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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1691/1997.

Date of decision: 23rd December, 1997

Between:

P.S.Menon. .. .. Applicant.

and

Union of India represented by:

- 1) The Secretary, Ministry of Defence,  
D.H.O.P.O., New Delhi 110 011.
- 2) Engineer-in-Chief, Army Head Quarters,  
Kashmir House, D.H.O.P.O., New Delhi, 110 011,
- 3) The Chief Engineer, Southern Command,  
Pune, Maharashtra 411 001. .. Respondents.

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

Counsel for the respondents: Sri V.Vinodkumar.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

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

Heard Sri K.S.R.Anjaneyulu, for the applicant  
and Sri V.Vinod Kumar for the respondents.

The applicant in this O.A., joined as  
Lower Division Clerk (LDC for short) in the Military  
Engineering Service on 26-2-1943.

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At the relevant time there were only two grades available viz., Lower Division Clerk and Upper Division Clerk. In 1944 on account of restructuring of the Department, three grades viz., A, B and C were formed. This classification of A, B and C was done in pursuance to the instructions of the unified scales introduced by the then Government of India Memorandum dated 19-8-1944. Thereafter Varadhacharyulu Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new pay scales were introduced some time in the year, 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents with effect from 1-1-1947. It is an undisputed fact that A and B Grades' Clerks were equated to UDC whereas C Grade Clerks were equated to LDC and their Pay Scales were Rs.80-270 for UDC and Rs.55--130 for L.D.Cs., respectively. At the relevant time, the applicant was serving as Grade-B and that his contention is that he should be treated as UDC as on 19-1-1947. Though he was entitled to be equated to the post of UDC., the respondents wrongly and illegally equated him and specified the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendation of the Commission.

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*D*

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This O.A., is filed (i) to direct the respondents to reclassify him as U.D.C with effect from 1-1-1947, (ii) to refix his pay in the scale of UDC and grant him increments as and when due and (iii) to calculate the difference in arrears of pay arising due to the refixation of pay and pay 60% of the amount to the applicant in terms of the Order of the Supreme Court dated 4-11-1987 in Civil Appeal No.4201 and also as ordered by the Bombay Bench of the Central Administrative Tribunal in O.A.No.1037/92 dated 29-9-1995 and 15-4-1996 and also in O.A.No.501/93 of Calcutta Bench of the Central Administrative Tribunal dated 3.1.1994 and to pay other consequential benefits arising out of the above.

Both sides agree that this is a covered case and the orders given in the previous O.A. may be given in this O.A. also.

Hence the O.A., is disposed of directing the respondents to follow the judgment of the Bombay Bench of the Central Administrative Tribunal in O.A.No.1037/92 dated 29-9-1995. But the applicant is entitled for arrears only in accordance with the judgment of the Hon'ble Supreme Court in Civil Appeal

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No. 4201/95 dated 4--11--1987.

The O.A., is ordered accordingly at the admission stage itself. No costs.

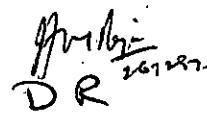
  
B.S.JAI PARAMESHWAR,  
Member (J)

23.12.97

  
R.RANGARAJAN,  
Member (A)

Date: 23--12--1997.

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Dictated in open Court.

  
DR

sss.

Copy to:

1. The Secretary, Min.of Defence, D.H.Q.P.O.,  
New Delhi.
2. Engineer-in-Chief, Army Head Quarters, Kashmir House,  
D.H.Q.P.O., New Delhi.
3. The Chief Engineer, Southern Command, Pune,  
Maharashtra.
4. One copy to Mr.K.S.R.Anjaneyulu,Advocate,CAT,Hyderabad.
5. One copy to Mr.V.Vinod Kumar,Addl.CCSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

YLKR

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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 PARESHWAR :  
M(J)

Dated: 23/12/92

ORDER / JUDGMENT

RA./R.A./D.A. No.

in

D.A. No. 1691/92

Admitted and Interim Directions  
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order re. to costs.

SRR

II Court

En

