

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

(26)

ORIGINAL APPLICATION NO. 755/97

DATE OF ORDER : 23-06-1997.

Between :-

Y. Manik Prabhu

... Applicant

And

1. The Union of India rep. by its Director, National Sample Survey Organisation, Field Operation Division (FOD), New Delhi.
2. Dy. Director, National Sample Survey Organisation (FOD), AP North Region, 8th Floor, West Wing, Gagan Vihar, M.J.Road, Hyd-1.
3. Regional Assistant Director, National Sample Survey Organisation (FOD), AP North Region, 8th Floor, West Wing, Gagan Vihar, M.J.Road, Hyd-1.

... Respondents

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Counsel for the Applicant : Shri K.K.Chakravarthy

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 B.S.Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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The applicant was working as ^a Peon in the office of the Dy. Director, National Sample Survey Organisation, Hyderabad. He joined in service as Chowkidar/ ^{and vide} order No.2(4)/Estt/Hyd/85, dt.25-10-85 he was appointed on transfer as Peon (Group-D) in the scale of Rs.192-232 with effect from 25-10-95. Thus he is having a continued service of 11 years. Relying upon the OM No.10(1)/E-III/88 dt.13-9-91 the benefit ~~the~~ of IN-SITU promotion was given to the applicant along with others with effect from 9-1-96. It is his case that the respondent No.3 by an extention order on 1-7-96 ~~the~~ cancelled the promotion without any reasons. The applicant submitted a representation dt.4-7-96 requesting to furnish reasons for cancellation and his representation has not been considered. In the meanwhile the Govt. of India ^{vide} notice order No.13(2)/IC/92 dt.7-4-95 revised the pay scale from Rs.775-1150 to Rs.775-1025. He claims that he is entitled for the promotional pay from 1-10-90. It is his case ^{that} contrary to the above, the Respondent No.2 passed orders on 27-5-97 and the 3rd respondent ordered recovery from the month of June, 1997. He claims that no opportunity was given to him to represent the matter.

2. Hence he has filed this O.A. to declare that the action of the respondent No.2 in effecting the recovery of the arrears vide order No.A-46011/ESTB/97 dt.27-5-97 granted under IN-SITU promotion vide order dt.9-1-96 and canceled on 1-7-96 as illegal, contrary, arbitrary and contrary to law and against the Govt. of India orders dt.13-9-91 and for a consequential order to the

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respondent No.2 not to recover any amount paid to him till now and permit him to draw the same allowances and salary.

3. Since the respondents have not disposed of the representation dt.4-7-96 and since his earlier IN-SITU prootion ^{was} withdrawn by the authorities without disclosing the reasons, we feel it proper to direct the respondents to consider the representation of the applicant dt.4-7-96 and dispose of the same with a speaking order. ~~and~~ till then no such recovery should be made. The above disposal is also acceptable to the learned standing counsel for the respondents.

4. Hence the OA is disposed of with the following direction :-

"The Respondent No.3 is directed to consider and dispose of the representation dt.4-7-96 of the applicant by a speaking order. The Respondent No.2 shall not effect any recovery till the disposal of the representation of the applicant dt.4-7-96."

5. No order as to costs.

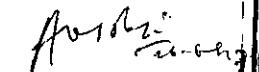


(B.S.JAI PARAMESHWAR)
Member (J)

23.6.97



(R.RANGARAJAN)
Member (A)



D.Y. Registrar (J)

Dated: 23rd June, 1997.
Dictated in Open Court.

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2d

Copy to:-

1. The Director, National Sample Survey Organisation, Union of India, Field Operation Division(FOD), New Delhi.
2. Dy. Director, National Sample Survey Organisation(FOD), A.P. North Region, 8th floor, West Wing, Gagan Vihar, M.J.Road, Hyd.
3. Regional Assistant Director, National Sample Survey Organisation (FOD), A.P.North Region, 8th floor, West wing, Gagan Vihar, M.J. road, Hyd-1.
4. One Copy toSri. K.K.Chakravarthy, advocate, CAT, Hyd.
5. One copy to Sri. K.Bhaskar Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Hon'ble Mr. B.S.Jai Parameswar, JM, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

10/7/97

(8)

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TYPED BY
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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
(J)

DATED

23/6/97

ORDER/JUDGEMENT

M.A. / R.A./P.A. AND

5.A. NO.

755(97)

Admitted and Interim directions
Tested.

Allied

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

1/2/97/97 to 7/7/97

Central Administrative Tribunal
DESPATCH

8 JUL 1997

10/7/97

HYDERABAD BENCH