

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD BENCH

O.A.No. 547/94

BETWEEN:

1. A.S.Govinda Rao
2. B.Tataji
3. S.Varahalu
4. M.Trinadham
5. A.Appa Rao
6. K.Prasad
7. M.D.Bukari
8. K.Appa Rao
9. N.Suryanarayana
10. E.Sasidharan
11. K.K.Macnandran Pillai
13. P.K.Mohan Chandran
14. V.Vijayan
15. M.K.Velayudhan
16. K.P.Mathew
17. E.Satyanarayana

18. Ch.Appa Rao
19. V.James
20. T.V.Ramana
21. P.T.Ravindranathan
22. K.Bisoi
23. P.Demudu
24. K.Veeraswamy
25. C.Aharon
26. B.Thrimurthy
27. K.Seri-Prasad
29. E.Rama Krishna Rao
30. A.Vijaya Bhaskara Rao
31. K.Rama Murthy
32. S.Veera Raju
33. P.Ananda Raju
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.)

JUDGEMENT

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

[Signature] *[Signature]*

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

..... as also the same order is challenged. 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 ~~as~~ 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 इति
CERTIFIED TO BE TRUE COPY
HM/17-
F-59
स्वाक्षर अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

FILE NUMBER .. 10542/94
Date of Trial .. 24/4/94
Date of Judgement .. 24/4/94
Copy Mailed Rec'd by .. 15/5/94
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गनुभाग अधिकारी (न्य विक)
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~~ 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 ~~Administration~~ 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

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