

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 536/97.

Dt. of Decision : 1-5-97.

1. G. Satyanarayana
2. Y. Gurunadha Rao
3. P. Velanga Rao
4. M. A. Hakeem
5. P. Paradesi
6. P. A. Narasaiah
7. K. Iellaiah
8. V. Muthyalu
9. S. J. N. Raju
10. P. Simhachalam
11. P. A. Naidu
12. B. Sahademudu
13. P. Nagaraju
14. K. Apparao
15. P. Trinadha Rao
16. B. Samuguru

.. Applicants.

Vs

1. The Union of India, rep. by its Secretary, Min. of Defence, New Delhi.
2. The Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent, Naval Dock Yard, Visakhapatnam.

.. Respondents.

Counsel for the applicants : Mr. P. B. Vijayakumar

Counsel for the respondents : Mr. V. Shimann, 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 HCN'ELE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.F.B.Vijayakumar, learned counsel for the applicants and Mr.V.Bhimanna, learned counsel for the respondents.

2. There are 16 applicants in this OA. They are working as Assistant Fireman in Commander of the Yard Department. They are at present in the pay scale of Rs.800-1150/-. The applicants contend that they are in the feeder category for the Geaser post which is also in the ~~same~~ same scale of pay of Rs.800-1150/-. They submitted a representation to R-3 for considering their cases also for promotion to the post of Geaser by the representation dated March 1997. That representation was disposed of by the impugned order No.PIR/0217/BC dated 14-03-97 (Annexure-IV) rejecting their claim on the ground that "in accordance with Min. of Finance OM.No.13(2)/IC/92, dated 07 Apr. 95 regarding cadre review of Group 'D' employees, no promotion can be made within the same scale of pay of Group 'D' employees.

3. Aggrieved by the above they have filed this OA for setting aside the impugned proceedings No.PIR/0217/BC, dt.14-3-97 (Annexure-IV) and for a consequential direction to R-3 to fill up the existing/future posts of Geaser either by promotion or transfer from amongst the applicants by observing the seniority.

4. A contention has been raised ~~by~~ in the OA saying that at present both the Assistant Fireman and Geaser are in the same scale of pay viz., Rs.800-1150/-. However, as per the 5th Pay Commission Recommendation the scale of pay of Geaser is fixed at a higher stage compared to Assistant Fireman. Hence, if they are not considered for the post of Geaser at this juncture they will lose as the post of Geaser is likely to be placed in a higher scale of pay compared to the present scale of Rs.800-1150/-.

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D

But ^{we} find that in the representation that no such issue was raised. It is a new issue raised by them in this OA. Hence, it is essential that the new point raised now has to be considered by the respondents in accordance with law and take a suitable decision in this connection.

5. In view of the above, we are of the opinion that the applicant should submit a fresh representation including the contention raised in this OA in regard to the proposed allotment of higher scale of pay of Geaser in the 5th Pay Commission Recommendation to R-2. It is stated that the selection ^{for the filling up posts of Geaser had already been} proceedings ~~are~~ started and interview is over. But the result is not yet announced. But it is not made it clear whether the results are announced or not. In view of the above a direction has also to be given to R-2 ^K and finalise the selection and issue the results after consideration of the representation of the applicants now to be submitted if the results are not already announced. The applicants should submit their representation within 10 days from today.

6. In the result, the following direction is given:-

The applicants if so advised may submit a fresh representation to R-2 including their contentions in regard to the higher scales of pay of Geaser posts in the 5th Pay Commission recommendation within 10 days from today. If such a representation is received, R-2 should consider the same in accordance with law and dispose it of as per rules. If the selection results for the post of Geaser has not been already announced then the result should be announced only after the disposal of the proposed representation to be submitted by the applicants.

7. The OA is ordered accordingly at the admission stage itself. No costs.

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

(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 01st May 1997.
(Dictated in the Open Court)

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..3..

Copy to:

1. The Secretary, Min. of Defence, New Delhi.
2. The Flag Officer, Commanding in Chief,
Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent, Naval Dock Yard,
Visakhapatnam.
4. One copy to Mr. P. B. Vijaya Kumar, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

536/97

TYPED BY
COMPARED BY

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 1/5/97

ORDER/JUDGEMENT

R.A/C.P/M.A.No.

in

O.A.No. 536/97

~~ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS~~

YLKR

II COURT

[Signature]

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेजना/DESPATCH
10 JUN 1997
हिराबाद प्राधिकरण