

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.433/96

Date of Order: 24.4.97

BETWEEN:

M.Lakshmana Rao

.. Applicant.

AND

1. The Employees State Insurance Corpn.,
Rep. by the Director-General,
Kotla Road, New Delhi.

2. The Regional Director,
Employees State Insurance Corpn.,
Regional Office, 5-9-23, Hill Fort Road,
Hyderabad- 500 463.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Naveen Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

J U D G E M E N T

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

None for the applicant. Heard Mr.N.R.Devraj, learned
standing counsel for the respondents.

2. The applicant was initially appointed as IDC on 27.12.96.
He worked on adhoc basis as UDC at Vijayanagaram from 1.8.81
to 1.9.81. His services were regularised as UDC w.e.f. 21.12.81.

3. The applicant is comparing his pay with respect to
of his junior
one/V.Parthasarathy for stepping up of pay on par with Sri
V.Parthasarathy when Sri Parthasarathy was promoted on regular
basis as UDC. The applicant submitted a representation dt. 6.9.



.. 2 ..

for stepping up of pay as above to R-2 (A-2). That representation was rejected by the impugned order No. 52.A/27/17/2/91-Estt.I, dt. 14.9.94 (A-III) on the ground that his junior was getting more pay by virtue of his length of his ~~continuous~~ service in UDC cadre. The applicant's ~~continuous~~ service in UDC ^{Cadre} ~~cadre~~ being less than that of Sri Parthasarathy he is not entitled for stepping up of pay. He further made a representation for the above to R-1 by his representation dt. 1.11.94 (A-IV) that representation was also disposed of by letter No.52.A/20/11/593/76-Estt.I, dt. 10.4.95 (A-I) rejecting his case.

4. Aggrieved by the above the applicant has filed this OA to quash the impugned order No. 52.A/20/11/593/76-Estt.I, dt. 10.4.95 (A-I) by holding the same as arbitrary, illegal and discriminatory and for a consequential direction to the respondents to step up his pay on par with his junior ^{on} ~~and from the~~ ^{date} ~~pay~~ of arising of the anomaly with all consequential benefits such as arrears of pay and allowances and further pay fixation.

5. Reply has been filed in this OA. The facts of this case indicated as above is ^{denied} ~~no denial~~. It is further stated that in the year 1991 a purely temporary and adhoc vacancy arose at local office, Warangal and in order to fillup the same the respondents corporation issued a memo No.52.A/12/12/79-Estt, dt. 3.3.81 and calling for willingness of the senior IDCs. In response to the above memo the applicant has not submitted his willingness or otherwise. His junior Sri V.Parthasarathy had given his option by his letter dt. 5.3.81 for posting as UDC/ Cashier at the local office, Warangal. As such his junior Sri V.Parthasarathy was promoted on purely temporary and adhoc basis against the post of UDC at Warangal. In view of the earlier officiation of his junior on adhoc basis as UDC the length of service of his junior in the ^{Cadre} ~~cadre~~ of UDC was more than the applicant counting the adhoc period of promotion also.

.. 3 ..

On that basis the pay of his junior Sri V. Parthasarathy was fixed when he was regularly promoted as UDC on 24.12.81. The applicant promoted as UDC earlier to him on 21.12.81 on regular basis. But his length of service in UDC was less and hence his pay was fixed according to ^{his} ~~the~~ length of service. As the applicant did not give his willingness to ~~his~~ work as UDC on adhoc basis he lost the chance of adhoc officiation and that stood in his way of getting higher fixation of pay in the grade of UDC compared to his junior.

6. There is force in the submission of the respondents. The applicant has not filed any rejoinder in this connection denying the facts mentioned by the respondents. As the total length of service of the applicant as UDC inclusive of adhoc service if any is less than the total service of Sri Parthasarathy his junior as UDC, ~~In view of the above~~ the applicant cannot ask for stepping up of pay on par with his junior when the pay fixation was done in accordance with the length of service in UDC cadre.

7. In view of what is stated above I find that there is no merit in this OA. Hence the OA is dismissed. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated: 24th April, 1997

(Dictated in Open Court)

sd


7.5.97.
D.R. (S)

A.4.

Copy to:

1. The Director General, Employees State Insurance Corporation, Kotla Road, New Delhi.
2. The Regional Office, 5-9-25, Employees State Insurance Corporation, Hyderabad.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

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TYPED BY
COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 24/4/97

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

in

D.A.NO. 433/96

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

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
19 MAY 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH