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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.483 of 1999.

DATE OF ORDER: 21-2-2000.

Between:

P.V.R.Suryanarayana.

...Applicant

and

1. Divisional Railway Manager, South Central Railway, Vijayawada.
2. General Manager, South Central Railway, Rail Nilayam, Secunderabad.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.G.V.Subba Rao

COUNSEL FOR THE RESPONDENTS:: Mr.C.V.Malla Reddy

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

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

: O R D E R :

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

Heard Mr.G.V.Subba Rao, learned Counsel for the Applicant and Mr.C.V.Malla Reddy, learned Standing Counsel for the Respondents.

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2. The applicant who is a retired Office Superintendent has filed this OA for granting him 35/-Rs. special pay on par with his junior viz., Sri P.Venugopal Reddy. Earlier the applicant ~~had~~ filed OA.No.818 of 1998 on the file of this Bench, which was disposed of on 6-7-1998, praying for grant of special pay to them also. The applicant therein had submitted a representation. As that representation was not disposed of, a direction was given to the respondents to dispose of ~~this~~ representation. Accordingly, his representation dated 25-9-1998, was disposed of by the impugned Order No.B/P.487/VII/Stepping Up of Pay(O.A.No.818/98), dated 25-11-1998, (Annexure.I, page 7 to the OA) regretting his request for stepping up of pay as his junior was not drawing more pay as contended by him.

3. This OA is filed to set aside the impugned Order dated 25-11-1998, and for a consequential direction to the respondents to grant him special pay of Rs.35/- from the date of his immediate senior G.V.Subba Rao and immediate junior P.Venugopal Reddy, who were given the special pay as per the seniority with all consequential benefits.

4. The representation of the applicant dated 25-9-1998 is at Annexure.II, page 8 to the OA. In that representation the applicant requested for stepping up of pay on par with his junior Sri P.Venugopal Reddy and arrange to pay the consequential arrears at an early date, which was regretted by the impugned Order dated 25-11-1998.

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5. The applicant now contends that his request is not for stepping up of pay, but for payment of Rs.35/- as a special pay for a Senior Clerk for performing certain works of complex nature. He further submits that he is senior to Sri P.Venugopal Reddy and Sri P.Venugopal Reddy and others were given the special pay of Rs.35/- as per seniority, vide Memorandum No.P.633/VII/Vol.I, dated 17-4-1990 (Annexure.7, page 15 to the OA). The name of the applicant was left out. Hence, non-^{including} ~~including~~ of his name is erroneous. He was at that time in the Construction Organisation. He was not asked whether he is willing to come to Open Line ~~to~~ to get special pay. Ignoring his right and claim he was not given the special pay, whereas his junior is given the special pay. Hence, the applicant is entitled for arrears arising out of grant of Rs.35/- special pay. ^{by} The applicant submits that/the impugned Order, his representation was erroneously rejected treating his request for stepping up of pay.

6. The applicant has further stated in his rejoinder that he is senior to Sri P.Venugopal Reddy and hence neglecting his case for grant of 35/-Rs. by the Memorandum No.B/P.633/VII/Vol.I, dated 17-4-1990, which is also enclosed as Annexure.R-8 to the reply, is erroneous and he should be paid the consequential arrears arising out of the payment of special pay even now though he has retired already.

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7. The main point for consideration is whether the applicant has asked for the payment of Rs.35/- in his representation when a direction was given in OA.No.818 of 1998 to dispose of his representation. His representation dated 25-9-1998, which was disposed by the impugned Order dated 25-11-1998 clearly states that he wants only stepping up of pay on par with his junior Sri P.Venugopal Reddy. Hence, his request was rejected on that basis stating that none of his juniors are drawing more pay than the applicant herein. Hence, the applicant states that his representation dated 25-9-1998 was erroneously disposed of by the impugned Order dated 25-11-1998 rejecting his case for stepping up of pay. The applicant submits that as per his representation dated 25-9-1998, he should have been paid the arrears for the special pay of Rs.35/-, which was not granted to him when his junior was given that special pay when he was a Senior Clerk.

8. The applicant cannot state that his representation dated 25-9-1998 is not for stepping up of pay as the representation clearly states that it is for stepping up of pay. Hence, this contention has to be rejected.

9. The applicant was aware of the fact that he was not given the special pay of Rs.35/- as Senior Clerk when his junior Sri P.Venugopal Reddy was given that special pay by Memorandum dated 17-4-1990. If that be the case, it is not understood why he has come to this Tribunal by filing this OA on 23-3-1999, after a lapse of about 9 years. In

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the earlier OA, the applicant was directed to submit a representation, which should be disposed of. As stated earlier, the contention of the applicant in his representation dated 25-9-1998 does not call for payment of arrears due to his junior having been given the special pay. Hence, at this juncture after a lapse of about nine(9) years, he cannot challenge the non-payment of Rs.35/- special pay. This is a very belated case.

10. The respondents submit that there is no record available in this connection.

11. We do not think it is a fit case to be allowed. Hence, the OA is dismissed. No costs.



(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)
21.2.00


(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: this the 21st day of February, 2000

Dictated in the Open Court

DSN

