

21

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 335/95

Date of Order: 25-1-96

Between:

G.V.Jagannadha Chary.

... Applicant

and

1. The Chief General Manager, Telecommunication,
A.P.Hyderabad.
2. Union of India, Rep. by the Director General,
Dept.of Telecommunications,
New Delhi.
3. The Secretary,to the Ministry of Telecommunication,
New Delhi.
4. The General Manager, Hyderabad Telecom Dist,
Hyderabad.

Respondents.

For the Applicant :- **Mr. K.Venkateswar Rao, Advocate.**

For the Respondents: **Mr. V.Bheemanna.**
~~Mr.~~./Add.CGSC

CORAM:

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

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

OA No. 335/95

JUDGEMENT

(As per the Hon'ble Sri R.Rangarajan, Member (A))

The applicant in this O.A. who was working as Asst. Accounts Officer was promoted as Accounts Officer on 28.12.79 on regular basis under R-1. He retired from service on 31-1-87 on superannuation.

2. One Sri U.Krishna Rao (Staff No.80493) was promoted on regular basis as Accounts Officer on 1-7-81 from the lower post of AAO. It is stated that Sri Krishna Rao is junior to him both in the cadre of AAO/JAO and Accounts Officer and he was regularised as Accounts Officer later than the applicant. By virtue of his working on ad hoc basis as Accounts Officer earlier to his regular posting as Accounts Officer, the pay of Sri Krishna Rao who is junior to the applicant in the cadre of Accounts Officer was fixed at the stage of Rs.960 in the pre-revised scale of Rs.840-40-1200 as on 1-7-81. The applicant now submits that as Sri Krishna Rao is junior to him and also as he was regularised as Accounts Officer earlier to Sri Krishna Rao, his pay also should be stepped up equal to that of Sri Krishna Rao from 1-7-1981. His application for the above stepping up of his pay with respect to his junior, Sri Krishna Rao, was reported to have been rejected.

3. Hence he filed this O.A. praying for declaration that he is entitled to have his pay stepped up under the relevant FR on par with his junior Sri U.Krishna Rao (Staff No.80493) to the stage of Rs.960/- as on 1-7-81 in the pre-revised scale of Rs.840-40-1200 of Accounts Officer and at a suitable stage in the revised scale of Rs.2375-3500 with all consequential benefits by holding that the action of the respondents in rejecting his claim for stepping up of his pay on par with his junior in terms of Lr.No.4-31/92-PAT, dt.31.5.93 of the DOT as illegal, arbitrary and violative of Arts. 14 and 16 of the Constitution.

4. The applicant rely on the judgement of this Tribunal where both of us were parties to that judgement in OA 1001/93 and batch dt.29.11.94 for getting the relief as prayed for. In that batch case the applicants therein were also promoted to Accounts Officers from lower cadre as AAOs. They have pin-pointed their junior who was getting more pay as Accounts Officer due to his adhoc promotion earlier as Accounts Officer compared to them and prayed for stepping up of their pay ~~w~~ on par with that pinpointed junior.

5. Those OAs were allowed but the monetary benefit was limited to 3 years prior to filing of those OAs. But the applicant herein had retired on 31.1.87. Hence, the

260

-4-

question of paying arrears of pay prior to 3 years of filing of this O.A. does not arise. But his pension in the revised scale of pay has to be suitably fixed after granting him notional stepping of pay in the pre-revised scale of pay on ~~par with his~~ junior, Sri Krishna Rao. As had he/retired in 1987 itself, the notional fixation of pension as above has to be carried forward and the arrears of pension arising as above has to be paid from 3 years ~~prior to~~ Thus filing of this O.A. ~~/ he is~~ entitled to get the arrears of pension from 9-3-92 (this OA was filed on 9-3-1995).

6. As the payment of DCRG, Commutation and Leave Salary etc. are one time payment at the time of retirement, the applicant cannot have any claim for revision of his DCRG, Commutation, Leave Salary etc. on the basis of the revised pay. He is entitled only for revision of pension and the to him arrears on the revised pension has to be paid ~~/ only from~~ 9-3-92.

7. But it is brought to our notice that similar stepping up of cases which was decided on the above lines by this Tribunal in OA 153/93, 43/94, 1078/94, 1193/94 and 1226/94 were stayed when SLP was filed by the respondents in CA Nos. 25485/95 to 25489/95.

8. As the stepping up in similar cases has been stayed by the Apex Court, it is proper to give a conditional

order to grant relief to the petitioner herein on the basis of outcome of the result in CA Nos. 25485/95 to 25489/95.

9. In the result, the following direction is given:

If the CA Nos. 25485/95 to 25489/95 is dismissed by the Apex Court, then this OA has to be allowed and the applicant is entitled for refixation of pension on the basis of the notional fixation of pay ~~and~~ arrears of pension from 9-3-92, as granted in Para 5 supra.

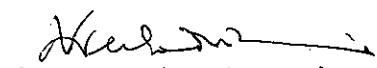
If the CA Nos. quoted above is allowed by the Apex Court, then this OA stands dismissed.

If any other modified order is given in the SLP in CAs quoted above, the same is applicable for the applicant in ~~regard to payment of pension~~ indicated above.

The applicant is not entitled for any revision of DCRG, Commutation, Leave Salary etc. on the basis of the revised fixation of his pay on par with his junior.

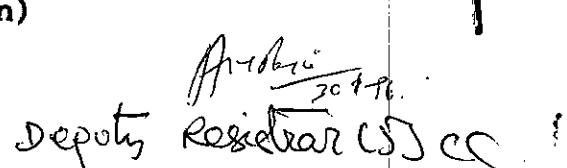
10. The O.A. is ordered accordingly. No costs. //


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dt. 25-1-1996
(Open Court Dictation)

kmv


Deputy Registrar (S) CC
A. 1996
20-1-96

9/2/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR.R.RANGARAJAN : M(A)

Dated: 25-1-1996

~~ORDER~~ JUDGMENT

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

in

O.A.No.

333/95

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.

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

- 5 FEB 1996 New

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HYDERABAD BENCH