

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1089 of 1996

DATE OF JUDGEMENT: -28th October, 1996

BETWEEN:

1. Narayana Rao,
2. A.Krishna Goud,
3. M.K.Dayanand Swamy,
4. NVSS Acharyulu,
5. T.kVeeresham,
6. SAK Jeelani,
7. Mohd. Moinullah,
8. V.Panchakshari,
9. A.Balraj,
10. Md.Saeed..Ahmed.,,
12. EV Ramana,
13. CH Surender Singh,
14. R.Venkata Subbaiah,
15. BV Appa Rao,
16. B.Ebarak,
17. P.Sudhakara Chary,
18. Y.Govardhana.

... Applicants

AND

1. Union of India represented by the
Scientific Advisor, Ministry of Defence,
South Block, New Delhi,
2. The director, Defence Research &
Development Laboratory, Kanchanbagh,
Hyderabad,
3. The Joint Controller of Defence Accounts,
DRDL, Kanchanbagh,
Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS: SHRI N.RAMA MOHANA RAO

COUNSEL FOR THE RESPONDENTS: SHRI NV RAGHAVAREDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.))

Heard Shri Shiva for Shri N.Rama Mohana Rao, learned counsel for the applicants and Shri N.R.Devaraj on behalf of Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. There are 18 applicants in this OA. They were promoted to the post of Tradesman-A by order dated 15.10.87 (Annexure-I). The pay of their juniors when promoted was fixed higher than the applicants herein and hence they all represented to the respondents for stepping up of their pay on par with their juniors. ^{Same} ~~One~~ of the representations filed in this connection is at Annexures A-IV, A-VI and A-VIII. All of them were informed by the impugned order NO.DRDL/1259/Pers/IE dated 25.9.95 (Annexure-XIII) that they have not exercised the option for fixation of their pay within one month of promotion and hence their request for stepping up of pay cannot be considered. U This OA is filed impugning the order dated 25.9.95 of R-2 for setting aside the same and for a further direction to the respondents to accept the option of the applicants now and act upon it within one month period from the date of receipt of the same with all consequential benefits.

3. The learned counsel for the applicants submitted that he is impugning the order dated 25.9.95 on the sole ground that in the promotion order of the applicants, there is no stipulation that the option should be exercised

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within one month from the date of issue of the promotion order. As no such stipulation has been done in the promotion order, they have not exercised their option. Hence the impugned order dated 25.9.95 is to be set-aside on that count and the applicant should be given a chance for fresh option and on that basis their pay should be fixed.

4. The representations submitted by the applicants at Annexures IV, VI and VIII were seen. In none of these representations, the contention as raised now has been included. Hence it is for the applicants now to make proper representation indicating the reason why they want their pay stepped up by giving them fresh option, to the appropriate respondent and if such a representation is received, the same should be disposed of in accordance with law.

5. In the result, the impugned order No.DRDL/1259/Pers/IE dated 25.9.95 is set-aside. But that setting aside does not give any right to the applicants for claiming stepping up of their pay. The applicants should now submit a detailed representation including the contention now taken in this OA and submit the same to R-2 within a period of one month from the date of receipt of a copy of this judgement. If such a representation is received, R-2 should dispose of the same in accordance with law within a period of three months from the date of receipt of the representation.

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O.A.NO.1089/96

Copy to:

1. The Scientific Adviser,
Min. of Defence, South Block,
New Delhi.
2. The Director, Defence Research & Development Laboratory,
Kanchanbagh, Hyderabad.
3. The Joint Controller of Defence Accounts,
DRDL, Kanchanbagh, Hyderabad.
4. One copy to Mr.N.Rama Mohana Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC,
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

YLKR

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13/11/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 28.10.96

ORDER/JUDGEMENT
R.A./C.P./M.A. NO.

in

O.A. NO. 1089/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

