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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1317 of 1995.

Between

Dated: 9.11.1995.

1. Manik Rao.
2. D.Surender.
3. K.N.Kurmi.
4. K.V.Ramana Rao.
5. T.N.Reddy.
6. Kranthi kumar.
7. G.Yogi.
8. Mohd Qumroddin.
9. B.Yuvaraj.
10. G.V.Sangameshwar.
11. V.V.S.Narayana.
12. G.Narasimha.
13. A.Gopala Swamy.

...

Applicants

And

1. Union of India, rep. by its Scientific Adviser to Defence Minister & Secretary Defence Research & Development Orgn., Ministry of Defence, New Delhi.
2. The Director General, Defence Research & Dev. Orgn., Defence HQ, New Delhi.
3. Joint Controller of Defence Accounts DMRL Campus, Kanchanbagh, Hyderabad.
4. The Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad.

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Respondents

Counsel for the Applicants

: Sri. K.Sudhakar Reddy

Counsel for the Respondents

: Sri. V.Bhimanna, Addl. CGSC

CORAM:

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

Contd:...2/-

O.A.No.1317/95

Date of Order: 9.11.95

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

\* \* \*

All the applicants herein were working as Master Craftsman in the Defence Metallurgical Research Laboratories under Respondent No.4, when they were promoted to the next higher post of Chargman Grade-II. The promotion orders clearly indicate that the said promotions were ordered on the recommendations of a Departmental Promotion Committee. The prayer of the applicants is that on their promotion their pay should have been fixed by giving them the benefit of FR 22 (C) (as it existed then). Their representations in this regard addressed to the 4th respondent remained unanswered.

2. Heard learned counsel for both the parties.

Mr.K.Sudhakara Reddy, learned counsel for the applicant has drawn my attention to the judgement of the Full Bench of the Tribunal in Bajrang Sitaram Wanjale and others vs. Union of India and others (O.A.412/93 on the file of the Bombay Bench of the Tribunal). In that case the Full Bench held that Master Craftsman on promotion to the post of Chargman Gr-II would be entitled to have their pay fixed in terms of FR 22 (C).

3. There is no dispute that the applicants before me are similarly situated to those in the afore-stated OA.412/93 .

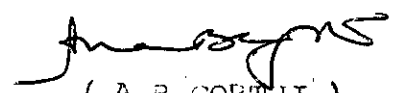
4. Accordingly the OA is allowed at the stage of admission itself after hearing learned counsel for both the parties with a direction to the respondents to fix the pay of the applicants in the posts of Chargman Gr-II by giving them the benefit of FR 22 (C) with effect from the date of promotion of the applicants. This shall be done within a period of 3 months from the date of communication.

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5. Mr.V.Bhimanna, learned counsel for the respondents states that the consequential monetary benefits accruing to the applicants should be restricted to a period of one year from the <sup>date of</sup> filing of the OA. In this context I find that the Full Bench in its order in the afore-mentioned OA directed the respondents to refund the amount recovered if any from the applicants therein. A further direction was given that the pensionary and other retirement benefits to such of the petitioners, who may have retired, shall be re-computed and the benefit accorded in the light of the directions of the Full Bench. In view of these circumstances it will not be fair if the monetary benefits to which the applicants become entitled are denied to them from the date of their promotion.

6. O.A. is ordered accordingly. No costs.

  
( A.B.GORTHI )  
Member (Admn.)

Dated: 9th November, 1995

(Dictated in Open Court )

  
15714r  
Deputy Registrar(Judl.)

sd  
Copy to:-

1. The Scientific Adviser to Defence, Minister & Secretary, Defence Research & Development Orgn., Union of India, Ministry of Defence, New Delhi.
2. The Director General, Defence Research & Development Organisation, Defence HQ, New Delhi.
3. Joint Controller of Defence Accounts DMRL Campus, Kanchanbagh, Hyderabad.
4. The Director, Defence Metallurgical Research Laboratory, Kanchanbagh, Hyderabad.
5. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

TYPED BY  
COMPARED BY

13/12/95  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.  
JUDICIAL MEMBER.

ORDER/JUDGEMENT: ✓  
DATED: 9/11/1995.

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

IN

O.A.NO.

T.A.NO.

13/12/95  
(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/-

No Spare Copy

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