

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1169 of 1996

DATE OF JUDGEMENT: October, 1996

BETWEEN:

1. K.P.REDDY, .. Applicants
2. K.R.REDDY

and

1. Union of India rep. by its
Secretary, Ministry of Urban Development,
Central Secretariat, New Delhi.
2. The Superintending Engineer,
Hyderabad Central circle-I (Civil),
Nirmal Bhalvan, 4-5-364,
Central Public Works Department,
Sultan Bazar, Hyderabad 500195,
3. The Chief Engineer, South Zone-II,
Central Public Works Department,
Possnet Bhavan, 6th 1Floor,
Tilak Road, Hyderabad 500 001,
4. The Director General of Works,
Central Public Works Department,
Nirmal Bhavan,
New Delhi 110 011. .. Respondents

COUNSEL FOR THE APPLICANT: Dr. C.S.SUBBA RAO

COUNSEL FOR THE RESPONDENTS: SHRI V.VINOD KUMAR, Adl.CGSC

CORAM:

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

JUDGEMENT

(ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.))

Heard Dr.C.S.Subba Rao, learned counsel for the
applicant and Shri V.Vinod Kumar, learned standing counsel
for the respondents.



pay already drawn and due.

4. O.A.No.929/95 was filed in this Bench praying for similar relief. It was held that 5 years/15 years period should be reckoned from the date of joining of the applicant in that OA in Dandakaranya Development Authority (DDA) i.e, in other words the period of service of the applicant in that OA in DDA should also be taken into consideration for counting the period of service eligibility of 5 years and 15 years for granting him the scales of pay of Rs.1640-2900 and Rs.2000-3500.

5. ~~was~~ But the respondents in this OA submit that an SLP ~~was~~ filed in the above referred OA on the file of this Bench ~~in~~ C.C.No.4214/96. That SLP was disposed of by the order dated 10.9.96 by the Apex Court. According to the direction given by the Apex Court, the petitioner in that ~~SLP~~ should file an application for review before this Tribunal and if any such application for review is filed within 30 days from the date of disposal of the SLP, the Review Application should be disposed of on merits. It is stated for the respondents that the review application is being filed in pursuance of the direction of the Apex Court and hence the applicant is not entitled for any relief on the basis of the direction given in OA 929/95 on the file of this Bench. The learned counsel for the applicants also relies on the judgement of the Nagpur Circuit Bench of Bombay Bench of the Tribunal to allow this OA. The applicant also relies on the judgement of the Principal



five years of service from the date of their joining in CPWD viz, 22.8.88 and they were not given higher scale of Rs.2000-3500 on the pretext that they have not completed 15 years of service from the date of their entry grade in the CPWD. The applicants submitted representation on 26.10.95 to R-4 and it is forwarded to R-4 by R-2 for consideration. R-4 by his letter No.A-26017/4/91-EC.VI/484-85 dated 23.4.96 communicated his decision in respect of the second applicant stating that his case cannot be acceded to as the judgement quoted by the applicant in his representation is applicable only to the applicant in the said case. The respondents have taken a decision that the service eligibility of 5 years and 15 years has to be counted on completion of five years of service after joining CPWD i.e, it should be counted from 22.8.88 and not from the date of their joining in Dandakaranya Project viz, 9.10.80 and 25.10.80 respectively in the case of the applicants.

3. Aggrieved by the above, they have filed this OA praying for a direction to the respondents to place them in the scale of pay of Rs.1640-2900 and Rs.2000-3500 with effect from 1.1.86 and 1.10.95 respectively counting their service eligibility from the date of their joining in Dandakaranya Project in accordance with the normal rules and also awarding of consequential benefits of pay fixation in the relevant scales at the appropriate stage adding increments if necessary and pay arrears of difference of

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(ii) The applicants are entitled for arrears of their pay fixation in the higher grade as above from the date of their appointment to the higher grade.

8. The above directions under Para 7(i) and (ii) should be implemented only if the proposed R.A. in OA 929/95 is dismissed. If the proposed R.A. is allowed, then this application stands dismissed. If any other order is given in the proposed R.A., then the applicants are entitled for that relief.

9. The OA is ordered accordingly. No costs.

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Bench of the Tribunal in OA 2241/91 for counting service of the applicants in Dandakaranya Project for fixation in the higher grades in accordance with the circular of R-4 dated 27.3.91.

6. There is no doubt that the case is covered by the judgement of this Tribunal in OA 929/95 and the judgement of the Bombay Bench of this Tribunal in OA 866/93. The only point is whether the applicant should wait for the decision in the proposed RA in OA 929/95. As the RA in OA 929/95 on the file of this Bench is yet to be filed, it is considered fit to pass a similar order in this OA also as was given in OA 929/95. But the applicants in this OA are eligible for getting that relief only after the proposed RA in OA 929/95 is disposed of. If the RA in OA 929/95 is not filed in accordance with the directions given by the Apex Court in C.C.No.4214/96, the applicants are entitled to get the benefit of the judgment in OA 929/95.

7. In the result, following direction is given:

(i) The pay of the applicants as Junior Engineer in CPWD has to be fixed in the pay scale of Rs.1640-2900 in accordance with the rules on the date they have completed five years of service from the date of their joining in Dandakaranya Project or from 1.1.86 whichever is later. They are also entitled for fixation of their pay following the extant rules in the grade of Rs.2000-3500 after completion of 15 years of service from the date of their joining in Dandakaranya Project.

While granting the career advancement increments in higher grades the service rendered by my clients under the Dandakaranya Project was not counted for pay fixation and payment of arrears and they were driven to court for fulfilment of their legitimate demands.

The Central Administrative Tribunal, Hyderabad in its orders cited above under ref., passed a favourable verdict for my clients only subject to a Review Petition filed by your Dept in a similar case. The review petition was disposed of and the Dept was asked to implement the order within two months. Now it is nearly 3 months since the department has not implemented the court orders resulting in great frustration in my clients.

Please take notice if the CAT orders referred to above are not implemented by the officers named in the notice my clients will be constrained to launch Contempt Proceedings against them and also will demand exemplary costs for such neglect, within 15 days from the date of receipt of this notice.

*After read
S. S. Rao*

S. S. Rao
(Dr. C. S. SUBBA RAO)
Advocate

o 7/1/87
17/1/87
D 24/3/87

11
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JBBA RAO

BY REGD. POST WITH ACK. DUE

Phone : 7019983
Chaganti Nilayam
12-13-67, Tarnaka
HYDERABAD - 500 017

Date. 12-2-1997.

To

1. The Director General of Works,
Central Public Works Department,
Bhawan Mirman Bhavan,
NEW DELHI-110011.
2. The Superintending Engineer
Hyderabad Central Circle-I(Civil),
Mirman Bhavan, 1st Floor, 4-5-364,
Central Public Works Department,
Sultan Bazar, Hyderabad-500 195.
3. The Chief Engineer, South Zone-II,
Central Public Works Department,
Pessant Bhavan, 6th Floor,
Tilaknagar Road, Hyderabad-1.

Ref:CA No.1169 of 1996 disposed of on 8-10-1996
ordering counting of service in Dandakaranya
Project rendered by Sri K.P.Reddy and Sri.
K.R.Reddy for pay fixation and payment of
arrears under career advancement scheme -
Non-compliance - Contempt proceedings Notice -Reg.

Under instructions from my clients Sri K.P.Reddy and
Sri K.R.Reddy, Junior Engineers, O/o Executive Engineer
Hyderabad Central Divn.III & XI, CPWD, Hyderabad, I issue the
following legal notice seeking the compliance of the order
dated 8-10-1996 of the Central Administrative Tribunal,
Hyderabad Bench.

Sri.K.P.Reddy was appointed as Junior Engineer on 9-10-80
in the Dandakaranya Project and Sri K.R.Reddy was appointed as
Junior Engineer in the same Dandakaranya Project on 25-10-80.
They were re-deployed to the Central Public Works Dept..
on 10-8-1988 and were posted at Hyderabad Central Circle-I,
after serving in the Dandakaranya Project for nearly 8 years.

....2.

SUBBA RAO
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128/96-57

Phone : 7019983
Chaganti Nilayam
12-13-67, Tarnaka
HYDERABAD - 500 017

12
Date. 21st. Mar. '97..

The Surveyor of Works-cum-
Executive Engineer (HQ)
Hyderabad Central Circle-I
Central P.W.D.,
Government of India,
HYDERABAD.

