

21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.73/96

dt.5-5-98

Between

M.V.Raju

: Applicant

and

1. Union of India, rep. by
Secretary
Min. of Home Affairs
Dept. of Personnel & AR
(Rraining Division)
A-2, E4, Curzon Road
Barans
Kasturba Gandhi Marg
New Delhi 110001

2. Director
Sardar Vallabhbhai Patel
National Police Academy
Sivarampally
Hyderabad 500252

: Respondents

Counsel for the applicant

: P. Devakar
Advocate

Counsel for the respondents

: N.R. Devaraj
SC for Central Govt.

Coram

Honm Mr. R. Rangarajan, Member(Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member(judl)

R

A

OA.73/96

dt.5-5-98

Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn))

Heard Sri P. Devakar, learned counseler for the applicant and Sri N.R. Devaraj for the respondents. No reply has been filed even ^{though} more than 2½ years are over after filing of this OA.

1. The applicant is working as Language Instructor under Respondent-2. He prays for the same scale of pay as given to the Language Instructors in Lal Bahadur Shastray National Academy for Administration, Mussorie. He submitted a representation addressed to Dy. Director (Admn.), dated 1-10-94 (Annexure.III). That was replied by memo dated 28-11-1994 stating that the applicant may apply for higher level post in Government of India, Department/Organisation.
2. This OA is filed praying for a direction to Respondent-1 to grant the pay scale of Rs.1640-2900/Rs.550-900 to the post of Language Instructor in Sardar Vallabhbhai National Police Academy on par with the pay scale of post of Language Instructor in Lal Bahadur Shastray National Academy for Administration, Mussorie, with retrospective effect from the date permissible under law and fix the scale of pay of the applicant accordingly and grant all the arrears of pay.
3. The reply given to the applicant's representation dated 1-10-1994 by the Deputy Director is not in order. In case the Dy. Director is not the appropriate authority to consider his case, he should have sent it back to the applicant asking him to send it to the proper authority or he could have forwarded the same to the appropriate authority. The Deputy

..2.

Director has no authority to instruct the applicant to apply for a Government post having higher pay scale. Hence, memo dated 28-11-94 is rejected.

4. The learned counsel for the applicant submits that in a similar case in the case of a Reader in Teaching Methodology in Sardar Vallabhai Patel National Police Academy (SVP-NPA) the scale of pay was given equivalent to a Reader in the Lal Bahadur Shastray National Academy of Administration in view of the direction given in OA.72/92 dt.25-1-1994. He submits that the same direction may be given in this OA also.

5. The applicant had sent a lawyer's notice which is enclosed as Annex.5 to the OA. The learned counsel for the respondents submits that the lawyer's notice has been disposed of stating that the fixation of pay and allowances is a prerogative of the Pay Commission and hence he may approach V Pay Commission and hence he should await reply from V Pay Commission. The respondents could have filed a suitable ^{proper document if any.} reply enclosing ~~suitable reply~~. Unfortunately the respondents failed to file reply.

6. In view of the above the following direction is given:
 The applicant may now give a detailed representation comparing his duties and other qualifications with that of the duties and qualifications of the Language Instructor in Lal Bahadur Shastray National Academy of Administration, Mussoorie, for granting him same scale of pay as is given to the Language Instructor in LBS National Academy of Admn., Mussoorie. If such a representation is received, Respondent-1 should dispose of the same in accordance with law within three months from the date of receipt of representation taking due note of judgement in OA.72/92 dated 25-1-1994.

R



Copy to:

1. Secretary, Min. of Home Affairs, Dept. of Personnel, and AR (Training Division), A.2, E4, Curzon Road, Barans, Kasturiba Gandhi Marg, New Delhi.
2. Director, Sardar Vallabhbhai Patel National Police Academy, Sivarampally, Hyderabad.
3. One copy to Mr. P. Devakar, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Addl. CGSC, CAT, Hyderabad.
5. One Copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

265/3

6

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN 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:

~~ORDER/JUDGMENT~~

~~M-A/R-A/C-P-NC~~

in

D.A. NO. 73/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITNESS

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YIKI

