

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1155/96

Date of Order: 8.10.96

BETWEEN :

K. Lakshmi Kantha

.. Applicant.

AND

1. Director-General of Works,
Central Public Works Dept.,
Nirman Bhavan, New Delhi.

2. The Pay & Accounts Officer,
South Zone, CPWD, Rajaji Bhavan,
I Floor 'E' Wing, GOP Complex,
III Avenue, Besant Nagar,
Madras.

3. The Superintending Surveyor of Works,
South Zone-II, CPWD, 6th Floor,
Posnett Bhavan, Tilak Road,
Hyderabad-1.

.. Respondents.

Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.K.Ramulu

CORAM:

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.Ram Prasad for Mr.K.Ramulu, learned standing counsel for the respondents.

2. The applicant in this OA joined as Junior Engineer in C.P.W.D. on 1.11.65. ~~His~~ next increment ~~as the date~~ falls on ~~the~~ ^{date} every year. He was promoted to the grade of 1640-2900 w.e.f. 1.1.86 and ⁱⁿ the grade of 2000-3500 w.e.f. 1.1.91. The applicant submits that his next increment is November of every year

D

Individual ... pay Commission

consequent upon ~~instruction~~ of IV, Pay Scales. ~~of pay~~. But by the audit objection incorporated in the note in Annexure-1 dated 3.4.95 it is stated that he is entitled for increment from 1.1.87 only and hence it was sought to recover some excess payment, and it is also stated that the payment of further increment is also stopped in view of the audit objection. The applicant submitted a representation against the same to Executive Engineer by his representation dated Nil (A-2). That representation is still to be disposed of.

3. The applicant relies on the judgement of the Appex Court in SLP No. (C)1777/95 (P.Babu and others vs. Union of India) to state that the increment of a government employee should not be changed and the date of increment of a government employee in the higher grade pay scale should be on the normal date of increment as due in the entry grade.

4. This OA is filed challenging the order dated 3.4.95 (A-1) and for consequential relief thereon.

5. The applicant had filed his representation to the Executive Engineer about ~~any~~ ^{which is 1 year} year ago. ~~which is~~ ^{elaborate} it is stated to be disposed of. It is preferable that he makes ^a further representation to R-1 in this connection and if such a representation is received R-1 should dispose of the same in accordance with the law within 3 months from the date of receipt of a copy of that representation taking due note of the decision referred to ^{above} by the applicant.

6. In the result, the OA is disposed of as abelow:-

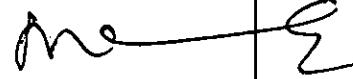
The applicant if so advised may submit a detailed representation to R-1 by sending the same ~~(by RRPAD.1)~~. If such a representation is received R-1 should dispose of the same



.. 3 ..

in accordance with the law taking due note of the reported decision of the Supreme Court referred to above.

7. The OA is ordered accordingly. No costs.

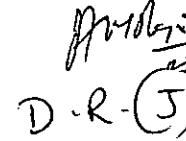


(R. RANGARAJAN)
Member (Admn.)

Dated : 8th October, 1996

(Dictated in Open Court)

sd


D.R. (J)

...4..

O.A.NO.1155/96

Copy to:

1. The Director General of Works,
Central Public Works Department,
Nirman Bhawan, New Delhi.
2. The Pay and Accounts Officer,
South Zone, CPWD, Rajaji Bhawan,
I Floor, 'E' Wing, GOP Complex,
III Avenue, Besant Nagar,
Madras.
3. The Superintendent Surveyor of Works,
South Zone - II, CPWD, 6th Floor,
Posnett Bhawan, Tilak Road,
Hyderabad.
4. One copy to Mr.P.B.Wijaya Kumar, Advocate,
CAT, Hyderabad.
5. One copy to Mr.K.Ramulu, Addl.CGSC,
6. One copy to Library,CAT,Hyderabad.
7. One duplicate copy.

YLKR

14/10/96
O/A 115/96

(17)

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8-10-96

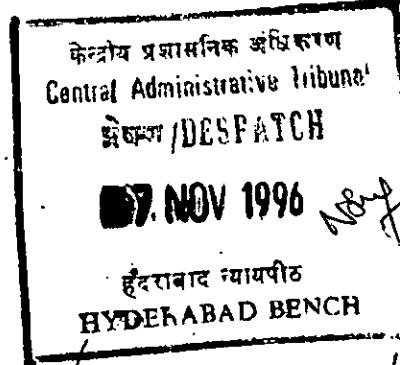
ORDER/JUDGEMENT
R.A/C.P./M.A. NO.

in
O.A. NO. 1155/96

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~
~~ALLOWED~~
~~DISPOSED OF WITH DIRECTIONS~~
~~DISMISSED~~
~~DISMISSED AS WITHDRAWN~~
~~ORDERED/REJECTED~~
~~NO ORDER AS TO COSTS.~~

YLKR

II COURT



A/w copy go to R.