

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.990 OF 1997.

DATE OF ORDER:8-1-1999.

Between:

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|-------------------------------|--------------------------|
| 1. Mr.K.Pydiraju. | 41. Mr.R.Kondayya. |
| 2. D.Rama Rao. | 42. Mr.N.Sankara Rao. |
| 3. Mr.PLN Raju. | 43. Mr.YRC Raju. |
| 4. Mr.D.Suri Babu. | 44. Mr.Syed Husuf. |
| 5. Mr.B.Gopalakrishna. | 45. Mr.I.Raja Rao. |
| 6. Mr.TSC.Bose. | 46. Md.Yakub. |
| 7. Mr.M.Appa Rao. | 47. Mr.K.Ramulu. |
| 8. Mr.G.Mahalakshmi. | 48. Mr.N.Appa Rao. |
| 9. Mr. N.Trinadh. | 49. Mr.A.Rama Reddy. |
| 10. Mr.M.Madhusudhana Rao. | 50. Mr.B.V.Ramana Rao. |
| 11. Mr.K.T.Venkateshwara Rao. | 51. Mr.N.Sanyasi Rao. |
| 12. Mr.G.Venkatappa Rao | 52. Mr.NSN Raju. |
| 13. Mr.S.Ramu. | 53. Mr.Y.Rama Rao. |
| 14. Mr.T.V.Ramana. | 54. Mr.B.Rama Rao. |
| 15. Mr.S.Appa Rao. | 55. Mr.M.Suryanarayana. |
| 16. Mr.B.Nagaraju. | 56. Mr.K.Thata. |
| 17. Mr.KVP.Raju. | 57. Mr.B.Narayanappadu. |
| 18. Mr.D.Sunder Rao. | 58. Mr.G.Durgaprasad. |
| 19. Mr.N.Pyditihalli. | 59. Mr.B.Sankara Rao. |
| 20. Mr.P.Prabhakara Rao. | 60. Mr.N.Brahmaji. |
| 21. Mr.SVSN.Raju. | 61. Mr.K.Nageswara Rao. |
| 22. Mr.S.Jagga Rao. | 62. Mr.D.Eri Babu. |
| 23. Mr.D.Simhachalam. | 63. Mr.G.Satya Rao. |
| 24. Mr.G.Appalanaidu. | 64. Mr.P.Appala Raju. |
| 25. Mr.RV.Ramana. | 65. Mr.B.CH.Venkata Rao. |
| 26. Mr.G.Appa Rao. | 66. Mr.S.Leelandara Rao |
| 27. Mr.S.Rama Rao. | 67. Mr.B.Arjuna Rao. |
| 28. Mr.G.Sombabu. | 68. Mr.I.Bhaskara Rao. |
| 29. Mr.K.Appa Rao. | 69. Mr.S.Krishnamurthy. |
| 30. Mr.V.Danardhana Rao. | 70. Mr.G.Rama Rao. |
| 31. Mr.M.Ramu. | 71. Mr.V.Babu Rao. |
| 32. Mr.D.Sanyasi. | |
| 33. Mr.GSN.Raju. | |
| 34. Mr.M.A.Jabbar. | |
| 35. Mr.S.P.Ramulu. | |
| 36. Mr.SK.Meera. | |
| 37. Mr.B.Appalanaidu. | |
| 38. Mr.B.Rama Rao. | |
| 39. Mr.M.Varahalu. | |
| 40. Mr.R.P.Naidu. | |

.....Applicants

(Sl.No.1 to 12 are working under the Control of Chief Engineer, Navy, Visakhapatnam as MT Drivers).

(Sl.No.13 to 25 are working under the control of Garrison Engineer (Naval Depot) Visakhapatnam as MT Drivers).

(Sl.No.26 to 38 are working under the control of Garrison Engineer (Naval Base) Visakhapatnam as MT Drivers).

(Sl.No.39 to 48 are working under the control of Garrison Engineer (Project) Dry Dock Kalinga as MT Drivers).

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(Sl.No.49 to 54 are working under the Control of Commanders Works Engg(Viaskhapatnam) MT Drivers).

(Sl.No.55 to 60 are working under the control of Commanders Works Engg(Project) as MT Drivers).

(Sl.No.61 to 67 are working under the control of Garrison Engg(Project)No.1, Visakhapatnam as MT Drivers).

(Sl.No.68 to 71 are working under the control of Garrison Engineer(Project) No.2, Visakhapatnam).

...APPLICANTS

A N D

1. The Union of India, rep. by its Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Secretary to the Government of India, Department of Personnel and Training, North Block, New Delhi-110 001.
3. The Chief Engineer, Navy, Visakhapatnam 530 004.

....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.K.Sudhakara Reddy

COUNSEL FOR THE RESPONDENTS:: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.K.Sudhakara Reddy, learned Counsel for the Applicants and Mr.V.Rajeshwara Rao, learned Standing Counsel for the Respondents.

