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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
\*\*\*\*\*

O.A. No. 1442/96.

Dt. of Decision : 03-09-97.

K.P.Ebenezer

.. Applicant.

Vs

1. The Union of India rep. by its Secretary, Min. of Finance, New Delhi.
2. The Chairman, Central Board of Direct Taxes, Min. of Finance, Dept. of Revenue, North Block, New Delhi.
3. The Chief Commissioner of Income Tax, Ayakar Bhavan, Basheer Bagh, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.J.Sudheer

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

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

Heard Mr.J.Sudheer, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant was working as Data Entry Operator Gr-B in the scale of pay of Rs.1200-2040/- He was given the scale of pay of Rs.1350-2200/- w.e.f., 11-9-89 by order No. CR.No.245/Estt./1994 dated 12-07-94 (Annexure-VI). The applicant has submitted a representation dated 12-12-95 (Annexure-IX) to give him the grade of Rs.1350-2200/- w.e.f., the date he joined in the department as Data Entry Operator in the year 1988. That representation is still to be disposed of. Subsequently he has filed another representation dated 01-10-96 (Annexure-XI). In

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both the representations the applicant submits that he is eligible for the scale of pay of Rs.1350-2200/- in terms of the judgement in OA.957/90 dated 9-7-92 on the file of this Bench. The applicant further submits that the respondents have filed an SLP against that judgement in the Supreme Court and that SLP bearing No.16533/93 was also dismissed. Hence the applicant submits that he is entitled for the higher scale of pay from the date of joining in the year 1988 instead of 11-09-89.

3. This OA is filed for granting him the scale of pay of Rs.1350-2200/- w.e.f., the date he joined the respondent department as Data Entry Operator i.e., w.e.f., 6-9-88 instead of 11-9-89 on par with his counterparts in other departments and in accordance with the judgements of this Tribunal in O.A.No. 957/90 dated 9-7-92 and OA.No.335/96 dated 11-3-96 with all consequential benefits.

4. We find from his representation dated 12-12-95 and 1-10-96 that he has ~~not~~ brought to the notice of his superior in regard to the dismissal of the SLP in OA.957/90 only by those representations. While passing the order dated 12-7-94 granting him the scale of pay of Rs.1350-2200/- w.e.f., 11-9-89 the respondents ~~were~~ <sup>probably</sup> not aware of the dismissal of the SLP in OA.957/90. Now he brought this to the notice of the respondents. It is for the respondents to decide the issue in accordance with law taking due note of the judgement in OA.957/90 and the judgement in the SLP filed against the judgement. Time for compliance is three months from the date of receipt of a copy of this order.

5. With the above direction the OA is disposed of. No costs.

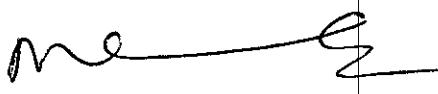
  
(B.S.JAI PARAMESHWAR)

MEMBER (JUDL.)

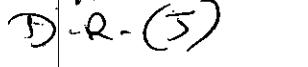
3.9.97

Dated : The 3rd Sept. 1997.  
(Dictated in the Open Court)

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(R. RANGAARAJAN)

MEMBER (ADMN.)

  
D.R. (S) 17.9.97

3.

## Copy to:

1. The Secretary, Min.of Finance, New Delhi.
2. The Chairman, Central Board of Direct Taxes,  
Min. of Finance, Dept.of Revenue,  
North Block, New Delhi.
3. The Chief Commissioner of Income Tax, Ayakar Bhavan,  
Basherabagh, Hyderabad.
4. One copy to Mr.J.Sudheer,Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Bhimanna,Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

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23A/PVX

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CEMP. REDDY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RAJGARJAN : (M) (J)

AND

THE HON'BLE SHRI B.G. JAI PARAMESHWAR :  
(M) (J)

Dated: 3/9/97

ORDER/JUDGEMENT

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

in

C.A.NO. 1442/96

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

