

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
O.A.NO.1334 of 1995.

Dated: 23.1.1996.

Between

K.Satyanarayana Rao

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Applicant

And

1. The Union of India rep. by its Secretary, Ministry of Finance, (Dept of Revenue), North Block, New Delhi.
2. The Commissioner, Central Excise, Basheerbagh, Hyderabad.
3. The Deputy Commissioner(P&V), Central Excise, Basheerbagh, Hyd.

...

Respondents

Counsel for the Applicant

: Sri. G.Parmeswara Rao

Counsel for the Respondents

: Sri. K. Ramlee, Addl. CGSC.

CORAM:

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

Contd:...2/-

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

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The relief claimed by the applicant in this OA is for a direction to the respondents to quash the impugned order dated 29.9.95 issued by the Chief Accounts Officer, O/o the Commissioner of Customs and Central Excise and to direct the respondents to count the special pay drawn by the applicant while fixing his pay in the next higher cadre of DOS (L-II) with consequential benefits.

2. Learned counsel for the applicant has drawn my attention to a judgement of this Bench of the Tribunal in OA.1076/93 dated 4.7.94, ^{wherein} _A The respondents were directed to count the pay drawn by the applicant including the special pay while fixing his pay in that next higher scale consequent on promotion as DOS (L-II) in the year 1983.

3. Having carefully examined the judgement dated 4.7.94 in OA.1076/93 and having heard learned counsel for the applicant I find that the applicant before me is similarly situated as the applicant in the said OA.1076/93, I ^{therefore} find no justification in ~~justification~~ in not granting similar benefits to the applicant herein.

4. Accordingly this OA is allowed at the admission stage itself with a direction to the respondents to fix the pay of the applicant on his promotion to DOS Level-II by taking into consideration the special pay he had already been drawing at the relevant time. The ^{now} ~~special~~ pay fixation shall be done notionally and will not entitle the applicant to claim arrears.

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Based on such refixation of his pay the respondents shall
recalculate the emoluments drawn by him prior to his retirement
and accordingly revise and refix his pensionary entitlements.
Arrears accruing on account of such refixation shall be ~~paid~~
paid from the date one year prior to the filing of this OA
i.e. ^{from} 1.10.94. This shall be done by the respondents within
a period of 3 months from the date of communication of this
order.

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

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

Dated: 23rd January, 1996

(Dictated in Open Court)

sd

Anusuya
30-1-96
Deputy Registrar (Judl.)

Copy to:-

1. The Secretary, Ministry of Finance, (Dept of Revenue), Union of India, North Block, New Delhi.
2. The Commissioner, Central Excise, Basheerbagh, Hyderabad.
3. The Deputy Commissioner (P&V), Central Excise, Basheerbagh, Hyd.
4. One copy to Sri. G.Parmeswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. K.Ramlee, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

01/11/96
DA-1334/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI : MEMBER(A)

~~HON'BLE SHRI~~

DATED: 23/1/96

ORDER/JUDGMENT

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

IN

O.A.NO. 1334/95

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DIMISSED~~

~~DIMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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No Spare Copy

