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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.1580/97.

Date of decision: 31st December, 1998.

Between:

1. Dalli Rama Krishna Reddy.
2. P.Sambamurthy. .. Applicants.

A n d

1. Union of India represented by its Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Secretary to the Govt. of India, Department of Personnel and Training, NorthBlock, New Delhi 110 001.
3. The Chief Engineer, Navy, Visakha/atanam 530 004.

.. Respondents.

Counsel for the Applicants: Sri P.P.Vittal.

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)

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O.A.No.1580/97.

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

Heard Sri P.P.Vittal for the applicant and
Sri V.Rajeswara Rao for the respondents.

There are two applicants in this O.A. They
are MT Drivers in the scale of Rs.950-1500. They
are working under/ the Chief Engineer, Navy,
Visakhapatnam. Office Memorandum No.22036/1/92-Estt(O)
dated 30-11-1993 (Annexure I Page 9 to the O.A.)
was issued by the Ministry of Personnel, Public
Grievances and Pensions directing the Government
to devise a promotional scheme for Staff Car Drivers
with the graded structure (950-1500, 1200-1800 and
1320-2040) similar to one provided by the Ministry
of Railways, in the ratio of 55: 25: 20 and further
instructions were also issued in this regard with/the
eligibility condition for posting the persons in the
various grades as ~~maxx~~ per the percentages referred to
above. It is clearly stated in para 2.9 of the
said O.M., that the orders contained therein will
come into force with effect from 1.8.1993. It is
stated that the applicants have not been given that
scale.

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it is statedz

The applicants have filed this O.A., praying to extend the Scheme contained in O.M., dated 30.11.1993 issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) with effect from 1.8.1993 with all consequential benefits such as seniority, arrears etc.

A reply has been filed in this O.A.

The learned counsel for the applicants submits that the Scheme in toto with effect from 1.8.1993 has been implemented by the Department of Atomic Energy without any deviation from the instructions given by the Department of Personnel and Training in O.M. No.22036/1/92-Estt (D) dated 30.11.1993 and he has enclosed the Office Memorandum No.2/11793-SCS/365 dated 8.7.1996 issued by the Department of Atomic Energy (Annexure I to the Rejoinder Affidavit of the applicant). The applicants also submit that the Scheme was operated in accordance with the directions of the Department of Personnel & Training with effect from 1.8.1993 by the Department of Space also by Office Memorandum dated 2-3-1995 (Annexure II to the rejoinder). Hence the applicants submit that the deviation by the Defence Department is not warranted, and has to be

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implemented in toto as per the Office Memorandum of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) dated 30.11.1993.

The respondents in their reply submit that the Scheme ~~was~~ introduced as per the O.M., dated 30.11.1993 of DOPT ~~xxxxxxxxx Memorandum~~ and the Government of India, Ministry of Defence by letter No. PC-1(i)/94/D(Civ. I) dated 5.12.1996 (Annexure R-1 to the reply) approved the three pay scale structure of Civilian Motor Drivers and that Memorandum dated 5.12.1996 stipulated that the Scheme ~~would~~ ^{would} be introduced from the issue of the Memorandum dated 5.12.1996. That would mean that the ~~skar~~ ~~x&xxxxxx~~ Scheme introduced by Memorandum dated 30.11.1993 is applicable ^{to} ~~in~~ Defence Organisation only from the date of issue of Memorandum dated 5.12.1996 and not from 1.8.1993.

Hence the only point for consideration is "whether the Memorandum dated 5.12.1996 issued by the Defence Authorities is applicable only from 5.12.1996 or from 1.8.1993?" We have asked the learned counsel for the Respondents to explain as to why the Scheme was given effect to from 5.12.1996 instead of 1.8.1993 as per Office Memorandum dated 30.11.1993. The

