

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 883/96

Date of Order: 26.7.96

BETWEEN :

K.Seshi Reddy

.. Applicant.

AND

1. Chief General Manager,  
Telecom, A.P.Circle, Hyderabad.

2. Sri M.Venkoba Rao,  
Sub Divisional Engineer,  
(Telecom), O/o General  
Manager, Hyderabad  
Telecom District.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Lakshminarasimha

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

JUDGEMENT

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

Heard Mr.K.Lakshminarasimha, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant filed O.A.1503/93 praying for a direction to the respondents to remove the anomaly in pay fixation arising out of letter dated 11.7.90 (page 20 of the material paper in that OA) issued by department of ~~their~~ <sup>his</sup> Telecom and stepup ~~their~~ <sup>his</sup> pay equal to ~~their~~ junior Sri M.Venkoba Rao with all consequential benefits.

3. That OA was disposed of with the following observation:

*No* order was required in that OA as the respondents themselves have given suitable instruction in this connection in the office letter dated 10.2.94.) The above mentioned observation reads as below:-

"At the time of hearing Sri N.V.Ramana, learned standing counsel for respondents produced a copy of letter dt. 2.5.1994 bearing No.49-1/94-PAT. As per the said letter R-2 was directed to get the OA.1503/93 withdrawn filed in CAT by the applicant herein to remove the anomaly in pay arising out of grant of advance increments in the light of the instructions contained in letter dt. 11.7.1990 as the Government has decided to step up the pay of all officers in all such cases. A direction was also given in the same letter to R-2 to step up the pay of the applicants concerned as per the instructions contained in office letter No.4-24/90-PAT dt. 10.2.1994. In view of the above submission, it is obvious that the respondents have decided to grant the relief as prayed for and hence there is nothing left for adjudication".

4. However, the applicant submits that his case for stepping up of pay on par with Sri Venkoba Rao (R-2 in this OA) has been rejected by the impugned order No. TA/ACB/ 19-68/94-95/IV/RTTC dated 17.1.96 (A-1).

5. This OA is filed for setting aside the impugned order dated 17.1.96 and for a consequential relief that his pay should be stepped up on par with Sri Venkoba Rao. From the relief as prayed for in this OA it is evident that this relief is same as the relief prayed for in OA.1503/93 disposed of on 31.1.95. In the said order dt. 31.1.95 the respondents themselves has stated that R-2 was directed to step up the pay of the applicant concerned as per the instructions contained in the office letter dated 10.2.94.

Hence there is no doubt that the respondents *had* to implement

the direction given in the letter dated 10.2.94.

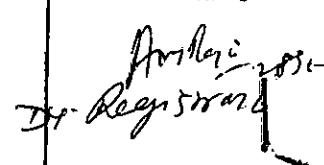
6. The impugned order now quoted does not talk of the judgement in OA.1503/93 decided on 31.1.95. This impugned letter also does not talk of anything about the direction as given in letter dated 10.2.94. Hence it had to be held that the reply is not only vague but could have also ~~be~~ construed as a reply without knowing the judgement in OA.1503/93. The applicant when he got a copy of the impugned letter dated 17.1.96 he should have brought to the notice of the concerned authorities in regard to the judgement in OA.1503/93 and requested the authorities to implement the directions as given in their letter dated 10.2.94. But the applicant did not take that course of action but filed this OA praying the same relief as was prayed in OA.1503/93. In that view this OA is not maintainable. However, the applicant is at liberty now to file a fresh representation to R-1 quoting the judgement in OA.1503/93 and asking for relief on that basis. If such a representation is received by R-1 the same should be disposed of within 2 months from the date of receipt of that representation. If he is aggrieved by the ~~kk~~ reply given to him he may take steps as permitted in law.

7. The OA is disposed of accordingly. No costs.

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 26th July, 1996

( Dictated in Open Court )

  
Dr. Registrar

C.C by  
Fridy  
21/8/96 OA-883/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED:

26/7/96

ORDER/JUDGEMENT

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

IN

O.A. NO.

883/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

Central Administrative Tribunal  
Administrative Tribunal

DESPATCH

9 AUG 1996

Hyderabad Bench  
HYDERABAD BENCH