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2. There are 71 applicants in this OA. The applicants 1 to 12 are working under the Control of Chief Engineer, Navy, Visakhapatnam as MT Drivers. Applicants 13 to 25 are working under the control of Garrison Engineer (Naval Depot) Visakhapatnam as MT Drivers. Applicants 26 to 38 are working under the control of Garrison Engineer (Naval Base) Visakhapatnam as MT Drivers. Applicants 39 to 48 are working under the control of Garrison Engineer (Project) Dry Dock Kalinga as MT Drivers. Applicants 49 to 54 are working under the control of Commanders Works Engineer (Visakhapatnam) MT Drivers. Applicants 55 to 60 are working under the control of Commanders Works Engineer (Project) as MT Drivers. Applicants 61 to 67 are working under the control of Garrison Engineer (Project) No.1, Visakhapatnam as MT Drivers and Applicants 68 to 71 are working under the control of Garrison Engineer (Project) No.2, Visakhapatnam.

3. Office Memorandum No.22036/1/92-Estt(D), dated:30-11-1993 (Annexure.A-I, page.19 to the OA) was issued by the Ministry of Personnel, Public Grievances and Pensions, directing the Government to devise a promotional scheme for Staff Car Drivers with the graded structure (Rs.950-1500, 1200-1800/- and 1320-2040) similar to one provided by the Ministry of Railways in the ratio of 55:25:20 and further instructions were also issued in this regard with regard to the eligibility condition for posting the persons in various grades as per the percentage referred to above.

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4. It is clearly stated in Para.2.9 of the said OM dated:30-11-1993 that the orders contained therein will come into force with effect from 1-8-1993. It is stated that the applicants have not been given that scales.

5. This OA is filed praying to extend the scheme contained in OM dated:30-11-1993, issued by the Ministry of Personnel, Public Grievances & Pensions, with effect from 1-8-1993 with all consequential benefits, such as, seniority, arrears etc.,.

6. The respondents have also filed their reply. The respondents in their reply submit that the scheme was introduced as per OM dated:30-11-1993 of DOP&T and the Govt. of India, Ministry of Defence, vide letter No.PC-1(i)/94/D(Civ-I), dated:5-12-1996 (Annexure.R-I to the reply). The approved three pay scale structure of Civilian Motor Drivers ^{was introduced as per} ~~and that~~ the Memorandum dated:5-12-1996 ^{and it was} stipulated that the scheme would be introduced from the issue of the Memorandum dated:5-12-1996. That would mean that the scheme introduced by Memorandum dated:30-11-1993 is applicable to the Defence Organisation only from the date of issue of a Memorandum dated:5-12-1996 and not from 1-8-1993. Hence, the only point for consideration is whether the Memorandum dated:5-12-96 issued by the Defence authorities is applicable only from 5-12-1996 or from 1-8-1993.

7. The similar issue arose in OA.No.1580 of 1997, which was disposed of on 31-12-1998, on the basis of


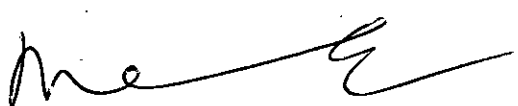
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the contentions raised by both sides, the defence authorities were directed that the Scheme introduced by them as per their letter dated:5-12-1996 should be introduced with effect from 1-8-1993 as per the O.M. dated:30-11-1993 and not from 5-12-1996. The contentions raised in this OA and the relief asked for is same as the contentions and the relief in OA.No.1580 of 1997, decided on 31-12-1998. Hence, the direction given in OA.No.1580 of 1997 will squarely hold good in this OA also.

8. Hence, the following direction is given:-

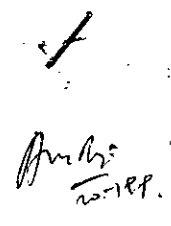
The Scheme introduced by the Defence Authorities as per the ^{c.f.} letter dated: 5-12-1996 should be introduced with effect from 1-8-1993 as per the OM dated:30-11-1993 and not from 5-12-96.

9. With the above direction, the OA is disposed of. No costs.

	
(B.S. JAI PARAMESHWAR)	(R. RANGARAJAN)
8.12.98 MEMBER (JUDL)	MEMBER (ADMN)

DATED: this the 8th day of January, 1999

Dictated to steno in the Open Court


20-1-99

29/1/99

1ST AND 2ND COURT

COPY TO:-

1. HONJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

~~THE HON'BLE MR. JUSTICE D.H. NASIR :~~
VICE CHAIRMAN

~~THE HON'BLE MR. H. RAJENDRA PRASAD :~~
MEMBER (A)

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

~~THE HON'BLE MR. B.S. JAI PARAMESWAR :~~
MEMBER (B)

DATED: 8-1-99

ORDER/JUDGMENT

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

In

O.A. NO: 990/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

(7 copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
27 JAN 1999
HYDERABAD BENCH