

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

C.A. 606/96.

Dt. of Decision : 28-10-96.

T. Satyanarayana

.. Applicant.

Vs

1. The Union of India, Rep.by
its Secretary, Min.of Defence,
South Block, New Delhi.
2. The Chairman, Ordnance Factory
Board, 10A, Auckland Road,
Calcutta-700 001.(WB)
3. The General Manager,
Ordnance Factory,
Yeddumailaram,
Medak District-502 205.
4. The Chief Controller of Accounts(Fys),
10A, Auckland Road, Calcutta-1. .. Respondents.

Counsel for the Applicant : Mr. T.P.Acharya

Counsel for the Respondents : Mr. N.R.Devaraj, Sr. SGSC.

CORAM:

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



ORDER

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

Heard Mr. T.P.Acharya, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA compares his pay with that of one Mr.M.S.Chaturvedi and prays for stepping up of pay on par with Mr.M.S.Chaturvedi in the grade of Chargeman Gr-I and Assistant Foreman.

3. The applicant was promoted on 7-7-80 as Chargeman Gr-I whereas Mr.Chaturvedi was promoted to that grade w.e.f., 1-8-81. While promoting the applicant in the grade of Chargeman on 7-7-80 his pay was fixed at the stage of Rs.590/- in the cadre of Rs.550-750/-. Whereas the pay of Mr.Chaturvedi was fixed at the stage of Rs.590/- on 1-8-81 in the same grade. The learned counsel for the respondents submits that the promotion to the grade of Chargeman was antedated for everybody and the date of promotion as Chargeman Gr-I for the applicant as well as for Mr.Chaturvedi was taken as 12-6-80. The learned counsel for the respondents further submits that the pay of the applicant will be fixed at the stage of Rs.590/- w.e.f., 12-6-80 when Mr.Chaturvedi also will be drawing the same pay from that date. The learned counsel for the applicant further submits that his pay will be fixed on that basis in the replacement scale as per 4th Pay Commission scales of pay as on 1-1-86.

4. The applicant did not opt to come to the revised replacement scales of pay of 4th Pay Commission from the date of his next increment. He opted to come to the scales of pay of 4th Pay Commission w.e.f., 1-1-86. The learned counsel for the respondents submit that his pay in the 4th Pay Commission scales of pay will be fixed w.e.f. 1-1-86 on the basis of his fixation of his pay as Chargeman at the stage of Rs.590/- w.e.f., 12-6-80. He further submits that his pay as Assistant Foreman will also be fixed on that basis from the date

of his promotion as Assistant Foreman. Due to the above fixation if the applicant is entitled for any arrears the same will be granted to him subject to the condition that the arrears will be payable from one year prior to filing of this OA as the pay fixation and granting of arrears thereon is a continuing cause.


5. The above submission of the respondents is fair. Hence, the OA is disposed of as under:-

The pay of the applicant should be fixed at the stage of Rs.590/- in the scales of pay of Rs.550-750/- w.e.f., 12-6-80, same as that of Mr.Chaturvedi with effect from that date. The pay fixation of the applicant in the 4th Pay Commission replacement scales of pay w.e.f., 1-1-86 should be done on the basis of the above fixation in the grade of Chargeman Gr-I w.e.f., 12-6-80. Further, pay fixation of the applicant, when he was promoted as Assistant Foreman, should be regulated in terms of the direction as above. On the basis of the above ^{fixed} fixation if the applicant is entitled for any arrears, the same is payable w.e.f., 26-04-95 i.e., one year prior to filing of this OA (this OA was filed on 26-04-96).

6. Time for compliance is three months from the date of receipt of the copy of this order.

7. The above direction will not stand in the way of the applicant to file a representation to the concerned authorities for permitting him to opt for the 4th Pay Commission scales of pay from the date of his next increment in the erstwhile scale before the introduction of 4th Pay Commission scales of pay. If such a representation is received the same should be disposed of by the respondents in accordance with law.

8. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member(Admn.)

Dated : The October 1996.
(Dictated in the Open Court)

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Copy to:-

1. The Secretary, Ministry of Defence, Union of India, South Block, New Delhi.
2. The Chairman, Ordnance Factory Board, 10A, Auckland road, Calcutta.
3. The General Manager, Ordnance Factory, Yeddumailaram, Medak District.
4. The Chief Controller of Accounts(Fys), 10A, Auckland road, Calcutta.
5. One copy to Sri. T.P.Acharya, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

9/13/11/96

MA 606/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 28/10/96

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

O.A. NO.

in
606/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH

-7 NOV 1996

हैदराबाद न्यायपीठ
HYDERABAD BENCH