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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 1184/95.

Dt. of Decision : 31-10-95.

1. D.S.K.Murali
2. Ghanshaheed Baba
3. Y.Vimala Kumari
4. P.Bhramaramba
5. Nuruddin Ahmed
6. R.L.N.Murthy

.. Applicants.

Vs

1. Union of India Rep. by the
Secretary, Govt. of India,
Min. of Defence, South Block
New Delhi-110 011.
2. Scientific Adviser,
Director General,
R&D., D.R.D.O., South Block,
New Delhi-110 011.
3. Director, D.R.D.L.,
Kanchanbagh, Hyderabad-258.
4. Director, D.M.R.L.,
Kanchanbagh, Hyderabad-258.
5. G.Sobhan Rao
6. P.Prakash Rao

.. Respondents.

Counsel for the Applicants : Mr. N.Rama Mohan Rao

Counsel for the Respondents : Mr. K.Bhaskar Rao
Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

OA.1184/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri N. Rama Mohan Rao, learned counsel for the applicant and Sri K. Bhaskar Rao, learned counsel for the respondents.

2. There are six applicants in this OA who are ~~Senior~~ Scientific Assistants (SSAs) in the Defence Research and Development Organisation (DRDO). On the basis of the Arbitration Award, posts of SSAs are to be brought in the scale of pay of Rs.840-1040, equivalent to that of Foreman who are in that scale. It was decided by the DRDO that the scale of pay of SSAs will be in the scale of Rs.840-1040 from 1-1-1988. It was also decided that the scale of pay of Rs. 840-1040 will be in the ratio of 49:51 amongst the incumbents of the posts of SSAs.

3. As the date of implementation was fixed from 1-1-1988 instead of 22-9-1982 as awarded by the Board of Arbitration, in OA.952/86^{was} filed in the Principal Bench of this Tribunal praying for implementation of the scales of pay from 22-9-1982 the date from which it was recommended by the Board of Arbitration. However the date of 1-1-1988 was fixed after getting approval from the Parliament. Against the judgement in OA.952/86 an SLP was filed in the Supreme Court bearing No.14911/89. That SLP was allowed and the date of implementation of the scales of pay has to be given from 1-1-88 only as approved by the Parliament.

4. The list of eligible employees who are to be placed in the higher grades of Rs.840-1040 was issued from time to time. The list of candidates eligible for that grade was issued on 1.1.1988 and 12.6.1989 and they were given the benefit from 1.1.1988.

5. The allotment of the scale of Rs.840-1040 to the eligible employees of the cadre of SSA was given following the roster. That means 15% and 7½% of posts in the higher grade were earmarked for SC & ST as per roster. Some of the SSAs of the DRDO filed OA Nos.458-500/90 challenging the grant of higher grade to SC & ST employees following the roster on the file of the Bangalore Bench of the Tribunal. The Bangalore Bench held that as this does not involve any promotion the question of following the roster point does not arise and granting of grade of scale of pay of Rs.840-1040 has to be given on the basis of seniority-cum-suitability. It was further held by Bangalore Bench that if any of the juniors SC & STs were promoted, the seniors to them should also be given that scale from the date when the juniors were promoted.

6. The applicants herein also represented for giving scale of pay from the date of their junior SC & ST SSAs were promoted in DRDO in and around Hyderabad following the judgment of the Bangalore Bench. But they were told that the benefit of the judgment is applicable only to those who have approached the Tribunal. The applicants further submit that R-5 who had given that higher scale is junior to Applicants No.1 & 2. Similarly R-6 is junior to Applicants 3 & 5.

To

1. The Secretary, Govt. of India, Ministry of Defence, South Block, Union of India, New Delhi-11.
2. The Scientific Adviser, Director General, R&D, D.R.D.O. South Block, New Delhi-11.
3. The Director, D.R.D.L., Kanchanbagh, Hyderabad-258.
4. The Director, D.M.R.L. Kanchanbagh, Hyderabad-258.
5. One copy to Mr. G. Sobhan Rao, (Sr. Scientific Asst. (SSA) DRDL, Kanchanbagh, Hyderabad-258.
6. One copy to Mr. P. Prakash Rao, (Kanchanbagh, Hyderabad-258.
7. One copy to Mr. N. Rama Mohan Rao, Advocate, CAT. Hyd.
8. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
9. One copy to Library, CAT. Hyd.
10. One spare copy.

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7. In view of the above they have filed this OA praying for a declaration that the applicants herein are entitled to be assigned higher scale of pay of Rs.2375-3500 (Rs.840-1040) in the rank of Senior Scientific Assistants with effect from the dates of their entitlement strictly in terms of the Award of the Board of Arbitration.

8. OA 1033/92 filed in this Tribunal seeking similar direction was disposed of by order dt.22.7.93 of this Tribunal wherein one of us (Hon'ble Vice Chairman) was a Member. The applicants in that OA are similarly situated and the prayer in that OA is similar. Hence, we see no reason to differ from the judgment in OA 1033/92 and follow the same direction in this OA also.

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

The applicants have to be given upgraded scales from 1.1.1988 or from the dates from which their respective juniors are given the benefit whichever is later with all consequential benefits including monetary relief. The time for compliance for the above direction is four months from the date of receipt of this order.


10. The OA is ordered accordingly, at the admission stage itself. No costs. //


(R. Rangarajan)
Member (Admn.)


(V. Neeladri R.)
Vice Chairman

Dated 31st October, 1995.
Dictated in open court.

sk/grh.


Deputy Registrar

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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: 31-10-1995

~~ORDER~~/JUDGMENT

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

in

O.A.No.

484/95

~~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.

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