

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
S
OA.No.52/96

Date of order:16-1-1996.

Between:-

R.Babu

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Applicant.

And

1. Union of India,Rep. by its
Secretary, Min.of Defence,Sena Bhavan,
New Delhi.
2. The Commanding Officer,
Station Work Shop, EME,Secunderabad-15.

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Respondents.

Counsel for the Applicant : Mr.K.Sudhakar Reddy

Counsel for the Respondents: Mr.N.V.Ramana,CGSC.

CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO, MEMBER (ADMN)

HON'BLE SHRI R.RANGARAJAN MEMBER (ADMINISTRATIVE).

C.A. No. 92 /96

Decided on 16-1-1996.

O R D E R

[As per Hon'ble Sri R. Rangarajan, Member (A)]

Heard Sri K.S. Reddy, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant was working as a Boot Maker from 11-5-84. He filed OA 958/94 for allotting the grade of Rs.260-400 and to pay him the arrears from that date. That OA was disposed of by us by order dt.10-8-94 wherein it was held that the applicant is entitled to the scale of pay of Rs.260-400 w.e.f. 11-5-1984 and monetary benefits have to be given w.e.f. 21-7-1993, that is one year prior to filing of that OA(as that OA was filed on 21-7-94).

3. This OA is filed praying for a direction to the respondents to give effect and grant the benefits of the scale of Rs.260-400 as per the Judgement of the Apex Court in prabhulal & Anr. v/s UOI & Ors in WP(C) No.492 of 1991, dt.3-10-1991 and to pay the arrears w.e.f. 16-10-81

4. As per the O.A.958/94, the applicant was working as a Boot Maker only from 11-5-84. Hence, granting of any arrears earlier to that date, or even claiming arrears earlier to that date does not arise. If at all he is entitled for the grant of pay scale of Rs.260-400, it can only be from 11-5-84.

5. O.A.1159/95 was filed in this Tribunal wherein the applicant therein was placed in a similar situation and he claimed the scale of Rs.260-400 from the date he was working in the Skilled Grade. That OA was disposed

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Copy to:-

1. Secretary, Ministry of Defence,
Union of India, Sena Bhavan, New Delhi.
2. The Commanding Officer, Station
Work Shop, EME, Secunderabad-15.
3. One copy to Mr. K. Sudhakar Reddy, Advocate,
H. No. 2-2-1132/52, New Nallakunta,
Hyderabad. 44
4. One copy to Mr. N. V. Ramana, CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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of by an order dt. 29.9.95 giving certain directions wherein both of us were party to that judgment. The applicant herein is similarly placed as the applicant in the above referred OA and the contention is also similar. Hence, we see no reason to differ from the direction given in the earlier O.A. Accordingly, the following order is passed:-

(i) The pay of the applicant has to be notionally fixed in the scale of pay of Rs.260-400 as on 11.5.84 and the monetary benefit has to be given with effect from 9.2.1988. But, if ultimately R-1 is going to take a decision that the monetary benefits have to be given even earlier to 9.2.1988, the applicant herein ~~xx~~ also has to be given the monetary benefits accordingly i.e. from the date of his joining i.e. 11.5.1984, or the date to be decided by R-1 whichever is later.

(ii) In the OA 1159/95 decided by us, R-1 has to take a decision to extend the benefit as per Memo No.17(5)/89-D(Civ.I) dt. 19.3.1993 by 31-3-1996. As the applicant in this OA is also similarly situated, that decision will hold good in this case also.

(iii) It is needless to say, if the applicant is aggrieved in regard to ultimate decision by R-1, he is free to move this Tribunal under sec.19 of the A.T.Act.

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

(R.Rangarajan)
Member(Admn.)

(V.Neeiadri Rao)
Vice Chairman

Dated 18th January, 1996.
Open court dictation.

Dy. Registrar (Judi)

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