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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH AT HYDERABAD.

O.A.Nos., 1101/96 with O.A.1102/96 with O.A.1103/96

Date: September 18, 1996.

Between:

O.A.1101/96.

C.N.Partha Sarathy. .. .. Applicant.

And

1. Union of India represented by its Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Secretary, Ministry of Personnel, Public Grievances & Pension, Govt. of India, New Delhi.
3. The Director, Intelligence Bureau, Ministry of Home Affairs, Govt. of India, New Delhi.
4. The Chairman, V Pay Commission, Govt. of India, New Delhi.

Respondents.

O.A.1102/96.

P.L.Narasimha Rao. .. .. Applicant.

1. Govt. of India represented by its Secretary, Ministry of Home Affairs Govt. of India, New Delhi.
2. The Secretary, Ministry of Personnel, Public Grievances & Pensions, Govt. of India, New Delhi.
3. The Director, Intelligence Bureau, Ministry of Home Affairs, Govt. of India, New Delhi.
4. The Chairman, V Pay Commission, Govt. of India, New Delhi.

Respondents.

O.A.No.1103/96.

Sri P.Bhogalinga Murthy .. .. Applicant.

RESPONDENTS ARE SAME AS IN O.A.Nos., 1101 and 1102/96.

Counsel for Applicants in O.A.1101 and O.A.1103/96.  Sri P.Narasimha Rao:

Party in person in O.A.1102/96.

Counsel for Respondents in all the O.As. Sri N.R.Devraj, Senior Standing counsel

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN.

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (A)

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India, Ministry of Home Affairs on 14-6-1996, we think that the same may be examined by the Secretary, Home Affairs and the decision taken be conveyed to the applicants.

6. The applicants carry an apprehension that after the report of the V Central Pay Commission is given their present claim which is based on recommendations of the IV Central Pay Commission may not be considered as having lapsed and therefore they seek protection to that extent. It appears to us that the apprehension is unfounded and Mr. Devraj, learned Standing Counsel for Respondents also shares our view. The difficulty created by the applicants in their own way is that instead of filing a representation seeking the benefit of the O.M., dated 8-2-1996 in a straight-forward manner they resorted to the step of serving a legal notice on the Ministry. The applicants should not have acted in this precipitate manner making it difficult to direct the legal notice to be treated as their representation. The learned counsel for the applicants in O.A.Nos., 1101 and 1103/96 and who is also party-in-person in O.A.1102/96 <sup>lenders</sup> seeks apology and submits that due to wrong advice they served notice and submits that the same may be directed to be treated as their representation. In these circumstances, we take a lenient view as the applicants are retired persons and would direct the respondents to consider their representations on merits, in the light of the case

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3. It may be mentioned that the applicant in O.A.1101/96 is Sri C.N.Parthasarathy, the applicant in O.A.1102/96 is Sri P.L.Narasimha Rao and the applicant in O.A.1103/96 ~~xxx~~ is Sri Bhoga Lingamurthy, P. The Government of India, Department of Personnel and Training have issued Office Memorandum No. 245/29/95-AVD.II dated 8-2-1996 (Annexure-II) conveying that the President is pleased to accept the recommendations of the 4th Central Pay Commission to revised the pay scale of Deputy Superintendent of Police from Rs.2000--3500 to Rs.2,200--4000 and that of Superintendent of Police from Rs.3,000--4500 to Rs. 4100--~~4500~~<sup>5300/-</sup> with retrospective effect from 1-1-1986. The arrears accordingly are payable.

4. All the three applicants belonged to Intelligence Bureau under the Ministry of Home Affairs, Government of India. They contend that they should be treated on par with the Personnel in the Central Bureau of Investigation and the benefit of the O.M., dated 8-2-1996 may also be extended to them.

5. This question has to be primarily considered by the Government of India. The applicants refer in this connection to Schedule III(C) of the IPS(Pay) Rules, 1954 as amended from time to time to justify their claim for parity. Since the applicants have raised their claim in the statutory notice issued to the Union of

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O R D E R.

The O.As., are partly allowed in terms of the  
above Order. No order as to costs.

15/9/96  
H.RAJENDRA PRASAD

MEMBER (A)

M.G.CHAUDHARI  
M.G.CHAUDHARI, J  
VICE-CHAIRMAN

Ar. 10675  
15/9/96  
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Date: September 18, 1996.

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pronounced in open Court.

NOTE:

Copy of this Order shall be kept  
separately in each of the O.As., and  
each shall be treated as disposed of  
separately by an Order. Copies of  
the Notice dated 14-6-1996 in each  
case be forwarded to the Secretary,  
Ministry of Home Affairs, Govt. of  
India along with a copy of this Order.  
The learned counsel Mr.P.L.Narasimha Rao  
to supply necessary copies.

15/9/96  
H.R.P.  
M(A)

M.G.CHAUDHARI  
M.G.C., J  
V.C.

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of the applicants set out in the O.As., as indicated hereinabove.

7. In the result the following Order is passed:

i) The Secretary, Ministry of Home Affairs, Government of India is requested to dispose of the representation of each of the applicants in the above said O.As., on merits and convey the decision to the applicants within a period of three months from the date of communication of this Order.

ii) It is made clear that the claim of the applicants will not be deemed to have lapsed ipso facto owing to the report of the V Central Pay Commission being rendered till the representations are disposed of.

iii) In the event of being aggrieved by the decision of the Government, the applicants will be at liberty to adopt such legal remedies as may be advised in accordance with law including filing of fresh O.As.

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To

1. The Secretary, Ministry of Home Affairs,  
Union of India, New Delhi.
2. The Secretary, Ministry of Personnel,  
Public Grievances & Pensions,  
Govt. of India, New Delhi.
3. The Director, Intelligence Bureau,  
Ministry of Home Affairs, Govt. of India,  
New Delhi.
4. The Chairman, V Pay Commission,  
Govt. of India, New Delhi.
5. One copy to Mr. P. Parasimha Rao, Advocate, CAT, Hyd.
6. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

pvm.

With Notice  
Papers dt. 14/6/96  
I COURT  
9/10/96

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 18 - 9 - 1996

~~ORDER~~ JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 1103/96

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Partly

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

No Space (copy)

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केन्द्रीय प्रशासनिक व्याधिकरण Central Administrative Tribunal केन्द्रीय प्रशासनिक व्याधिकरण 30 SEP 1996 हृदयवाल यायपीठ HYDERABAD BENCH
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