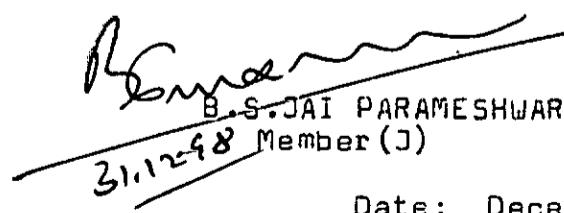
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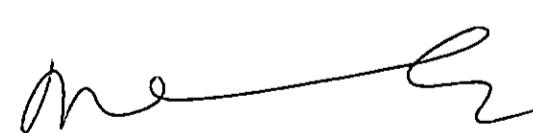
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The learned counsel for the respondents submitted that it is the decision taken by the respondents. We have perused the reply statement filed by the respondents. Nowhere it is stated as to why the Scheme was operated from a later date instead of the earlier date i.e., 1.8.1993. Hence, it is to be held that the Scheme was operated without giving any consideration as to the introduction of the Scheme as stipulated by the Department of Personnel and Training by O.M.No., dated 30.11.1993. Hence, in view of the precedents viz., Department of Atomic Energy and Department of Space, we see no reason for Defence Authorities to operate that scheme from a later date instead of 1.8.1993. The Scheme introduced by the Defence Authorities as per their letter dated 5.12.1996 should be introduced with effect from 1.8.1993 as per the O.M., dated 30.11.1993 and not from 5.12.1996.

With the above directions the O.A., is disposed of. No costs.


B.S.JAI PARAMESHWAR,


31.12.98 Member (J)


R.RANGARAJAN,

Member (A)

Date: December 31, 1998.

Dictated in open Court.


Amitha
6-1-99

sss.

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3/1/99. II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 31 - 12 - 98

✓ ORDER / JUDGMENT

MA/R.A./C.P. No:

III

OA. NO. 1580/97

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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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

MA. No. 514/99
in
OA. No. 1580/97

Between:

Dated: 12.7.99

1. The Secretary,
Ministry of Defence,
Govt. of India, New Delhi.
2. The Secretary to the Govt.
of India, Dept. of Personnel
and Training, North Block,
New Delhi.
3. The Chief Engineer (Navy),
Visakhapatnam. Applicants

And

Dalli Rama Krishna Reddy
S/o Appala Swamy P. Samba Murthy,
Working under the Control of Garrison
Engineer (Project), Dry Dock,
Kalinga Visakhapatnam. Respondent

Counsel for the Applicants : Mr. V. Rajeswara Rao

Counsel for the Respondent : Mr. P. P. Vittal

ORAM:

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

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr. V. Rajeswar Rao for the Applicants.
None for the Respondent.

Time is extended by one more month. The order
should be complied with on or before 15.8.99.

No further extension of time will be given.

The MA is disposed of.

Amu 1374
Section Officer

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2. H.R.P.M (A)
3. HOSJP M (J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
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 (ADMN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

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

ORDER: Date. 12/7/99

ORDER / JUDGMENT

MA./RA./CR. NO 514/99
IN
DA. NO. 1580/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

MA. IS
DISPOSED OF WITH DIRECTIONS

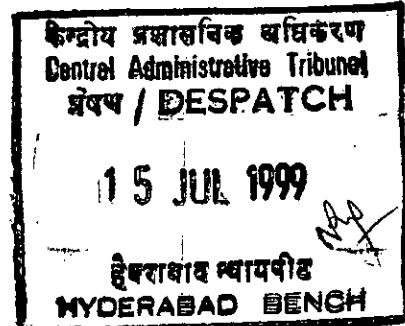
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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**Central Administrative Tribunal, Hyderabad Bench,
HYDERABAD.**

OAA No.

1580 of 1997

BETWEEN

D. Ravakrishna Reddy

Applicant (s)

Vs.

U.O.T. Deptt by M. Secretary,
Ministry of Defence New Delhi

Respondent (s)

MEMO OF APPEARANCE



To,

I V. Rajeswara Rao, Advocate, having been authorised.....

(here furnish the particulars of authority)

by the Central/State Government/Government Servent/ authority/corporation/
society notified under Sec. 14 of the Administrative Tribunals Act, 1985. Hereby appear for
applicant No/Respondent No...R.S.R.K.3.... and undertake to plead and act
for them in all matters in the aforesaid case.

Place : Hyderabad

Date : 9-3-98

Address of the Counsel for Service

V. Rajeswara Rao

104/2 RT. Sanjeevareddy Nagar,
HYDERABAD - 500 038.


V. RAJESWARA RAO
Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Signature & Designation of the Counsel.