Dear Sir:

Sub: C.A.No.1169/96 between Shri K.P. Reddy and
others Vs. Union of India - Regarding.

Ref: 1. My legal notice, dated 12.2.1997
2. Your letter No.8(68)/97/HCC.I/E.I/819,
dated 12.3.1997.
**

I am very happy to learn from your letter second cited
above that you are keenly interested in arranging for
payment of arrears due to my clients M.K.P. Reddy and
K.R. Reddy, JEs in CPWD working under your jurisdiction
after fixing their pay in the revised scale of pay, in
compliance with the order of C A T, Hyderabad in O.A.
No.1169/96.

However, you are taking protection under the guise of
getting permission from your headquarters which is not
tenable in view of the judgment of the C A T. The note
was for instituting a contempt case against all the res-
pondents in the above C.A. A contempt matter is an af-
fair between the court and the respondents and we can-
not rescue the respondents from the court proceeding
with the issue of a non-bailable warrant against the
respondents.

Since a contempt case has not been filed so far, this
is merely a letter of caution to you for acting as
quickly as possible before you actually face certain
unpleasant consequences which are avoidable.

It should not be difficult for the department to pay
the arrears after proper fixation of pay in the revised
scales of pay from time to time by utilising the unspent
balance amount available in the budget provision of the
current financial year, by the end of this month.

Yours faithfully,

(C.S. SUBBA RAO)

Mr. T. Reddy
C.S. Rao

THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

AC.P. 41/96 in
O.A. 928/95.

Dt. of Decision : 15-11-96.

10
13
.. Applicant.

Between
A.Sankaraiah

AND

Sri R.S.Goutham,
Superintending Engineer,
Hyderabad Central Circle(Civil),
Nirman Bhavan, 1st Floor, 4-5-364,
CPWD, Sultan Bazar, Hyderabad-195.
.. Respondent.

Counsel for the applicant : Mr. I.Dakshina Murthy
Counsel for the respondent : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:
THE HON'BLE SHRI JUSTICE M.G.CHAUDHARI : VICE CHAIRMAN
THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE Mr.Justice M.G.Chaudhari : Vice Chairman)

The respondents having filed an SLP in the Supreme Court against the order in the OA had not complied with the order and that led the applicant to file the instant contempt petition on 11-6-96. During the pendency of the CP, the Supreme Court was pleased to allow the respondents to seek review of the order in this Tribunal. Accordingly, the respondents filed RA.88/96 and by an order delivered separately today we have dismissed the said review application.

2. Consequently the original order in the OA stands confirmed and the respondents are required to comply with the same.

3. In view of the pendency of above mentioned proceedings we direct the respondents to comply with the original order within a reasonable time and preferably within a period of 2 months from the date of receipt of copy of this order. No further order is called for and the CP stands disposed of.

Altered
J.S.S, M.R

RECEIVED
COURT TO BE THAT COPY
SRI S. S. S. M. R.
J. S. S.
C. J. S. S.
RECEIVED
THE CENTRAL ADMINISTRATIVE TRIBUNAL
15-11-1996
HYDERABAD BENCH

2/11/Pb

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

No. 8(48)97/HCCI/EI/2205

Dt. 25.7.97.

14

OFFICE ORDER NO. 341/97

In supersession of this office order no. 373 dated 19-10-93 issued in no. 8(218)93/HCC/HCI/4384 dt. 19-10-93 and as per judgement dt. 26.10.95 in O.A. no. 929/95 filed by Shri A.Sankaraiah, JE, Shri A.Sankaraiah, JE formerly attached to Hyderabad Central Division I, Hyderabad (now attached to BCC, CPWD, Bangalore) is placed in the higher scale of pay Rs.1640-60-2600-L0-75-2900, with effect from 19.8.88 i.e. from the date of entry in CPWD instead of 19.7.93.

The higher grade of scale of Rs.1640-2900 will not be treated as a promotion one but will be non functional and benefit of FR22(1)(a)(1) will not be admissible to him as there will be no change in his duties and responsibilities.

He is entitled to get the arrears of pay with effect from 19.8.88.

The above revised date is subject to the outcome of SLP No. CC 40,07/97 filed in Hon'ble Supreme Court, New Delhi.

