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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.832 of 1999.

DATE OF ORDER: 25-7-2000.

Between:

1. Jilam Naga Raju.
2. Mylapalli Nooka Raju.
3. Nalla Chinna Rao.
4. Remmala Naga Bhushanam.
5. Kandipilli Pydi Setty.
6. Yalasi Lakshman Rao.
7. Chodavarapu Jagadeswar Rao.
8. Chintakayala Rammohan Rao.
9. Pilla Chitti Patrudu.
10. Bugatha Satyanarayana.
11. Busara Papa Rao.
12. Pilla Narayana Rao.Applicants

and

1. Union of India, ep. by its Secretary, Ministry of Defence, Govt. of India, South Block, DHQ PO: New Delhi.
2. The Flag Officer Commanding-in-Chief, HQRS, Naval Base PO: Visakhapatnam-530 014.
3. The General Manager, Naval Armament Depot, NAD Post Office, Visakhapatnam-530 009.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.P.B.Vijay Kumar
COUNSEL FOR THE RESPONDENTS :: Mr.B.Narsimha Sharma
CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN
THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

: O R D E R :

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

Heard Mr.A.Sriganesh for Mr.P.B.Vijay Kumar, learned Counsel for the Applicants and Mr.M.C.Jacob for Mr.B.Narsimha-Sharma, learned Standing Counsel for the Respondents.

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2. The applicants while working as Unskilled Labourers handling the ammunition explosives in the scale of Rs.210-290/-, ~~we~~ ^{we} were re-classified as Ammunition Repair Labourers in the same scale of Rs.210-290/-.

3. The applicants submit that they are discharging higher duties as Ammunition Repair Labourers compared to Unskilled Labourers, and hence their pay should be fixed under Rule 22(I)(a)(i) of F.R., which was refused.

4. This OA is filed praying for a direction to the respondents to extend the pay fixation benefits to the applicants on account of their promotion to the post of Ammunition Repair Labourer (Semi-Skilled) with effect from the date of their promotion with all consequential and attendant benefits in the light of the Judgment dated 10-11-1994 in OA.No.1190 of 1993, and by applying the Rule FR-22(C) (now FR.22(I)(a)(i).

5. The Supreme Court in the reported Judgment in the case of UNION OF INDIA & OTHERS Vs ASHOK KUMAR BANNERJEE (reported in 1998(4) SUPREME 608), had held that, 'for adverting to the fixation of pay on the basis of FR.22(I)(a)(i), two conditions are to be fulfilled viz., (1) the higher post carries higher responsibilities; and (2) higher post ^{is} in the higher scale compared to the lower scale from which an employee was promoted!.

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6. In the present case, the second clause as stipulated by the Supreme Court is not fulfilled as the applicants were drawing the scale of pay of Rs.210-290/- when they were working as Unskilled Labourers and the same scale was extended to them even when their designations were re-classified as Ammunition Repair Labourers.

7. In view of the Supreme Court Judgment, this Original Application fails and accordingly it is dismissed. No costs.



(R.RANGARAJAN)
MEMBER (ADMN.)



(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 25th day of July, 2000

Dictated in the Open Court

DSN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

COPY TO:-

1. HONM
2. HARM (ADMIN) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMIN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

THE HON'BLE MR. JUSTICE DH. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. B. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 25/7/2000

MA/RA/GP.NO

IN
O.A. NO. 832/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.R. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED -

NO ORDER AS TO COSTS

