

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.757/97.

Dt. of Decision : 20-6-97.

1. Vaddepalli Krishna
2. T. Subbarayudu
3. M. Venkata Rao
4. Naheed Nikhat

.. Applicant.

Vs

1. The Union of India, Rep. by the
Director General, Dept. of Posts
cum Ex. Officio Secretary,
Dept. of Posts, New Delhi.
2. The Chief Postmaster General,
A.P. Postal Circle, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr. K.S.R. Anjaneyulu

Counsel for the respondents : Mr. N.R. Devaraj, Sr. 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 HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Heard Mr. Subramanyam for Mr. KSR Anjaneyulu, learned ^{St. Standing} counsel for the applicants and Mr. N. R. Devaraj, learned ^{St. Standing} counsel for the respondents.

2. There are 4 applicants in this OA. The facts of the case are submitted by the applicants are as follows:-

On 20-06-93 they ^{were} WDCS in the scale of pay of Rs.1200-2040/- and in that scale, on that date, they ^{were} drawing pay of Rs.1680 + 70 due to the introduction of OTBP Scheme. They became eligible for the scale of Rs.1400-2300/- from the ^{date} onwards. When they were granted that higher scale under the said scheme their pay ^{were} fixed ~~at~~ at Rs.1760/-. Their increment on 1-6-94 was also drawn on that basis in the scale of pay of Rs.1400-2300/- and on that date their pay was fixed at Rs.1800/-. The applicants became eligible for the BCR scheme and they were granted Rs.1600-2660/- under the BCR scheme from 1-7-94 and their pay was fixed at Rs.1900/-. Later their increment was granted on 1-7-95 ^{raising} their pay to Rs.1950/-. However, their promotion to the BCR was ^{by} postponed from 1-6-94 and that postponement was also changed and they were given that BCR Scheme promotion w.e.f., 26-6-93. In view of that their pay have been reduced, and even ~~in they are drawing in the BCR scheme also.~~

3. The applicants submitted representation for the ^{their} above relief by ^{his} letter dated 9-8-96 (Annexure-2). It is stated that identical representations have been filed by the applicant No. 2, 3 and 4 also. Those representations are yet to be disposed of. In the mean time, it is stated that it was sought to recover the excess payment.

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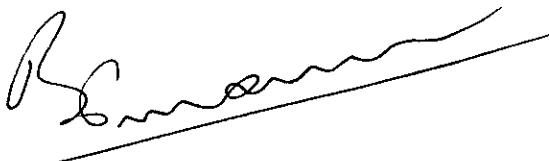
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4. Hence the applicants filed this OA praying for a declaration that the reduction of their pay from the stage of Rs.2000/- to 1900/- without any notice or order as arbitrary, illegal and for a consequential direction to set aside the same and for a further direction to the respondents to restore their pay to the stage of Rs.2000/- as on 1-6-96 which they were drawing and refund the amount ~~themselves~~ of pay and allowances reduced w.e.f., 1-6-96 which was given effect to without notice or orders and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

5. The applicants submit that if the respondents go through their representations they will understand the implication. But as the respondents fail to go through the representations and pass a reasoned order, the impugned recovery has started. In view of the above submission, it is proper to direct R-1 to dispose of the representations of the applicants in accordance with law early. The recovery if started should be stopped forthwith and no recovery should be made till the representations are disposed of. Time for compliance 4 months from the date of receipt of a copy of this order.

6. The OA is disposed of at the admission stage itself.

No costs.


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

20 (6-97)


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R. (Judge)

Dated : The 20th June 1997.
(Dictated in the Open Court)

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Copy to:-

1. The Director General, Dept. of Posts Cum Ex. Officbio Secretary, Dept. of Post, Union of India, New Delhi.
2. The Chief Postmaster General, A.P. Postal Circle, Hyd.
3. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
4. One copy to ~~Expmty~~ Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Deputy Registrar(A), CAT, Hyd.
6. One spare copy.

Rsm/-

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10/7/97
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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)

DATEEE

26/6/97

ORDER/JUDGEMENT

M.A. / H.A. / C.A. AND

S.A. AND

757/197

Admitted and Interim directions
Issued.

Allied

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

केंद्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
DEPT/DESPATCH

26 JUL 1997

हैदराबाद न्यायालय
HYDERABAD BENCH

II Court.

YLKR

A/w exp. 97/10/1