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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO. 882 of 1995.

Between

Dated: 25.10.1995.

P.V.P. Mrityunjaya Rao

...

Applicant

And

The Principal Accountant General, Audit, A.P.Hyderabad.

...

Respondent

Counsel for the Applicant

: Sri. E.Krishna Swamy

Counsel for the Respondent

: Sri. G.Parmeswara Rao, SC for

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:....2/-

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D.A. 882/95.

Dt. of Decision : 25-10-95.

ORDER

I As per Hon'ble Shri A.B. Gorthi, Member (Admn.) I

Heard Shri P.V.P.Mrityunjaya Rao, Party-in-person and Shri G.Parameswara Rao, learned counsel for the respondent.

2. The applicant retired from service on 30-06-95 in the post of Senior Audit Officer, on attaining the age of superannuation. He reached the maximum of Rs. 4,000/- in the scale of pay of Rs. 2200-75-2800-EB-100-4000/- on 01-03-1993. Accordingly, he became due for stagnation increment of Rs.100/- pm with effect from 01-03-1995, i.e., on completion of two years after reaching the maximum in the scale of pay in accordance with the extant rules.

3. The respondent in the reply affidavit have admitted the fact that the applicant as on 01-03-1993 reached the maximum pay of Rs. 4,000/- and that he retired on 30-06-1995. Their contention however is that earlier the applicant was promoted as Audit Officer on 10-07-1985 and his pay was fixed under F.R.22-C with effect from 10-07-1985, fixing the next date of increment as 01-07-1986. Consequent on the introduction of the revised scales of pay from 01-01-1986 his pay in the post of Audit Officer was fixed at Rs. 3050/- as on 01-01-1986 and raised to Rs.3125/- from 01-07-1986. According to O.M.No.16/24/88-Estt.(Pay-I) dated 28-06-1990 issued by the Ministry of Personnel, Public Grievances & Pensions, the employees promoted after 01-01-1985 but before 01-01-1986 and whose date of next increment in the lower post falls on or after 01-01-1986 were allowed to exercise another option to get their pay fixed in the promoted

protest under 7.7.22-3 either from the date of promotion  
or from the date of next increment. This having resulted  
in some anomaly the matter was referred to the CAG and  
it was clarified with the Government that the Government  
dated 11-03-1992 to the effect that the Government of  
India G.O. dated 18-06-1992 is not applicable to the  
officers who were drawing the pay at the maximum in the  
lower scale and accordingly such officers cannot exercise  
another option. In other words the concession of the  
respondent is that no option exercised by the applicant  
was erroneously accepted and that the date of next increment  
for the purpose of promotion should be 01-07-1992.  
As the applicant had retired on 30-06-1992, the respondent  
contended that he will not be entitled to promotion increment.  
A. The respondent further stated that he gave notice to the  
applicant as to why his pay should not be fixed in  
accordance with the relief given by the CAG in his letter  
dated 11-03-1992. The applicant, stated that he applied  
to the Special Officer, 11-04-1992 and that the issue  
is under consideration with the respondent. This is  
evident that the crucial issue is under the consideration  
of the respondent and that the direct benefit on the  
relief being claimed in the present case. Under these  
circumstances, I deem it just and proper to direct the  
respondent to obtain the final order of the competent

post under F.R.22-C either from the date of promotion or from the date of next increment. This having resulted in some anomaly the matter was referred to the CAG and it was clarified vide CAG's letter No. 489-GE.II/274-84-4 dated 11-03-1993 to the effect that the Government of India O.M. dated 28-06-1990 is not applicable to the officers who were drawing the pay at the maximum in the lower scale and accordingly such officials cannot exercise another option. In other words the contention of the respondent is that the option exercised by the applicant was erroneously accepted and that the date of next increment for the purpose of stagnation increment would be 01-07-1995. As the applicant had retired on 30-06-1995, the respondent contends that he will not be entitled to stagnation increment.

4. The respondent issued a show cause notice to the applicant as to why his pay should not be re-fixed in accordance with the ruling given by the CAG in his letter dated 11-03-1993. The applicant stated that he replied to the show cause notice on 17-04-1995 and that the same is under consideration with the respondent. Thus it is obvious that the crucial issue is under the consideration of the respondent and that it has direct bearing on the relief being claimed in the present DA. Under these circumstances, I deem it just and proper to direct the respondent to obtain the final orders of the competent

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authority within a period of three months from the date of communication of this order and the same shall be communicated to the applicant within 10 days from the date of receipt from the competent authority.

It will of course <sup>be</sup> open to the applicant to approach the Tribunal if he feels aggrieved by the said order.

5. The OA is ordered accordingly. No costs.

  
(A.B. Gorthi)  
Member (Admn.)

Dated : The 25th October 1995.  
(Dictated in Open Court)

  
Deputy Registrar (Judl.)

Copy to:-

1. The Principal Accountant General, Audit, A.P. Hyderabad.
2. One copy to Sri. E. Krishna Swamy, advocate, CAT, Hyd.
3. One copy to Sri. G. Parmeswara Rao, SC for AG, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

TYPED BY  
COMPARED BY

DA 882/95  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHY, ADMINISTRA-  
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 25/10/ 1995.

~~M.A./R.A./C.A.NO.~~

IN

882/95

O.A.NO.

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.  
ALLOWED.

~~DISPOSED OF WITH DIRECTIONS.~~

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

~~NO ORDER AS TO COSTS.~~

\* \* \*

Rsm/-

Central Administrative Tribunal  
DESPATCH

14 NOV 1995

HYDERABAD BENCH