

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1192/96

Date of Order:31.12.96

BETWEEN:

R.Nageswara Rao

.. Applicant.

AND

1. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. The Chief Mechanical Engineer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. Union of India, rep. by the
Secretary, Railway Board,
New Delhi.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

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

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Heard Mr.G.V.Subba Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA passed B.Tech (Mechanical) on 13.2.89 while in service. He was granted incentive as provided for in Board's letter No.E(NG)1167 RCI/87 dt. 4.3.68. The letter referred to above was modified in pursuance of the recommendations of the 4th Pay Commission ~~and~~ grant of advance

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increment ~~was suspended~~ to those employees in service passing higher technical examination vide letter No. E/NG/I/87/IC2/1 dated 29.5.89. The applicant submits that he will be entitled for benefits of the circular dt. 29.5.89 even though he passed in February 1989 as earlier incentive given in terms of letter dated 4.3.68 had lapsed and the new scheme dt. 29.5.89 came into force from 1.7.88. As the applicant passed the examination in February 1989 he is entitled for the same benefit and this was upheld by the Madras Bench of this Tribunal in OA.1013/90 dt. 28.1.92. It is further stated for the applicant that the above ratio of the Madras Bench of the Tribunal was also followed by this Tribunal in OA.721/94 dt. 27.7.95 and in OA.1191/96 decided on 18.11.96. Representation filed in this connection was not replied, submits the learned counsel for the applicant.

3. Aggrieved by the above, he has filed this OA praying for an extension of the benefit of the judgement in OA.721/94 to the applicant herein also and for a further direction to grant advance him four more increments from February 1989 the date of passing the B.Tech examination with all consequential benefits such as arrears of pay and allowances from time to time and regulate the same in the promoted grade.

4. The learned counsel for the respondents submitted that the conditions as raised in OA.1191/96 decided on 18.11.96 will also hold good in this OA. Those conditions are already analysed in the above referred OA and it is not necessary to repeat the same once again in this OA.

5. For the reasons stated in OA.1191/96 decided on 18.11.96 we are satisfied this OA is also to be allowed on the same lines.

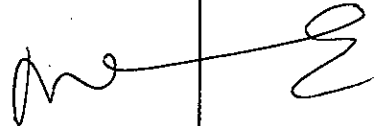
6. In the result the OA is allowed at the admission stage itself with a direction to the respondents to give the benefit of scheme introduced by the Railway Board vide its letter dt. 29.5.89.

7. No costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)

31/12/96



(R. RANGARAJAN)
Member (Admn.)

Dated: 31st December, 1996

(Dictated in Open Court)

Prd. 16/12/96
DY Reg. str. 17

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Copy to:-

1. The Chief Personnel Officer, S.C.Rly, Railnilayam, Sec'bad.
2. The Chief Mechanical Engineer, S.C.Rly, Railnilayam, Sec'bad.
3. The Secretary, Railway Board, Union of India, New Delhi.
4. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. V.Rajeswara Rao, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

24/11/97

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 31/12/96

~~ORDER/JUDGEMENT~~

~~R.A./C.P/M.A. NO.~~

B.A. NO.

1192/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

