

(94)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.469/1997.

Date of decision: 25-1-1999.

Between:

P.S.R.K. Sastry.

.. Applicant.

And

1. Union of India through the Secretary,
Ministry of Finance, North Block,
New Delhi.
 2. The Financial Adviser, Defence Services,
Ministry of Defence (Finance),
Government of India, South Block,
New Delhi.
 3. The Controller General of Defence
Accounts, West Block - V,
R.K.Puram, New Delhi 66.
 4. The Controller of Defence Account,
No.1, Staff Road, Secunderabad.
- Respondents.

Counsel for the Applicant: Sri E.Phani Kumar.

Counsel for the Respondents: Sri B.Narasimha Sarma,
Sr.Standing counsel.

CORUM.

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

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

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O.A.469/1997.

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

Heard Sri Mallikharjun for Sri E.Phani Kumar for the Applicant and Sri B.Narasimha Sarma for the Respondents.

The Applicant in this O.A., while working as Senior Accounts Officer in Group 'B' Post in the pay scale of Rs.2,200/- to 4,000/- was drawing a pay of Rs.4,000/- as basic pay in that scale. He was promoted as Assistant Controller of Defence Accounts (ACDA) which is a Group "A" post with effect from 22.6.1995 in the junior time scale of IDAS that is Rs.2,200 to 4,000/-. His pay was fixed at Rs.4,000/- maximum of the scale applicable to the post of Assistant Controller of Defence Accounts.

The applicant submits that his pay has to be fixed with in accordance/F.R.22(I)(a)(i). The respondents submit that the pay was fixed in the post against which he was appointed. The applicant submits that ~~his~~ his pay should be fixed in the Senior Time Scale post of IDAS from the higher date he was shouldering the responsibility i.e., from 22.6.1995 when he was promoted ~~as~~ to the post of Group "A" service.

~~This O.A., is fixed~~

The applicant while he was in service made a representation to the controller of the Defence Accounts, 4th Respondent through proper channel on 27.9.1995 and ~~on 3.1.1996~~ which was rejected. He made





another representation dated 3.1.1996 to the 4th respondent. As there was no response to that representation, he made a representation dated 25.3.1996 (Annexure VI page 20) to the Financial Advisor, Defence Services, Ministry of Defence (Finance). ~~and this representation was rejected by the Ministry of Defence~~ That representation was rejected by the Ministry of Defence (Finance) stating that any further action in the matter will be taken after revision of R/R of IDAS cadres which was ~~is~~ under consideration.

This O.A., is filed to set aside the impugned Order dated No. AN/I/1278/2/Vol.VII(PC-PI) dated 3-7-1996 as illegal, arbitrary and for a consequential direction to the respondents to fix the pay of the applicant in the senior time scale with effect from 22.6.1995 to 31.1.1996 and give him all arrears of pay and allowances and also the pensionary benefits with arrears. The applicant also prays for payment of interest at 18% from the due date of fixation of pay in the senior scale till realisation.

The applicant in this O.A., relies on the Judgment of the Bangalore Bench of the Central Administrative Tribunal in O.A., No.153/96 dated 5.7.1996 (M.NAGARATNAM IYER vs. UNION OF INDIA AND OTHERS) copy of which is enclosed to the O.A. The copy is not legible. However, a reading of the judgment, straining ourselves, indicates that the applicant in that O.A., was similarly placed and ~~the~~ ^a direction was given in that case to fix his

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payix in the Senior time scale of pay IDAS in the scale of 3,000--4,500/ and pay him the consequential benefits as the applicant in that O.A., was shouldering the higher responsibilities of the Senior Time Scale Pay Post.

When the O.A., was taken^{up} for consideration on 20.11.1998, the learned counsel for the respondents submitted that a similar O.A., was also disposed of by the Principal Bench of the Central Administrative Tribunal in O.A.2250/97 on 24.7.1998. That O.A., is also similar to the instant O.A. and a direction was given therein to fix the pay of the applicant as he was shouldering the higher responsibilities of a Senior Time Scale ~~Pay Scale~~ Post of IDAS following the extant rules and further directed that the arrears given in that connection will be recovered from the applicant in case the LPA.No.50/81 pending disposal on the file of Delhi High Court is decided in favour of the respondents therein. The learned counsel for the respondents, however, submits that a similar order may be passed in this O.A., also.

The main points for consideration in this O.A., is whether the applicant herein had discharged the duties of Senior Time Scale ~~at~~ pay of IDAS soon after he was promoted to Group "A" service of IDAS as Assistant Controller of Defence Accounts. It is an admitted fact that the applicant had discharged the duties of a Senior

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Time Scale pay post of IDAS. Hence, we see no reason to deviate from the directions given in O.A.2250/97 by the Principal Bench of the Central Administrative Tribunal, New Delhi disposed of on 24.7.1998.

In view of what is stated above, the following directions are given to the respondents:

- i) The respondents shall fix the pay of the Applicant in the Senior Time Scale of Pay from the date he was appointed to the IDAS i.e., from 22.6.1995 till his date of retirement on 31.1.1996.
- ii) The applicant shall also be paid all the arrears of his ^{pay,} pension and pensionary benefits on the basis of his pay fixation in the post of IDAS with effect from 22.6.1995 till his date of retirement
- iii) This process shall be completed within four months from the date of receipt of a copy of this Order.
- iv) That the applicant shall refund the amounts received by him by way of arrears on fixation of his Pay in the Senior Time Scale Pay post of IDAS in case the decision in WPA50/81 goes in favour of the respondents therein i.e., against the applicant herein on the file of the High Court, Delhi
- v) that the question of payment of interest be decided by the respondents according to law.

The O.A., is disposed of with the above directions.

[Signature]
B.S. JAI PARAMESHWAR
MEMBER (J)

[Signature]
(R. RANGARAJAN)
MEMBER (A)

No costs.

Date: 25.1.1999
Dictated in open Court.
ss.

Copy to:

1. HDHND
2. HHRP M(A)
3. HDSJP M(J)
4. D.R.(A)
5. SPARE

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1st and 1Ind Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD.

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

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

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

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

DATED: 25/1/99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN

O.A.NO : 469/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

(8)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 3 FEB 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH