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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1574/97.

Dt. of Decision : 24-11-97.

V.Parthasarathy

.. Applicant.

Vs

1. The Additional Dte. Gen. of Org/Org 4 (Civ) (b) Adjutant General's Branch, Army Headquarters, DHQ PO New Delhi-110 011.
2. The Controller, Controllerate of Quality Assurance, Infantry Combat Vehicles, Ordnance Factory post Office, Yedumailaram-502 205.
3. The Garrison Engineer (P)(I) R&D, DRDO, Kanchanbagh, Hyderabad-500 058.

.. Respondents.

Counsel for the applicant : Mr.Surendra Desai

Counsel for the respondents : Mr.K.Bhaskara Rao, Addl.CGSC.

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

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

Heard Mr.Surendra Desai, learned counsel for the applicant and Mr.K.Bhaskara Rao, learned counsel for the respondents.

2. It is stated that the applicant while working under R-2 in the scale of pay of Rs.800-1150/- was transferred under R-3 as Ferro Printer. When he joined under R-3 he became due for increment on March, 1997. The scale of pay of Rs.800-1150/- is non-existance under R-3 and the scale of pay for the post of Ferro Printer under R-3 is Rs.825-1200/-. By the impugned order No.16000/Camp/Oct/1/96/Org.4(Civ)(b), dt. 31-10-97 the applicant was transferred back to R-2 in view of the fact that the equivalent scale of pay is not available under R-3.

3. This OA is filed to set aside the order No.16000/Camp/Oct/1/96/Org.4(Civ)(b), dt. 31-10-97 by holding it as illegal, improper, unjust, arbitrary and contrary to the provision of letter No.16000/Camp/Oct/1/96/Org.4(Civ)(b), dt. 18-10-96 (Annexure-IV). The applicant now submits that while he was posted under R-3 on compassionate grounds the order dated 18-10-96, in case his grade of pay is not available then how to regulate his further pay has been incorporated. Those instructions are not followed and hence the impugned order is irregular.

4. The relevant portion as pointed out by the applicant in para 7(b) of the letter dt.18-10-96 reads as below:-

"7. x x x x x x x x

(a) x x x x x x x x

(b) In cases where posting/transfer involves change in trade/grade, the service rendered in the previous post will be treated as continuous. In such cases the pay or the individuals will be fixed in the new pay scales at the stage equal to the pay drawn in the old pay scale or if there is no such stage next below that pay, the difference being treated as personal pay to be absorbed in the next increment in the new pay scale."

5. When we enquired from the learned counsel for the applicant whether a proper representation quoting the para has been addressed to the appropriate authority, ^{the} learned counsel for the applicant submits that such a representation was not made.

6. In view of the above, we feel that the applicant now should submit a detailed representation indicating the provisions in para 7(b) of the order dated 18-10-96 to the appropriate respondents. On receipt of the representation the respondents should re-examine this issue and pass a speaking order. Till such time the representation is disposed of the impugned order No. 16000/Capp/Oct/1/96/Org. 4(Civ) (b), dt. 31-10-97 should not be ~~inforce~~ enforced.

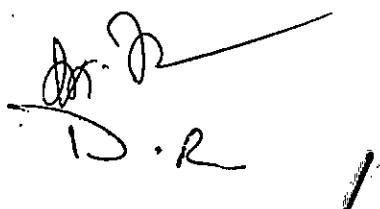
7. The applicant should submit a representation within 15 days from to-day.

8. With the above direction the OA is disposed of at the admission stage itself. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

24.11.97


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R.

spr

Dated : The 24th Nov. 1997.
(Dictated in the Open Court)

(23)

OA.1574/97

Copy to:-

1. The Additional Dte. Gen. of Org/Org 4 (Civ) (b),
Adjutant General's Branch, Army Headquarters, DHQ PO,
New Delhi.
2. The Controller, Controller, Controllerate of Quality Assurance,
Infantry Combat Vehicles, Ordnance Factory, Post Offices,
Yeddmalaram.
3. The Garrison Engineer (P) (I) R & D, DRDO, Kanchanbagh,
Hyderabad.
4. One copy to Mr. Surendra Desai, Advocate, AT., Hyd.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

err

28/11/97
cc Today
24/11/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated: 24/11/97

ORDER/JUDGMENT

M.A/R.A/G.A AND

in
D.A.NO. 1574/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

