

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 1260/95.

Dt. of Decision : 19-10-95.

1. Jayaramulu
2. Shaik Hydaivalli
3. Kenhayilal
4. Abdul Rehman

.. Applicants.

Vs

1. The Govt. of India, Rep.  
by its Secretary, Home Affairs,  
Home Secretariat, New Delhi.
2. The Govt. of India, Rep. by  
its Secretary, Dept. of Personnel  
Public Grievances and Pensions(Pay)  
Central Secretariat, New Delhi.
3. The Director, S.V.P.National Police  
Academy, Govt. of India, Hyderabad,  
Andhra Pradesh.
4. The Govt. of India, Rep. by its  
Secretary, Finance Department of  
Expenditure, The Finance Secretariat,  
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. R.V.Mallikarjuna Rao

Counsel for the Respondents : Mr. N.R.Devareaj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

O.A.NO.1260/95.

JUDGMENT

Dt:19.10.95

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

Heard Shri R.V.Mallikarjuna Rao, learned counsel for the applicants and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicants 1, 3 and 4 are Head Constables while the applicant-2 is Constable in the S.V.P.National Police Academy, Hyderabad. They filed this OA praying for declaration that the inaction and delay of the respondents in taking final decision to bring the pay scales of the applicants on par with that of their counterparts in Delhi/Central Police Organisation is illegal, and arbitrary and for a direction to the respondents to take final decision in regard to the parity and to implement the same with all consequential benefits.

3. In Para-5 of the Memo No.14060/86-87, dated 9.12.1986 it is stated as under:-

"For posts in police designations: Ministry of Home Affairs have indicated that the posts in the Academy with police designations are covered by Part A of 1st schedule only. The question of improving their scale in the light of the revised scales notified for similarly designated posts in the BSF/CRPF/ITBP/CISF is under consideration. It may take some time to obtain a decision in

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this regard. As the position stands now, the incumbents of these posts who are drawing pay in the pay scales (existing) sanctioned/ attached to these posts have to be allowed an option to come over to the revised scales notified in Part-A of the First Schedule.

N.B. As per the terms of reference police personnel who are on deputation are generally allowed rent-free accommodation and in lieu of rent-free accommodation 25% HRA. Their opting for deputation allowance is not yet decided by the Ministry. Till a decision is taken in the matter, it is suggested that deputationists may also give an option for drawal of the Academy scale as indicated against their posts. As and when the matter is settled in their favour arrears will be drawn and paid."

4. The grievance of the applicants is that prejudice is caused to them as no decision was taken by the Government even after 8 years even though it was specifically stated in the said OM that decision will be taken in regard to the same.

5. The Vth Pay Commission is now considering in regard to all the aspects ie., with regard to revision and also in regard to the requests for parity.

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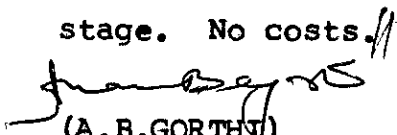
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It is submitted for the applicants that they already made representation to the Vth Pay Commission praying for parity of the pay scale with that of Delhi/Central Police Organisation. If the revised pay scales on the basis of the recommendations of the Vth Pay Commission are going to be given effect to from a date subsequent to 1.2.1995, then the applicants shall be given the benefit of the pay scale of Delhi/Central Police Organisation as per the revised pay scale on the basis of the recommendations of the IVth Pay Commission with effect from 1.2.1995, if the Vth Pay Commission recommends for such parity, as this OA was filed on 14.2.1995. But if the Vth Pay Commission is not going to accede to the submission of the applicants for parity with that of Delhi/Central Police Organisation, this OA stands dismissed.

6. The OA is ordered accordingly at the admission stage. No costs.//

  
(A.B.GORTHY)  
MEMBER (ADMN.)

  
(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 19th October, 1995.  
Open court dictation.

  
Deputy Registrar(J)CC

To vsn

1. The Secretary, Home Affairs, Govt. of India, Home Secretariat, New Delhi
2. The Secretary, Dept of Personnel Public Grievances and Pensions(Pay) Govt. of India, Central Secretariat, New Delhi.
3. The Director, S.V.P. National Police Academy, Govt. of India, Hyderabad, A.P.
4. The Secretary, Finance Dept. of Expenditure, Finance Secretariat, Govt. of India, New Delhi.
5. One copy to Mr. R.V. Mallikarjuna Rao, Advocate, Near Emerald Hotel, Abids, Hyderabad-1.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

*A. B. Gorthi*  
THE HON'BLE MR. ~~R. RANGARAJAN~~ : M(A)

DATED: 19-10-1995

ORDER/JUDGMENT

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

in

O.A.No. 1260/85

T.A.No. (W.P.No. )

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed. at the admission stage.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

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