

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 672/96.

Dt. of Decision : 18-06-96.

Syed Hafeezuddin

.. Applicant.

Vs

1. The Commissioner of Central Excise,
Customs & Central Excise Commissionerate,
Basheerbagh, Hyderabad.

2. The Secretary, Govt. of India,
Min. of Finance, Dept. of Revenue,
New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. C.V.Narayana Rao

Counsel for the Respondents : Mr. V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr. C.V.Narayana Rao, learned counsel for the applicant and Mr. V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant retired as Draughtsman on 31-10-91 on superannuation. The Government of India by its proceedings F.No.21/49/94-Coord., dated 23-11-94 vide Circular No. 161/94 (Annexure-I) has reported to have extended the revised scale benefits to all the Draughtsman working in the Central Govt. Organisation. The applicant submits that this benefits was made applicable with retrospective effect from 13-05-1982 ~~and~~ further ~~31-10-1991~~. He submits that he is entitled for the arrears of the revised pay scales from that date.

3. In order to get the necessary arrear benefits he filed a representation dated 20-12-1994 (Annexure-II) and followed it up with another representation dated 30-03-95 (Annexure-III). He also sent a lawyer notice dated 08-12-95 (Annexure-IV), but it is submitted that these representations did not see the light of the day yet.

4. Aggrieved by the above, he has filed this OA praying for a direction to the respondents to grant the revised scale i.e., 1600-2660/- (pre-revised scale of Rs.425-700/- ~~to~~ 550-750/-) from 1983 onwards, as per Govt. of India proceedings No. 13(1) IC/91 of Govt. of India, Ministry of Finance (Dept. of Expenditure) dated 19-10-94 as communicated in Ministry of Finance (Deptt. of Revenue) New Delhi letter F.No.21/49/94-Coord. dated 23-11-94 ~~and~~ with retrospective effect with all consequential benefits including interest on the delayed payment.

5. The learned counsel for the respondents submitted that the memorandum dated 19-10-94 does not indicate whether the benefit has to be given with retrospective effect. As the applicant had retired in 1991 itself even before the issue of the proceedings dated 19-10-94 he may not be eligible for the benefits granted by the above said memorandum. But the memorandum ^{is} not specified ^{on this} issue. If the respondents are going to reject this prayer ^{they} they should have strong reason for rejecting the same. The very fact that the applicant was in service in 1983 from which date the retrospective benefit was given it is for the concerned authorities ^{Indubitably} judiciary to decide the issue on the basis of existing rules and regulation. In view of the above, I think it is just and proper if a direction is given to R-1 to dispose of the representations indicated above on the basis of the rules and regulation and advice ^{order} the applicant suitably by ^a speaking ^{within} a specified period.

6. In the result, the following direction is given:-

R-1 should dispose of the representations of the applicant referred to above within a period of two months from the date of receipt of a copy of this order on the basis of the existing rules and regulations and issue a speaking order to the applicant within a period of two months from the date of receipt of a copy of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs.

(R. Rangarajan)
Member (Admn.)

Dated : The 18th Jun 1996.
(Dictated in Open Court)

[Signature]
Dy. Registrar (Jud.)

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contd - 4/-

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Copy to:-

1. The Commissioner of Central Excise, Customs & Central Excise Commissionerate, Basheerbagh, Hyd.
2. The Secretary, Ministry of Finance, Department of Revenue, Govt. of India, New Delhi.
3. One copy to Sri. C.V.Narayana Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

2/17/96, 077. 672/96

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COMPARED BY

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

18/6/96

ORDER/JUDGEMENT

O.A. NO. / R.A. / C.P. NO.

O.A. NO.

in

672/96

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 of order No spare copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH - 1 JUL 1996 हैदराबाद न्यायपीठ HYDERABAD BENCH
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