

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.020/1551/2013

Date of Order :10.07.2019.

Between :

1. Rama Murthy T, s/o Sundaresan T.R.,
Aged 72 yrs, Staff Code:6040,
National Remote Sensing Agency,
r/o D.No.G-4, Adithy Arcade, Officer's Colony,
Dr.A.S.Rao Nagar, Hyderabad.
2. Prasad T C, Aged 67 yrs, s/o China Venkata
Ramanaiah, Staff Code:12304, Satish Dhavan
Space Centre, Plot No.101, Maruthi Sai Anand
Enclave, 1-467/1, New Bakaram, Gandhi Nagar,
Hyderabad-500 080.
3. Nagireddy V, Aged 61 yrs, s/o Pedda Subba Reddy,
Staff Code:10313, Satish Dhavan Space Centre,
H.No.8/14016, Railway Goods Shield Road,
Bapuji Colony, Sullupeta (P.O.), SPS Nellore (Dist)-
524 121.
4. Babu Rao Chanda, s/o Ramaiah, Aged 61 yrs,
Staff Code:10258, Satish Dhavan Space Centre,
FF, A-Block, Keerthi Enclave, NH.5 Road,
Sullupeta, SPS Nellore (Dist)-524121.
5. Dr.N.C.Gautham, s/o Devi Sankar Gautham,
Aged 72 yrs, Staff Code:102, National Remote Sensing
Agency, 25-24/1, East Anand Bagh, Behind South
Indian Bank, Malkajgiri, Hyderabad-500 047.
6. Nagi Reddy Chinchani, s/o Rami Reddy, Aged 65 yrs,
Civil Engineering Division/Department of Space,
Staff Code:3818, H.No.7-23/7, Sree Ram Nagar,
Jeedimetla Village, Mechal Road, Hyderabad-500 067.
7. Jaggarao, s/o Dora N.P., aged 60 yrs, Satish Dhawan
Space Centre, Staff Code:12559, 70-71-26/4, R.R.Nagar,
Opp:RTA office NFCL Road, Kakinada-533003,
Andhra Pradesh.

8. Venkateswara Rao J, s/o Simhachalam, Aged 56 yrs,
 Satish Dhavan Space Centre, Staff Code:12560,
 Flat No.101, Aashritha Meadows, SBI Building,
 Manikonda Main Road, Velachery, Hyderabad-500 089.

9. Subramanian T, s/o Thyagarajan, Aged 72 yrs,
 Satish Dhavan Space Centre, Staff Code:10909,
 Eqr, B-Block, Rite Choice Apts, 267,
 Velachery Main Road, Vetachery, Chennai-600 042.

10. Annamalai Kalathi, s/o Mudaliar Kalathi,
 Aged 69 yrs, Satish Dhavan Space Centre,
 Staff Code:10550, Flat No.7A, II Floor,
 Pushpavanam Apts, New No.43, III Main Road,
 Gandhi Nagar, Adayar, Chennai-20.

11. Madalai Muthu S, s/o Savari Muthu,
 Aged 69 yrs, Satish Dhavan Space Centre,
 Staff Vode.13074, C.37, III Street-Angel Garden,
 Karunya Nagar, Coimbatore-641 114.

...Applicants

And

1. Indian Space Research Organisation, rep.,
 By its Chairman, ISRO and Secretary,
 Dept. Of Space, Bangalore-95.

2. The Union of India, rep., by the Cabinet Secretary,
 Central Secretariat, New Delhi.

3. The Secretary, Department of Personnel & Training,
 Ministry of Personnel, Public Grievances & Pension,
 New Delhi.

... Respondents

Counsel for the Applicants ... Mr.Dr.P.B.Vijaya Kumar

Counsel for the Respondents ...Mr.V.Vinod Kumar, Sr.CGSC

CORAM:

**THE HON'BLE DR.BHAGWAN SAHAI, MEMBER (ADMN.)
 THE HON'BLE MR.R.N.SINGH, MEMBER (JUDL.)**

ORAL ORDER

(By R.N.SINGH, MEMBER (JUDL.))

Heard Mr.P.Ramchandra Rao, proxy counsel representing Dr.P.B.Vijaya Kumar, learned counsel for the Applicants and Mr.V.Vinod Kumar, learned Sr.Central Govt. Standing Counsel for the Respondents.

2. The applicants 11 in number have filed the present OA seeking the following relief:

"To declare inaction on the part of the respondents in considering special pay and two additional increments sanctioned by the Presidential order, as "part of pay" for all purposes like DA, HRA, CCA, Pay fixation on promotion treating the additional increments as Pay and such incidental benefits etc., and retiral benefits including pension, in terms of judgment dated 18.01.2007 of Hon'ble Kerala High Court in WP (C) Nos.29358, 29710 & 31525 of 2004 as confirmed by the Supreme Court as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to count the two additional increments as part of "pay" for all purposes of DA, HRA, CCA, Pay fixation on promotion and such incidental benefits etc., and retiral benefits including pension and also to pay the professional update allowance from 1998-1999 onwards and pass such other order or orders as this Tribunal deem proper in the circumstances of the case."

3. The learned counsel for the Applicants submits that the claim of the applicants in the present OA is squarely covered by the judgment of the Hon'ble High Court of Kerala at Ernakulam, dated 18.01.2007 in W.P.(C) Nos. 29358, 29710 & 31525 of 2004.

4. In response to the notice issued, the respondents have filed a reply statement. In paragraphs 14, 15 and 16 of the reply statement, they have stated as under:

“14. It is also submitted that para 5 of the OM No.A.2/10(8)98-I (Vol.III) dt. 20.1.2014 stipulates that “The payment of Dearness Allowance and House Rent Allowance as admissible on incentive may be made effective from salary for the month of January, 2014 and the arrears payable for the period 01.01.1996 to 31.12.2013 as admissible shall be made on or after 01.04.2014.

15. It is humbly submitted that the payment of DA & HRA as admissible vide above OM has already been effected to the existing employees from the month of January, 2014 and the payment of arrears to the existing/retired employees is under process. In the meantime, the applicants have filed the instant OA.

16. With regard to the claim of the applicants to allow the two additional increments for pay fixation, it is submitted that in WP(C) No.31525/2004, WP.No.29710/2004 & WP.No.29358/2004, filed before the Hon’ble High Court of Kerala, the petitioners therein had prayed for a direction to treat the two additional increments as pay for all purposes of DA, HRA, retiral benefits/pension and pensionary benefits. Accordingly, the Hon’ble High Court had allowed the WP for counting the additional increments as pay to attract all further payments including pension. The petitioners had never prayed for reckoning two additional increments for pay fixation purpose. The Hon’ble High Court also had not directed the Department to allow the increments for pay fixation. Therefore, while implementing the Common Order dated 18.01.2007, the two additional increments were reckoned only for the purposes of DA, HRA, Pension and Pensionary benefits. As such, the two additional increments do not qualify for pay fixation on promotion and the claim of the applicants to that effect is devoid of any merit.”

5. The learned counsel for the Respondents submits that necessary payments have since been paid to the applicants. If at all, payments of any arrears in terms of the aforesaid statement made in the reply statement of the respondents has not been made to any of the applicants, the same shall be paid to the applicants within (8) weeks from the date of receipt of a copy of this order.

6. The OA is disposed of in the aforesaid terms. No order as to costs.

Sd/-

**(R.N.SINGH)
MEMBER (JUDL.)**

Sd/-

**(BHAGWAN SAHAI)
MEMBER (ADMN.)**

Dated: this the 10th day of July, 2019

Dictated in the Open Court

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