

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.711/97

DATE OF ORDER : 09-06-1997.

Between :-

M.S.Rama Rao

... Applicant

And

Union of India rep. by

1. Secretary - M/o Defence,
DHQ PO , New Delhi-110 011.
2. Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ, PO, New Delhi-110 011.
3. The Chief Engineer, Southern Command,
Pune - 411 001.

... Respondents

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Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri N.V.Raghava Reddy,CGSC

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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)).

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

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Heard Shri KSR Anjaneyulu, counsel for the applicant and Shri N.V.Raghava Reddy, standing counsel for the respondents.

2. The applicant joined as L.D.C. in Military Engineering Service in October, 1942. He was in the grade-B on 1.1.47. His grievance is that he was shown as UDC instead of showing him as UDC *from that date*

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

- (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. The applicant has submitted a representation ^{*only*} on 20-1-97 and hence he has not exhausted the normal channel of grievance redressal machinery ^{*fully*} before filing this O.A. as 6 months period ^{*of the submission of his appeal*} has not elapsed, as per the submissions of the standing counsel for the respondents. As this is a covered case, the minor technical objections ^{*may*} cannot stand in the way of the applicant for getting relief. In view of the above, the direction in OA 710/97 holds good in this case also.

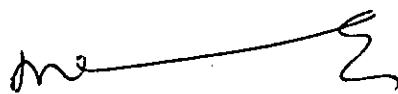
5. Accordingly this O.A. is disposed of at the admission stage itself directing the respondents to follow the judgement of the Bombay Bench of CAT in OA 1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt.4-11-87 in Civil Appeal No.4201/95.

6. OA ordered accordingly at the admission stage itself.
No costs.



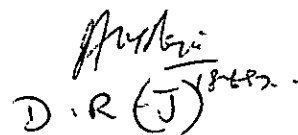
(B.S. JAI PARAMESHWAR)
Member (J)

Q.B.9)



(R. RANGARAJAN)
Member (A)

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


D.R. (J)

avl/

In the case the
applicant
herein.