

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A. 5/99 IN O.A.1107/96

Dated, the 30⁵ March, '99.

BETWEEN :

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|-------------------------|------------------------------|
| 1. D. Raghavendra Rao | 11. Smt. Kamalavathy |
| 2. PU Joseph | 12. Smt. Bala P. Nair |
| 3. G. Prabhakara Rao | 13. K. Radhakrishna |
| 4. Ashfaq Ali | 14. YVL Narasimha Rao |
| 5. Smt. T. Girija Manik | 15. Smt. Vijayalakshmi Rajan |
| 6. C. Unnikrishnan | 16. ChRK Prasad |
| 7. BH Umameshwar Rao | 17. KNP Pillai |
| 8. G. Yadagiri | 18. AA Khader |
| 9. SM Narasimha | 19. G Krishna |
| 10. K. Veeraswamy | 20. MAH Nayeem |
| | 21. RNarender |
| | 22. Sudha Alney |

.... Applicants

A N D

1. The Department of Atomic Energy,
represented by Deputy Secretary to
Government of India, Anushakthi
Bhavan, Chatrapathi Sivaji Maharaj
Marg, Bombay 400 039.
2. The Nuclear Fuel Complex,
represented by Chief Executive,
Department of Atomic Energy,
Government of India,
Hyderabad 500 762.

... Respondents

COUNSELS :

For the Applicants : Mr. K. Venkateswara Rao
For the Respondents : Mr. V. Rajeswara Rao

CORAM

THE HON'BLE MR. R. RAJAGAJAN, MEMBER (ADMIN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (JUDL)

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O R D E R

(GER: HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER(J)

1. Heard Mr. K. Venkateswara Rao, Learned Counsel for the applicant and Mr. V. Rajeswara Rao, Learned Standing Counsel for the respondents.
2. The applicants in the O.A. have filed this application praying to review the order dt. 19.11.98 passed in the O.A., in view of the fact that the Member(Finance) had by his letter dt. 2.7.96 accorded ex-post-facto sanction for regularisation of the Senior Accounts Clerks in D.A.E. and its constituent units in the scale of pay of Rs.1400-2300/-, as a very special case, subject to the following conditions :
 - a) No further appointments will be made in this grade.
 - b) Existing incumbents will hold the post as personal to them and the grade will be a waste cadre.
3. They submit that this letter dt. 17.7.66 was not available at the time when they filed this O.A. and that the respondents had not enclosed this letter to their ^{reply} letter and that therefore their claim may be considered.
4. Further they submit that the observations made in para 10 of the order are not borne out by the records.
5. We are not prepared to accept the contention that the observations made in para 10 of the order are not borne out by records. In fact, it is stated so in clear terms in their impugned letter dt. 12.3.96.
6. In compliance with the directions given by this Tribunal in OA 679/91, decided on 4/7.8.95, the respondent authorities considered the claim of the applicants and informed them by their impugned letter dt. 12.3.96. In fact, as on 12.3.96 the Member(Finance) had not taken any decision for regularisation of the post of Senior Accounts Clerk in the D.A.E. and its constituent units. In fact, on account of non-concurrence

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by the Member(Finance) the respondent department was considering to revoke the orders creating the posts of Senior Accounts Clerks.

7. In view of the fact that by his letter dt. 2.7.96 the Member/Finance has accorded ex-post-facto sanction for regularisation of the Senior Accounts Clerks in D.A.E. and its constituent units, it is now for the respondent department to consider the claim of the applicants for notional fixation of pay of the applicants w.e.f. 1.4.97 on account of promotion as Senior Accounts Clerks pursuant to restructuring order issued on 21.11.88 issued by the respondent No.1.

8. The respondent department shall now place the proposal of the claim of the applicants to the Member(Finance) specifically bringing to his notice the letter dated ~~12.3.96~~ ^{12.3.96} and the letter dt. 17.7.96.

9. Time for compliance of direction in para 8 above, is 2 months from the date of receipt of a copy of this order.

10. With these observations the R.A. is disposed off.
No order as to costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

क्रमांक संख्या
CASE NUMBER RA 5/99 OA 1107/96
निर्णय का तिथि
DATE OF DECISION 30.3.99
प्रति तय्यार किया गया
COPY MADE HEREON 5.4.99

अध्यापक/न्यायाधीश अधिकारी
Section Officer/Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH.