

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.385/99

DATE OF ORDER : 10-3-1999.

Between :-

Y.E.Rao

And

... Applicant

1. Director General of Works,
Central P.W.D., Nirman Bhawan,
New Delhi - 110 011.
2. Superintending Engineer (Elect.)
Hyderabad Central Elect. Circle,
Central P.W.D., Nirman Bhawan,
Hyderabad - 500 095.

... Respondents

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Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A) *[Signature]*)

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... 2.

O R D E R.

(Per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Shri Durga Rao for Shri P.B. Vijay Kumar, learned counsel for the Applicant and Sri V. Rajeshwara Rao, learned Standing Counsel for the Respondents.

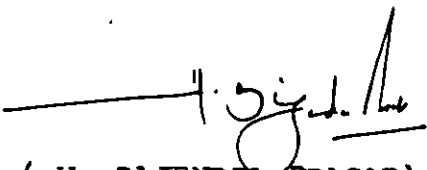
2. The Applicant was granted an increment of pay on 17.2.1999 raising his salary from Rs.11,625/- to the stage of Rs.11,950/-. The increment was later held to have been irregularly granted through inadvertence because the Applicant had not passed the Departmental Examination for the post of Executive Engineer (E) within a period of two years from his promotion to the post and could not, therefore, be given a second or subsequent increments in the grade, nor had he obtained an exemption from the Director General of Works, CPWD, from passing the Departmental Examination. The Director-General (Respondent No.1) has vested in him the power to grant exemption from passing the Departmental Examination if the concerned officer had reached the age of 55 years and possessed a good record of service (Annexure-II to the OA). The applicant is seen to have made a representation to the Director-General on 7.12.1998 in this regard requesting for such exemption (Annexure-III to the OA). The representation, however, appears to have been withheld by the Superintending Engineer (Respondent No.2) on the ground that the applicant ought to make one more 'serious attempt' to pass the examination before his case could be referred or recommended to the Director-General. This decision, though well-intended, is nevertheless incorrect since the Director-General does indeed have the power to grant exemption to the applicant who apparently fulfils the conditions attached to the grant of such exemption. The O.A. is, therefore, disposed of with the following directions:-

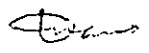
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- (a) Respondent No.2(Superintending Engineer) shall forward the representation of the Applicant dated 7.12.1998 (Annexure-III) to Respondent No.1 for further necessary action at the latter's end, together with his recommendations, if necessary. This should be done within 15 days from the date of the receipt of a copy of this order by Respondent-2;
- (b) Respondent No.1 (Director-General) shall have the case examined as per rules, and in the light of Annexure-II, and convey a decision in the matter. This shall be done within 45 days from the date of the receipt of the Applicant's representation in his office, on being forwarded by Respondent - 2; and
- (c) Until a decision is arrived at on the representation by Respondent -1 and communicated to the Applicant by Respondent-2, the impugned order at Annexure-I (Superintending Engineer(E), HCEC, CPWD, Hyderabad OM No.8(14)99/HCEC/298 dated 17.2.1999) shall not operate.

4. Thus the O.A. is disposed of. No order as to costs.


(H. RAJENDRA PRASAD)
MEMBER (A)


(D. H. NASIR)
VICE-CHAIRMAN.

Dated : 10th March, 1999.
Dictated in Open Court.

AVL/