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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

D.A.No.387/1997,

Date of decision: 19th March, 1999.

Between:

K.R.L.Kandan Applicant.

And

1. The Chief Executive, Nuclear Fuel Complex Hyderabad - 500 062.
2. The Secretary, Department of Atomic Energy, Trombay, .. Respondents. Mumbai.

Counsel for the Applicant: Sri C.Suryanarayana.

Counsel for the Respondents: Sri V.Rajeswara Rao.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(Hon'ble Sri R.Rangarajan, Member (A))

Heard Sri C.Suryanarayana, learned counsel for the Applicant and Sri V.Rajeswara Rao, learned counsel for the respondents.

The applicant was appointed as a Tradesman 'A' on 10.3.1971 on workcharged basis and after regularisation

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of his services based on his qualification, he was promoted within the same category from time to time. He was holding the post of Tradesman 'G' on 1.2.1993 in the pay scale of Rs.1640-2900. His pay on the date of his appointment in the category of Tradesman 'G' i.e., on 1.2.1993 was fixed at Rs.2060/-.

It is stated that those who fulfilled certain higher qualifications are being considered for posting them as ~~Supervisory~~ ^{Scientific} Assistant in the pay scale of Rs.1400-2600, that the scale of pay of ~~Supervisory~~ ^{Scientific} Assistant is lower than that of the Tradesman 'G'. It is stated that the Departmental opportunities in the category of ~~Supervisory~~ ^{Scientific} Assistant are more compared to the Tradesman 'G' category. Though the applicant appears to have questioned his posting as ~~Scientific~~ ^{Scientific} Assistant 'B', it is for him to challenge that posting before the appropriate authority, if he is aggrieved of the said posting in accordance with the rules. No need now to take note of that contention in this O.A.

The applicant was appointed as Scientific Assistant 'B' xx on 1-8-1993. He has exercised his option to come to the scale of Scientific Assistant 'B' with effect from 1.8.1993 by his option letter dated 4.3.1994 (Annexure R-2 to the reply). In view of his option, the applicant's pay was fixed at the stage of Rs.2100/- on the date he was appointed as

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Scientific Assistant 'B' in the pay scale of Rs.1400-2600.

The applicant submits that one Sri K. Vijayan, his junior who was also in the category of Tradesman 'G' also joined on 1.2.1993 and his pay was fixed at the stage of 2060/- in the pay scale of Rs.1640-2900. Sri Vijayan was also appointed as Scientific Assistant 'B' with effect from 1.2.1993. He gave his option to come to the scale of pay of Scientific Assistant 'B' in the pay scale of Rs.1400-2600 from the date of his next increment in the lower scale of Tradesman 'G' i.e., with effect from 1.2.1994. Hence, his pay as on 1.2.1994 was fixed at the stage of Rs.2150/- in the pay scale of Rs.1400--2600.

This O.A., is filed to step up the pay of the applicant on par with that of Sri K. Vijayan in the category of Scientific Assistant 'B' on the ground that the said Vijayan is junior to the applicant and for grant of all consequential benefits on that basis.

The only point for consideration in this O.A., is "Whether the pay fixation of the applicant and Sri Vijayan ^{has} _^ been done according to the rules or not.

The rules exists for coming to the ^{new} _{the} scale of pay either on the date of promotion or otherwise on the basis of the option exercised to the effect to come to the ^{new} _{the} scale of pay either on the date of promotion or from the date _{of} next increment falls due in the lower cadre.

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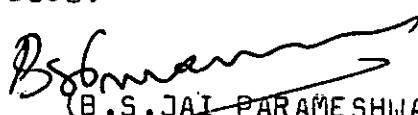
The applicant herein gave his option to come to the scale of pay of Scientific Assistant 'B' from the date of his posting as such even though his increment in the lower cadre fell due on 1.2.1994. Hence, his fixation pay/has been done accordingly. His ~~alleged~~ junior Sri Vijayan opted to come to the pay scale of Scientific Assistant 'B' from the date of his next increment in the lower scale of Tradesman 'G'. Hence, he got higher fixation.

In view of what is stated above, the applicant got ^{pay} less/than Sri Vijayan because of his own option.

He cannot now ^{avail} reiterate back to get un-intended benefit by asking ~~him~~ to equalise his pay with that of Sri Vijayan.

In view of ~~the~~ what is stated above, we find no merit in ~~his~~ case. Hence, the O.A., is dismissed.

No costs.

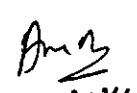

(B.S. JAI PARAMESHWAR)
Member (J)
193.29


(R.R. RANGARAJAN)
Member (A)

Date: 19th March, 1999.

Dictated in open Court.

SSS.


20/3/99

Copy to:

1. HON. J.
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 19. 3. 79

ORDER/ JUDGEMENT

MA./RA./CP. No.

IN

D.A. No. 387/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

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