉपी तैयार किया गया तारीख	15/5/97
Copy Made Ready on	15/5/97
[Signature]	
अनुभाग अधिकारी (न्य विक्)	
Section Officer (J)	

5. An interim order dt. 3.5.94 was passed in this OA directing the respondents not to make any recovery from the salary of the applicants until further orders due to refixation of pay .

6. The respondents have filed a reply. The main contention of the respondents in this OA is that the applicants in this OA have not opted to come to the revised scales of pay on the date when their increment in the lower grade fell and their pay was fixed based on their pay in the lower grade on the date of their promotion. In the case of their juniors, they had given ~~their option to opt to the revised scales of pay~~ when their increment fell in the lower grade and on that basis their pay was fixed. Since the applicants have failed to opt as above they cannot pray for stepping up their pay on par with their juniors.

7. The learned counsel for the applicant brought to our notice the directions in OA.470/93 decided on 13.3.95. In that OA also the same department rejected the claim of the applicants in that OA for stepping up as they have not given their option for coming to the revised scales of pay from the date their next increment fell in the lower grade. The learned Judicial Member in that OA held that the applicants therein should be given an opportunity for option and on that basis their pay has to be regularised when promoted to HSK Gr-I. The learned Administrative Member ~~in that OA~~ given at that stage. Hence it was further adjudicated by the 3rd Member, namely, the then Hon'ble Vice Chairman who had agreed with the Judicial Member though for different reasons. In that OA also the same order dt. 29.3.93 was impugned, whereby the erroneous stepping up of pay was sought to be recovered. The order of stepping up of pay was ordered to be cancelled treating it as erroneous. Finally that OA was disposed of setting aside

R 2