

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 1477/96.

Date of decision: 7-8-97.

Between:

P.B. Bhaskara Rao.

.....Applicant.

AND

1. Union of India, rep. by its Secretary, Ministry of Labour, New Delhi.
2. Director General of Employment and Training, New Delhi.
3. Director, Advanced Training Institute, Hyderabad.
4. Director of Apprenticeship Training, Shramshakthi Bhavan, NEW DELHI.
5. Pay & Accounts Officer, DGET-II, CTI Campus, Guindy, Madras.

.....Respondents.

Mr. P.B. Vijaya KumarCounsel for applicant.

Mr. N.R. Devaraj, SCGSCCounsel for respondents.

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

JUDGEMENT

Heard Mr. B.M. Patre for Mr. Vijaya Kumar on behalf of the Applicant and Mr. W. Satyanarayana for Mr. N.R. Devaraj on behalf of the respondents.

2. On the basis of the recommendations of the Fourth Pay Commission the Government decided to up grade the posts of Assistant Training Officers to Training Officers by order dated 10th December, 1987 (Ann.III). 136 posts of ATOs also stood abolished by the same order. On a direction of the Principal Bench of the Tribunal in O.A.No.1167/89 the proposal

of the respondents to grant upgradation of Asst. Training Officers from different dates was revised and all of them were promoted with effect from 1-1-1986 by office order dated 26-3-90 (Ann.V). Subsequently, in consultation with the Department of Personnel, it was clarified by Respondent-2 that the ATOs who were promoted against the upgrade posts would not derive any benefit of fixation of Pay under FR 22C (since re-numbered as FR (I) (a) (i)) since it was only a case of merger of two posts in a single grade. Based on this ruling certain recoveries were ordered on account of alleged over-payments made to the officers. Aggrieved by this, the applicant, along with six other officers, filed an O.A. before this Bench (O.A. No. 760/96) which was disposed of on 12-7-96 setting aside the impugned orders dated 12-4-96 and 12-6-96. The applicants were advised to submit a fresh representation to the authorities, and the respondents were directed to dispose of such representations within certain time indicated herein and to issue a fresh order fixing their pay as Training Officers and recovery if any to be effected thereof on the basis of the fresh order of fixation. Accordingly the applicant filed a representation before respondent-1 on 30-7-96. On receipt of this representation, and in pursuance of the judgement of some Benches of this Tribunal, Respondent-2 issued promotions-cum-seniority order in respect of 80 officers consequent on their promotion from ATO to TO. The name of the present applicant figures at Sl. No. 18 of the said list. Respondent No. 3 initiated the follow-up action of re-fixing the pay of the applicant vide office order dated 23-10-1996. The applicant herein is aggrieved by the re-fixation of pay by the impugned order and statement showing recovery due from his pay by the impugned order and statement showing recovery due from his pay allowances issued by the Drawing and Disbursing Officer, ADI(V) dated 26-11-1996. It is to be noted that the applicant was in the

meanwhile promoted to Assistant Director of Training with effect from 28-8-96 and also retired on superannuation on 30-9-96.

3. The circumstances x relating to

this O.A. are identical to the facts in O.A. No. 83/93 (R.V. Subbaiah Vs. Director General of Employment and Training and 2 others) disposed of by the Madras Bench of the Tribunal on 27-4-95. All the issues arising in this O.A. have been duly examined in detail and certain directions were issued. I follow the same ratio and come to the same conclusions as in the O.A. supra.

4. In the result, the impugned proceedings i.e., dated 27-9-96 (Ann.I) and 28-10-96 (Ann.II) are hereby set aside and the following directions are issued:-

(1) The respondents are restrained from withholding the gratuity or any part thereof towards possible overpayment of pay and allowances in the pay fixed as training officer.

(2) In the event of the gratuity or any part thereof being already withheld for the above purpose, it shall be returned together with interest at 12% per annum on the withheld amount from 1-3-95 to the date of actual payment.

(3) Direction No.2 shall be complied with forthwith or at any rate not later than two months from the date of receipt of a copy of this order.

(4) There shall be no order as to costs.

Thus the O.A. is disposed of.

// true copy //



Contempt Pet.

DISTRICT :: HYDERABAD.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
HYDERABAD BENCH :: AT HYDERABAD.

C.A.NO.

OF 1998.

in

O.A.NO. 1477 OF 1996.

CONTEMPT APPLICATION



Recd
5/5/98
Mr. R. Demy

Mr. P.B. VIJAYA KUMAR.
Counsel for the Applicant

28/4

may be filed
28/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CP No.63/98 in OA No.1477/96

DATE OF ORDER : 13-08-1998.

Between :-

P.S.Bhaskara Rao

... Applicant

And

1. Sri S.Krishnan,
Director General of Employment
& Training, New Delhi.
(Respondent No.2 in OA)
2. Sri G.P.Ganapathy Rao,
Director, Advanced Training Institute,
Vidyanagar, Hyderabad.
(Respondent No.3 in OA)
3. Sri V.Sambasiva Rao,
Director of Apprenticeship Training,
Shramsakthi Bhavan,
New Delhi
(Respondent No.4 in OA)

... Respondents

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Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.R.Devaraj, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

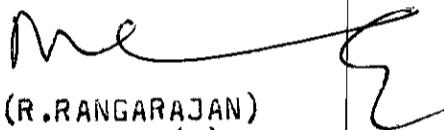
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Heard Sri P.B.Vijaya Kumar for the applicant and Sri W.Satyanarayana for Sri N.R.Devaraj, standing counsel for the respondents.

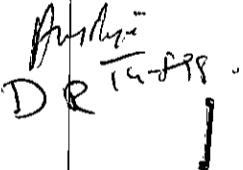
2. It is now stated that the WP filed in the Appellate Court has been disposed of suitably and a month's time ~~is~~ given to the respondents to comply with the directions given by the Appellate Court.

3. In view of the above, the CP is withdrawn. No costs.


B.S.JAI PARAMESHWAR
Member (J)
13.8.98


(R.RANGARAJAN)
Member (A)

Dated: 13th August, 1998.
Dictated in Open Court.


DR TADFIS

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Copy to:

1. Sri S.Krishnan, Director General of Employment, and Training, New Delhi.
2. Sri G.P.Ganapathi Rao, Director, Advanced Training Institute, Vidyaganar, Hyderabad.
3. Sri V.Sambasiva Rao, Director of Apprenticeship Training, Shramashakthi Bhavan, New Delhi.
4. One copy to Mr.P.B.Vijaya Kumar, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CSSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

~~Rangarajan 7~~

OR D 10 on 7/8/87

II COURT

TYED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRØ R. RANGARAJAN : M(A)

AND

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

DATED: 13/8/88

ORDER/JUDGMENT

M.A.R.R.C.P. NO. 6398

in
C.A. NO. 1477/86

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

c.p. withdrawn

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

