

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 713/97

DATE OF ORDER : 09-06-1997.

Between :-

T.K.Thiru Murthy

... 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 KSR Anjaneyulu

Counsel for the Respondents : Shri Kota Bhaskar Rao, 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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B

D

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

Heard Shri KSR Anjaneyulu, counsel for the applicant and Shri Kota Bhaskar Rao, ~~xxxxx-xxxxx~~ counsel for the respondents.

2. The applicant in this OA joined as LDC on 27-7-43. He was a Grade-B clerk on 1.1.1947. His prayer is that he should be treated as UDC from 1.1.1947 instead of lowering his status as LDC.

3. The OA is filed for the following reliefs :-

- (i) to direct the respondents to classify him as LDC with effect from 1.1.1947;
- (ii) to re-fix his pay in the scale of LDC 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 OA 1037/92 by the Bombay Bench of CAT dt.28-9-95 and 15-4-96 (Annexure-7, to OA) and also in CA 501/93 of Calcutta Bench Judgement dt.3-1-94 and to pay other consequential benefits arising out of the above.

4. The applicant submitted representation on 29-3-96


The learned counsel for the respondents submits that a direction may be given to dispose of the representation in accordance with the judgement of the Bombay Bench of CAT and the Apex Court.


However we feel that as this case is similar to OA 710/97, we

follow the same direction and dispose of the same.

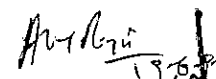
5. In view of the above, the OA is disposed of at the admission stage itself directing the respondents to follow the judgement of the Bombay bench of CAT in OA 1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt.4-11-87 in Civil Appeal No.4201/85.

6. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
9.6.97


(R. RANGARAJAN)
Member (A)

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


By-Registrar (S)

avl/

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

Heard Shri KSR Anjaneyulu, counsel for the applicant and Shri Kota Bhaskar Rao, ~~xxxxx-xxxxx~~ counsel for the respondents.

2. The applicant in this OA joined as LDC on 27-7-43. He was a Grade-8 clerk on 1.1.1947. His prayer is that he should be treated as UDC from 1.1.1947 instead of lowering his status as LDC.

3. The OA is filed 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 OA 1037/92 by the Bombay Bench of CAT dt.28-9-95 and 15-4-96 (Annexure-7, 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.

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However we feel that as this case is similar to OA 710/97, we

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Copy to:-

1. Secretary, M/o Defence, DHQ PO, New Delhi.
2. Engineer-in-Chief, Army Head Quarters, Kashmir House, PO, New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. One copy to Sri. K.S.R. Anjanayulu, advocate, CAT, Hyd.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

8/7/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED 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
(3)

DATED: 9/6/97

ORDER/JUDGEMENT

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

in

O.A.NO.

7/3/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