Superintending Engineer,
Hyderabad Central Circle I,
C.P.W.D., Hyderabad.

Copy forwarded to:

1. Shri A.Sankaraiah, JE(C), through the LE, HCDI, CPWD, Hyd.
2. The EE, HCDI, CPWD, Hyderabad. He is requested to draw and pay the arrears of pay & allowances in respect of the said JE upto the period the official was attached to his d.v.i.e. 30.6.97. The arrears for the period from 4.7.97 has to be paid by SE, BCCI, Bangalore at the revised pay as the official is now attached to BCC. Hence the LPC already issued prior to issue of this order holds good and needs no revision.
3. The Chief Engineer, SZII, CPWD, Hyderabad.
4. The SE(Coord), South Zone, CPWD, Hyderabad-Chennai.
5. The Suptdg.Engineer, BCCI, Bangalore. He is requested to draw the arrears of pay and allowance at the revised pay for the period from 1.7.97 to 7.7.97 only in view of the stay granted on future payments by Supreme Court, New Delhi.
6. The Branch Secretary, CPWD, JEs Association, Hyd.
7. Personal file.
8. File no. 8(67)EI.

Sp. Com. L.S. (1825s.).

Altered
J.S. 26/7/97

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT HYDERABAD

C.P.NO:

in

O.A.NO: 1169 of 1996

Between:

K.P.Reddy

& another

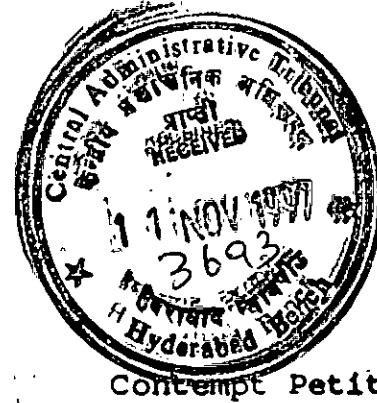
... Petitioners

And

R.S.Goutham

& another

.. Respondents



Filed on:

Filed by: Dr.C.S.Subba Rao
Advocate

12-13-67, Tarnaka
Hyderabad 500 017.

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

C.P.No.94/97 in OA.No.1169/96

Between:

Dated:29.1.1998

K.P.Reddy
K.R.Reddy

... Applicants.

AND

1. Shri R.S.Goutham
The Superintending Engineer,
Hyderabad Central Circle-I(Civil),
Nirman Bhavan, C.P.W.D.,
Sultan Bazar, Hyderabad-195.
2. Shri B.S.Duggal,
The Director General of Works,
Central Public Works Department,
Nirman Bhavan, New Delhi. Respondents.

Counsel for the applicant : Mr.C.S.Subba Rao

Counsel for the respondents : Mr.V.Vinod Kumar

CORAM:

THE HONIBLE MR. R.RANGARAJAN : MEMBER (A)

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri C.S.Subba Rao, counsel for the applicants and Sri V.Vinod Kumar, standing counsel for the respondents.

2. The Direction in the O.A.No.1169/96 was passed on the basis of the judgement in OA929/95 on the file of this Bench. It is now stated that the Civil Appeal No.4449/97 has been filed against the order in OA 929/95 and the Supreme Court by its order dt.2.1.1998 has stayed the direction in OA 929/95. In view of the above, the C.P. is closed. However, the applicant is at liberty to revive the C.P. after the Civil Appeal referred to above is disposed of by the Supreme Court. No Costs.

Deputy Registrar
Deputy Registrar

17
C.P.94/97
in
DA.1169/96

- 2 -

Copy to:-

1. Shri R.S.Goutham, The Superintending Engineer, Hyderabad Central Circle-I(Civil), Nirman Bhavan, C.P.W.D., Sultan Bazar, Hyderabad.
2. Shri B.S.Duggal, The Director General of Works, Central Public Works Department, Nirman Bhavan, New Delhi.
3. One copy to Mr. C.S.Subba Rao, Advocate, CAT., Hyd.
4. One copy to Mr. V.Vinod Kumar, Addl.CGSC., CAT., Hyd.
5. One duplicate copy.

SRR

18/2/98
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED: 29/1/98

ORDER/JUDGMENT

M.A./R.A./C.A. NO. 94/97

in
O.A. NO. 1169/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED C.P. Closed

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

