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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1537/97

Date of Order : 11.3.98

BETWEEN :

D.K.Nagapurkar

.. Applicant.

AND

1. Chairman, Telecom Commission,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi.
2. Senior Director General (BW),
Dept. of Telecommunications,
Sanchar Bhavan,
Ashoka Road, New Delhi.
3. The Chief General Manager,
AP Circle, Doordarshan Bhavan,
Nampally R.S.Road, Hyderabad.
4. The Chief Engineer, Telecom,
Civil Zone, 5-1-885, Koti,
Hyderabad.
5. The Superintending Engineer,
Telecom Civil Circle, Chikkadpally,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.K.Ramulu

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.S.Ramakrishna Rao, learned counsel for the applicant
and Smt.Rukmini for Mr.K.Ramulu, learned standing counsel for
the respondents.

For

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2. The applicant in this OA was appointed as a Junior Engineer in the scale of pay of Rs.1400-2300 by promotion on 30.11.78. In accordance with the circular dated 9.5.91 (A-5) the applicant got the scale of pay of Rs.2000-3500 as he had completed 15 years of service in the lower scale of Rs.1400-2300 w.e.f. 29.11.93. It is further stated that the applicant was promoted on adhoc basis as Assistant Engineer in the same scale of pay of Rs.2000-3500 w.e.f. 1.8.96. He was regularised in that post w.e.f. 4.11.96.

3. The applicant submits that he earned increments in the scale of pay of Rs.2000-3500 from 29.11.93. Hence when he was promoted as Assistant Engineer on adhoc basis from 1.8.96 his pay was more than Rs.2000-~~3500~~ as he got some increments on that pay. He submits that his pay as Assistant Engineer even though on adhoc basis should have ^{been} fixed under FR 22(1)(a)(i) because he shouldered higher responsibilities and duties. He submits that he was fixed at the same stage as he was drawing in the scale of pay of Rs.2000-3500 while working as Junior Engineer. It is further stated that the applicant submitted a representation on 29.8.96 for grant of relief as above. But that was rejected by the impugned office order dated 17.9.96.

4. This OA is filed for setting aside the order dated 17.9.96 and reiterated in the letter of R-5 denying the benefit of fixation of pay under FR 22(1)(a)(i) consequent on shouldering higher responsibilities and duties in the cadre of Assistant Engineer (Civil) w.e.f. 4.11.96 with all consequential benefits.

5. The applicant retired on 31.1.98. Hence he submits that his pensionary benefits ^{were} also reduced because of the wrong fixation of his pay. When we have perused his representation dated 29.8.96

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the representation in our opinion is not made out properly as stated in the facts of this case. His representation was rejected on the ground that his appointment is only for local officiating and for a period of 89 days only. But we find that this order does not meet with the relief asked for in the OA on as enumerated above the basis of the facts of this case. Probably as the applicant has not made out the representation properly his case was also disposed of some ground or the other for the sake of disposal of the representation. The respondents could have ascertained from the applicant ^{as} to what his request means and on that basis it could have been disposed of.

6. In any case now the case has come ^{as} to us, we dispose of the OA with the following orders.

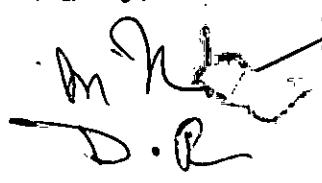
The applicant if so advised may submit a detailed representation for fixation of pay under Rule FR 22(1)(a)(i) when he was promoted on adhoc basis as Assistant Engineer w.e.f. 1.8.96 within a period of 30 days from the date of receipt of a copy of this order. If such a representation is received the same should be disposed of by the respondents within a period of two months from the date of receipt of the representation. If it is decided to fix his pay at a higher stage then the reply should also indicate in regard to fixation of his pension and pensionary benefits.

7. The OA is disposed of with the above directions. No costs.


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

11.3.98


(R.RANGARAJAN)
Member (Admn.)


Dated : 11th March, 1998

(Dictated in Open Court)

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OA.1537/97

Copy to:-

1. The Chairman, Telecom Commission, Sanchar Bhavan, 20, Ashoka Road, New Delhi.
2. The Sr. Director General (BS), Dept. of Telecommunications, Sanchar Bhavan, Ashoka Road, New Delhi.
3. The Chief General Manager, A.P.Circle, Doordarshan Bhavan, Nampally R.S.Road, Hyderabad.
4. The Chief Engineer, Telecom Civil Zone, 5-1-885, Koti, Hyderabad.
5. The Superintending Engineer, Telecom Civil Circle, Chikkadpally, Hyderabad.
6. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT., Hyd.
7. One copy to Mr. K.Ramulu, Addl.CGSC., CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate copy.

srr

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

THE HON'BLE MR. B.S. JAI PARAMESHWAR :
M(J)

DATED: 11/3/98

~~ORDER/JUDGMENT~~

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

in
O.A. NO. 1537/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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