

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1194/99

dt.18-7-2000

Between

1. Dr. Y. Murali Dharudu
2. Dr. Vijay Sing
3. Dr. B.N. Reddy
4. Dr. M.A. Raoof
5. Dr. T.G. Nageshwar Rao
6. Dr. C.V. Raghavaiah
7. Dr. G. Naga Raj

: Applicants

and

1. Union of India
Rep. by Secretary
Min. of Finance,
Dept. of Expenditure
North Block, New Delhi

2. Union of India, rep. by
the Secretary
Min. of Agriculture
Krishi Bhavan
New Delhi 110001

3. Director General
ICAR, Krishi Bhavan
New Delhi 110001

4. Director (personnel)
ICAR, Krishi Bhavan
New Delhi

5. Under Secretary (Personnel)
ICAR, Krishi Bhavan
New Delhi

6. Project Director
Dt. of Oil Seed Research Centre
Rajendra Nagar, Hyderabad-30

: Respondents

Counsel for the applicants

: Ch. Ramesh Babu
Advocate

Counsel for the respondents 1

: K. Narahari, CGSC

Counsel for the respondents 2-6

: N.R. Devaraj, Advocate

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. R. Rangarajan, Member (Admn.)

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OA.1194/99

Dated: 18-7-2000

Order

Oral order (per Hon. Mr.R. Rangarajan, Member(Admn))

Heard Mr. Ch. Ramesh Babu for the applicants, Mr. N.R. Devaraj for Respondents 3 to 6 and Mr. K. Narahari for respondents 1 and 2.

2. The main relief asked for in this OA is to set aside the order No.1/15/98 per IV dated 6.5.99 (Annex. A.I) issued by R-5 by holding it as arbitrary, unjust and consequently restrain R-6 from making recovery and deduction from pay fixed earlier in accordance with earlier letter dated 27.2.99.

3. The applicants ~~argued~~ ^{argued} vehemently that in view of the Finance Ministry letter dated 2-4-98 (Annex.VI) the applicants are entitled for one increment on 1.1.1986 over and above the pay fixed at the stage of Rs.14940/- in the scale of pay of Rs.12000-18300.

4. In the reply Annex.R-V letter No.1(15)/98-Per.IV dated 9.9.99 the mode of fixation has been given. The learned counsel for the applicants submitted that it is not stated in that letter that ~~replaces~~ it fulfills earlier letter dated 6.5.99. Hence he approached this Tribunal for setting aside the letter dated 6.5.99.

5. The applicants have filed a representation dated 29.5.99 earlier to the issue of letter dated 9.9.99. We have perused that representation. That representation in our opinion is not complete as many of the things were not incorporated in that.

6. The respondents have filed a detailed reply. They have also filed additional reply. In the additional reply they ~~have~~ ^{have} enclosed chart of fixation of pay of all the applicants who are at 11th stage of the pay stage in the lower scale i.e. in the IV Pay commission scales. As per that the



(05)

applicants have been fixed in the scale of Rs.12000-18300 at the stage of Rs.15,780 taking into account the letter dated 9.9.99.

7. The learned counsel for the respondents have also brought to our notice similar OA.1495/99 disposed of by the Principal Bench of this Tribunal on 8.6.2000. We perused all the documents referred to above including the judgement of the Principal Bench. The case was argued by both sides very vehemently and the learned counsel for the respondents vehemently argued that this case is already disposed of by the Principal Bench and hence no further order is necessary in this case.

8. The learned counsel for the applicants submitted that the letter dated 9.9.99 is not interpreted and hence that also has to be challenged in this OA. That letter has not been challenged as this OA has been filed earlier to issue of letter dated 9.9.99. Hence, he will submit a fresh OA challenging the letter dated 9.9.99 and that OA be heard without dismissing it due to rule of res-judicata as he is filing afresh the OA challenging further orders also.

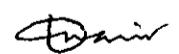
9. We see point in the submission of the applicants in filing a fresh OA challenging the later order dated 9.9.99. If later order dated 9.9.99 is challenged even it is for the same relief it cannot be held that the OA is barred by res judicata. In that view ~~no~~ liberty is given to the applicants to file a fresh OA provided they withdraw this present OA.

10. The learned counsel for the applicants submits that he is withdrawing the present OA and permission ~~be~~ given to file fresh OA.

11. The above submission of the applicants is in order. Hence, the OA is disposed of as withdrawn giving liberty as stated above. *no costs*



(R. Rangarajan)
Member(Admn)



(D.H. Nasir)
Vice Chairman

sk

Dated : 18 July, 2000
Dictated in Open Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

COPY TO:-

1ST AND 2ND COURT

1. HONJ
2. H.R.M (ADMN) MEMBER
3. H.G.S.P (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

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

THE HON'BLE MR. P. RANGARAJAN
MEMBER (ADMN)

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

DATE OF ORDER

18/7/00

DA/RA/CP.NO

DA. NO. 1194/29

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(11 copies)

