

58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.710/97

DATE OF ORDER : 09-06-1997.

Between :-

M.Lakshmana Rao

.. Applicant

And

Union of India rep. by

1. Secretary - Min. of Defence,  
DHQ P.O. New Delhi - 110 011.
2. Engineer-in-Chief, Army Head Quarters,  
Kashmir House, DHQ P.O., New Delhi -110 011.
3. The Chief Engineer, Southern Command,  
Pune 411 001.

.. Respondents

--- --- ---

Counsel for the Applicant : Shri KSR Anjanayulu

Counsel for the Respondents : Shri Kota Bhaskar Rao, Addl.CGSC

--- --- ---

CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

--- --- ---

.. 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

Heard Shri K.S.R.Anjanayulu, counsel for the applicant and Shri Kota Bhaskar Rao, standing counsel for the respondents.

2. The applicant in this O.A. joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 1-10-1944. At that relevant time there were only two grades ~~were~~ available viz LDC and UDC. In 1944 on account of <sup>three grades, namely</sup> restructuring of the department, A, B and C. This classification of A, B and C was done <sup>in</sup> pursuance to the instructions of the unified scales introduced by the then Govt. of India memorandum dt. 19-8-1944. Thereafter Varadacharyu <sup>-lu</sup> Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new pay scales were introduced some time in the year 1947. As a result of which all the 3 grades were abolished and in that place 2 grades viz LDC and UDC were introduced. The recommendations of Varadacharyu <sup>-lu</sup> Pay Commission were accepted by the Respondents with effect from 1.1.1947. It is an undisputed fact that A and B grades clerks were equated with the clerk of UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220 for UDC and Rs.55-130 for LDCs respectively. At the relevant time, the applicant was serving as Grade B ~~in the~~ and that his contention is that he should be treated as UDC as on 19-1-47. Though he was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the applicant as LDC thereby down grading his position. This, the applicant submits ~~that~~ is contrary to the recommendations of

the commission.

3. This O.A. is filed for the following relief:-

- (i) to direct the respondents to classify him as UDC with effect from 1.1.1947;
- (ii) to re-fix his pay in the scale of UDC and grant increments as and when due;
- (iii) to calculate the difference in arrears of pay arising due to re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt.4.11.87 (Annexure-4 to OA) and also as ordered in the CAT Bombay in OA 1037/92 dt.28.9.95 and 15.4.96 (Annexure-7, page-14 to OA) and also in OA 501/93 of Calcutta Bench Judgement dt.3.1.94 and to pay other consequential benefits arising out of the above.

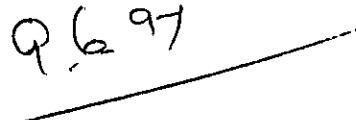
4. It is an admitted fact by both sides that this O.A. is judgement in OA 1037/92 of covered by the/Bombay Bench of the Tribunal. But the learned counsel for the respondents submit that the applicant has filed the representation to follow the judgement of the Bombay Bench of the Tribunal read with the judgement of the Supreme Court dt.4-11-87 in Civil Appeal No.4201/85 in regard to payment of ~~arrears~~. He further submits that a direction may also be given to dispose of the representation following the judgement of the Bombay Bench and Supreme Court. In fact this would mean that the respondents have to follow the directions fully and ~~except~~ that they have no other alternative. Instead of giving such a direction, this Bench itself can give direction to follow the <sup>60</sup> Judgement of the Bombay Bench of CAT and Supreme Court in regard to payment of arrears. In view of the above, the OA is

1

disposed of at the admission stage itself directing the respondents to follow the judgement of the Bombay Bench of CAT in OA 1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt. 4.11.87 in Civil Appeal No. 4201/95.

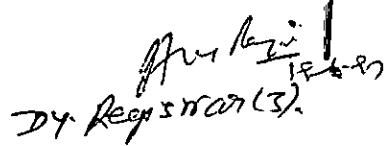
5. O.A. ordered accordingly at the admission stage itself.  
No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)

  
Q. 697

Dated: 9th June, 1997.  
Dictated in Open Court.

  
(R. RANGARAJAN)  
Member (A)

  
D.Y. Registrar (3)

av1/

••5••

**Copy to:**

1. Secretary, Min. of Defence, DHQ P.O., New Delhi.
2. Engineer in Chief, Army Head Quarters, Kashmir House, DHQ P.O., New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate,CAT,Hyderabad.
5. One copy to Mr.K.Bhaskara Rao, Addl.CGSC,CAT,Hyderabad.
6. One copy to D.R(A), CAT,Hyderabad.
7. One duplicate copy.

YLKR

RE/ST/xx

(X)

SYL

CHECKED BY  
APPROVED BY

TYPED BY  
COMPARED 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: 9/6/97

ORDER/JUDGEMENT

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

CHECKED BY  
APPROVED BY

O.A. NO. 7/0/97 DATESIVE TRIBUNAL  
HYDERABAD

Admitted and Interim directions  
Issued. R. RANGARAJAN: M(A)

Allowed

Disposed of with directions B. S. JAI PARAMESHWAR: M

Dismissed (J)

Dismissed as withdraw

Dismissed for default

Ordered/Rejected.

No order as to costs.

DATE OF REHEARING

केन्द्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal  
मेधापुर/DESPATI

- 4 JUL 1997

YLRK./R.A./C.A. NO.

HYDERABAD BENCH  
Court