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

OA. No. 021/463/2017

Dated: 11/07/2017

BETWEEN:

1. V.V.S. Rama Rao, PPO No.461511601175,
S/o.V.V. Subba Rao,
aged about 62 years,
Occ: Retired employee, HOD outstanding Scientist
R/o. Falt No.402, Jyothi Pearl,
Srinivas Nagar colony,
High Tension Road, ECIL post, Hyderabad – 500062.
2. C.K. Asnani, PPO No.461511101600,
S/o.Ramchand Hiranand Asnani,
aged about 53 years,
Occ: Employee taken VRS SO/G
R/o. Flat No.2015, Laxmi Kalyan Apartments,
12-13-311, Tarnaka, Secunderabad – 500 017.
3. Y. Venkateshwara Rao, PPO No.461510800898,
S/o. Y. Subba Rao, Aged about 69 years,
Occ: retired, SO/D,
R/o. Flat No.205, Datri Residency,
Padmavathi Colony, ECIL- 500 062.
4. P. Bhanu Vara Prasad, E.C. No 4427,
S/o.P. Omkaraiah,
Aged about 56 years,
Occ: SO-D, R/o. D 8/33, DAE Colony,
D Sector, ECIL post, Hyderabad – 500 062.
5. PVL Narasinghs Rao, E.C.No.8494,
S/o. P. Sivarama Krishnaiah,
Aged about 49 years,
Occ: SO/G, R/o. H.No.3-1-6/41/1/64, Green Hills colony,
Near Sai baba Temple,
Mallapur, Hyderabad – 500 076.

(All belongs to Group-A officers)

..... Applicants

AND

1. The Union of India rep. by its
Secretary,
Department of Atomic Energy,
Anushakti Bhavan,
CSM Marg, Mumbai – 400 001.
2. The Chief executive, Nuclear Fuel Complex,
Department of Atomic Energy, ECIL Post,
Hyderabad – 500 062.

..... Respondents



Counsel for the Applicants : Mrs. Anita Swain, Advocate
Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC

CORAM

Hon'ble Mrs. Minnie Mathew, Member (Admn.)

GRAL ORDER

{Per Hon'ble Mrs. Minnie Mathew, Member (Admn.)}

Heard Mrs. Anita Swain, learned counsel for the applicant and Mr. V. Vinod Kumar, learned Sr. Central Government Standing Counsel appearing for the respondents.

2. This OA has been filed seeking the following relief:-

“i) Declare the inaction of the respondents in not treating the two additional increments sanctioned by the president vide O.M. dated 03.2.1999 as ‘Pay ’ for all purposes of dearness allowances, House Rent allowances, terminal benefits including pension as arbitrary, illegal unjust and violative of Article 14,16 and 21 of the Constitution of India.

ii) Consequently direct the respondents to treat the additional increments sanctioned by President vide OM. dated 3.2.1999 as Pay” for all purposes of dearness allowance. House rent allowances, terminal benefits etc and consequently direct to release the amounts after revision tighter with interest at the rate of 12% per annum with quarterly rests from the date on with the same has become due and payable till the date of actual payment.

iii) Further declare that the applicants are entitled for the costs of the litigation thrust on them by the respondents no extending the benefits and pass such other order and further orders as are deemed fit and proper in the interest of justice.”



3. The learned counsel for the applicants submitted that the applicants are similarly situated to the applicants in OA.No.184/2013, 288/2013, 393/2013 etc and prayed that the OA may be allowed following the orders in the aforesaid OAs.
4. The respondents have not filed their reply statement. However, when the case was called, Mr. V. Vinod Kumar, learned Sr. Central Government Standing Counsel on instructions concedes that the matter is covered by the aforesaid orders of this Tribunal in OAs Nos.393/2013 and other connected OAs.
5. In this view of the matter, following the orders of this Tribunal in OA.393/2013 this OA is allowed with a direction to the respondents to treat the two additional increments sanctioned vide OM. dated 03.02.1999 as 'Pay' for all purposes and release the arrears due to them. Applicants Nos. 1 to 3 who are retired shall also be eligible for arrears of pension arising from the upward revision of their terminal benefits. Time granted for compliance is three months from the date of receipt of a copy of this order.
6. The OA is allowed as above. No costs.

प्रमाणित प्रत
CERTIFIED TRUE COPY
केस नंबर
CASE NUMBER. OA. 463/17
निर्णय का तारीख
DATE OF JUDGEMENT. 11/7/17
प्रति तैयार किया गया किताब
COPY MADE READY ON. 20/7/17

Renuka

अनुमान अधिकारी / प्रशासनिक अधिकारी
Section Officer / Court Officer
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
हैदराबाद न्यायपीठ/Hyderabad Bench

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