

(61)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..  
O.A.No.1580/97.  
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Date of decision: 31st December, 1998.  
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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 Train-  
ing NorthBlock, New Delhi 110 001.

3. The Chief Engineer, Navy, Visakha/atnam 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.  
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(by Hon'ble Sri R.Rangarajan, Member (A))  
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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 <sup>regard to</sup> the  
eligibility condition for posting the persons in the  
various grades as ~~xxxx~~ 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 stated

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(O) 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 ~~xxxxxxx~~ 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 <sup>would</sup> ~~will~~ be introduced from the issue of the Memorandum dated 5.12.1996. That would mean that the ~~xxxxx~~ Scheme introduced by Memorandum dated 30.11.1993 is applicable <sup>to</sup> ~~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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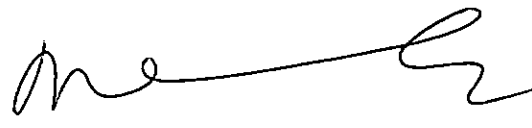
*[Handwritten mark]*

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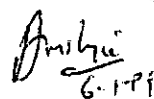
The learned counsel for the respondents submitted that it is the decision taken by the respondents. We have perused the reply statement filed by the respondents. Nowhere it is stated as to why the Scheme was operated from a later date instead of the earlier date i.e., 1.8.1993. Hence, it is to be held 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.  
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Dictated in open Court.

  
6-1-99

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1) DR(A)  
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II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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.

in

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

SRR

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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH  
11 JAN 1999  
हैदराबाद ब्याचपीठ  
HYDERABAD BENCH

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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

COMRAM:

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.

  
Section Officer 1378

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1. HCHND
2. HHRP M(A)
3. HOSJP M(J)
4. D.R. (A)
5. SPARE ✓

1st AND 1Ind COURT

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

MR./RA./CF. NO

IN

CA. NO.

514/99

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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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

15 JUL 1999

हैदराबाद ब्यायपीठ  
HYDERABAD BENCH



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

O.A. No. 1580 of 1997

BETWEEN

D. Ramakrishna Reddy

Applicant (s)

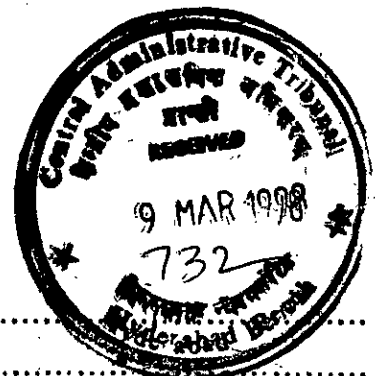
Vs.

UOI 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.K. 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.