

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

D.A.NO.301/96

Between:

Date of Order: 21.3.96.

A.¹Lakshmi

...Applicant.

And

1. The Secretary,
Ministry of Urban Welfare,
and Employment, Nirman Bhavan,
New Delhi.
2. Director General of Works,
Nirman Bhavan,
New Delhi.
3. Chief Engineer, South Zone - II,
Church Building, Tilak Road,
Hyderabad.
4. Superintendent Engineer,
Hyderabad Central Circle,
Koti, Hyderabad.

...Respondents.

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

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

CORAM:

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

contd...

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

* * *

The applicant in this OA joined as DraughtsMan Gr.III on daily wage basis w.e.f. 24.8.83 under Executive Engineer, Hyderabad Central Division-III and she continued as such till 1.12.86. When she applied for regularisation of her appointment against the vacancies that was reported to have been ^{existing} ~~existing~~ at that time the department dispensed with ^{her} ~~her~~ services. In view of the above she filed OA.592/86 which was disposed of on 7.11.89 with the following direction:-

" We direct that the applicant's services shall be regularised by the respondents in the category of Draughtsman Grade-III. The seniority of the applicant would be determined on the ranking given to her immediate junior who was selected along with her in the year 1986 subject to rules of reservation etc., in accordance with the roster point. We make it clear that the applicant would not be entitled for arrears of remuneration from 1986 till the date of her appointment. The respondents are directed to give the order of appointment to the applicant within a period of one month from the date of receipt of this order."

2. In pursuance of the above direction she was appointed as Draughtsman Gr-III by order dated 1.3.90 in the minimum scale of pay of Rs.1200-2040 by R4. Though she was given her seniority w.e.f. 1.3.90 initially and after going through her representation extending her seniority w.e.f. 7.1.86, when she requested for giving her the notional increment she was away from service ^{the same was rejected} ~~she was replied~~ by the impugned order No. 41/5/95/Admn.I dated 6.2.96. ~~the same was rejected.~~

3. This OA is filed praying for a direction to the respondents to fix the pay of the applicant w.e.f. 1.3.90 notionally by taking ^{her} ~~the~~ seniority w.e.f. 7.10.86

18

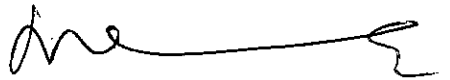
.. 2 ..

and order payment of same besides payment of difference of salary together with interest at 18% from 1.3.90 onwards by quashing the proceedings No.41/5/95/Admn.I dated 6.2.96 of R3.

4. The impugned memo dated 6.2.96 indicates that her request for notional pay ^{W.R. + the notional date & seniority.} was rejected by the competent authority in the office of D.G.W. but this order does not indicate that this was personally rejected by the Director General of Works who is impleaded as R2 in this OA. Hence it is justifiable to give a direction to R2 ^{to} ~~should~~ examine this case after perusing the judgement of this Tribunal in OA.592/86 dated 7.11.89 and especially the portion which was extracted above and give a speaking order. R2 should ensure that ^{his} ~~the~~ final order ^{is} ~~will be~~ communicated to the applicant within a period of 3 months from the date of receipt of a copy of this order.

5. In the result, the impugned order dated 6.2.96 is set aside and R2 is directed to give a speaking order after perusing the judgement of this Tribunal dated 7.11.89 in OA.592/86 especially the extracted portion above. R2 should communicate his order to the applicant within a period of 3 months from the date of receipt of a copy of this order.

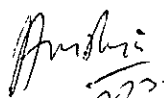
6. The O.A. is disposed of at the admission stage itself. No costs.


(R. RANGARAJAN)
(Member (Admn.))

Dated: 21st March, 1996

(Dictated in Open Court)

sd


27/3/96
Dn A

(17)

..3..

Copy to:

1. The Secretary,
Ministry of Urban Welfare,
and Employment, Nirman Bhavan,
New Delhi.
2. Director General of Works,
Nirman Bhavan,
New Delhi.
3. Chief Engineer, South Zone - II,
Church Building, Tilak Road,
Hyderabad.
4. Superintendent Engineer,
Hyderabad Central Circle,
Koti, Hyderabad.
5. One copy to Mr. P. B. Vijaya Kumar, Advocate,
C.T., Hyderabad.
6. One copy to Mr. W. Bhimartha, Addl. CGDC,
C.T., Hyderabad.
7. One copy to Library, C.T., Hyderabad.
8. One spare copy.

YLKR

0A301/96
Q/T/DA
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHY : MEMBER(A)

HON'BLE SHRI R. Ranganathan : M(A)

DATED: 21-3-96

ORDER/JUDGMENT

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

IN

O.A.NO. 301/96

ADMITTED AND INTERIM DIRECTIONS ISSUED -
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

A/c copy 7-08

No spare copy

