

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 4-1-88

APPLICATION NO S. 564 & 565 /88(F)

W.P. NO \_\_\_\_\_

Applicants

Respondents

Shri A.N. Ananthaswamy Rao & another V/s The Secy, M/o Planning, New Delhi  
& another

To

- |   |   |
|---|---|
| 1. Shri A.N. Ananthaswamy Rao<br>176/1, 'Narmada'<br>Subbaramachetty Road<br>Basavanagudi<br>Bangalore - 560 004  | 4. The Secretary<br>Ministry of Planning<br>Department of Statistics<br>Sardar Patel Bhavan<br>Sansad Marg<br>New Delhi - 110 001 |
| 2. Shri M. Nagaraja<br>555, III Main Road<br>6th Block, II Phase<br>Banashankeri III Stage<br>Bangalore - 560 085 | 5. The Director<br>National Sample Survey Organisation<br>(Field Operations Division)<br>R.K. Puram<br>New Delhi - 110 066        |
| 3. Shri C.R. Laxman<br>Advocate<br>128, Cubbonpet Main Road, Bangalore - 560 002                                  |   |

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXX~~  
~~INTERIM ORDER~~ passed by this Tribunal in the above said  
application on 10-12-87.

6. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001  
Encl : as above

*[Signature]*  
for DEPUTY REGISTRAR  
~~SECTION OFFICER~~  
(JUDICIAL)

RECEIVED 6 copies 5/1/88

Diary No. 1587/cr/87

Date: 7-1-88 AM

o/c

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 10TH DAY OF DECEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman

APPLICATION NOS. 564 & 565/1987

1. Shri A.N. Ananthaswamy Rao,  
s/o late A Narasinga Rao,  
aged about 56 years,  
working as Superintendent,  
National Sample Survey Orgn.  
(Field Operations Division),  
No.4, B.P. Wadia Road,  
Basavanagudi, Bangalore-4.

.... Applicant in  
A.No.564/87.

2. Shri M. Nagaraja,  
s/o late Sri. M. Bhima Rao,  
aged about 50 years,  
working as Superintendent,  
National Sample Survey Orgn.  
(Field Operations Division),  
Dr. A.AN.K. Road, V.V. Puram,  
Bangalore-4.

.... Applicant in  
A. No.565/87.

(Shri C.R. Laxman, Advocate)

v.

1. Union of India represented  
by its Secretary,  
Ministry of Planning,  
Department of Statistics,  
Sardar Patel Bhavan,  
Sansad Marg,  
New Delhi.

2. The Director,  
National Sample Survey Organisation,  
(Field Operations Division),  
Government of India,  
R.K. Puram,  
New Delhi -22.

.... Respondents.

(Shri M. Vasudeva Rao, CGASC)

These applications having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

These are applications made by the applicants under  
Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. Sriyuths A.N. Ananthaswamy Rao and M. Nagaraja, applicants in A.Nos. 564 and 565 of 1987 respectively, who initially started their career as Second Division Clerk had become Assistant Superintendents from 7.1.1971. On their promotions as Assistant Superintendents, and the consequent fixation of their pay, for reasons with which we are not now concerned, there were certain anomalies and disparities.

3. On an examination of the representations made by the applicants in that behalf Government on 13.11.1986 (Annexure-C) had directed the removal of those anomalies denying the benefit of all arrears accruing till then. The applicants have challenged the order dated 13.11.1986 of Government only to the extent it denies them the benefit of arrears only.

4. In justification of the denial of arrears, the respondents have filed their reply.

5. Shri C.R. Laxman, learned Counsel for the applicants, contends that Government having rightly removed the disparities and anomalies in their pay fixation had unjustly denied them the arrears legitimately due to them and the same should be remedied by this Tribunal.

6. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents, sought to support the order of Government.

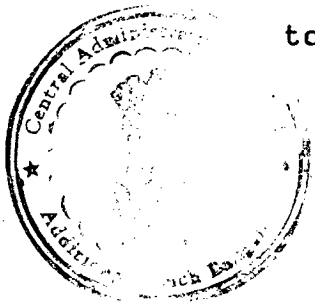


*[Handwritten signature]*

7. In a similar case just now decided by me in A.No. 892/87 (G.K. MOHAN v. THE DIRECTOR, R&D, DIRECTORATE OF PERSONNEL, M/O DEFENCE, NEW DELHI) of a different department, I have upheld the claim for arrears from 1.1.1986 from which date there was general revision of pay scales in pursuance of the recommendations of the IV Pay Commission. For the very reasons stated in MOHAN's case, the claim of the applicants for arrears from 1.1.1986 cannot be denied by the respondents.

8. In the light of my above discussion, I quash the order of the Government dated 13.11.1986 to the extent it denies the arrears of pay to the applicants from 1.1.1986 only and direct the respondents to extend all such arrears as are due to them from 1.1.1986 as in the case of all other civil servants of Government of India.


9. Applications are disposed of in the above terms. But in the circumstances of the case, I direct the parties to bear their own costs.



dms/Mrv.

Sd/-  
Vice-Chairman

- True Copy -

  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 22 MAR 1988

REVIEW APPLICATION NO S. 5 & 6 / 88  
IN APPLICATION NOS. 564 & 565/87(F)  
W.P. NO. \_\_\_\_\_

Applicant

Shri A.N. Ananthaswamy Rao & another V/s

Respondent

The Secy, M/o Planning & another

To

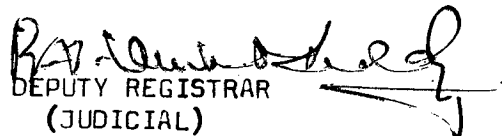
1. Shri A.N. Ananthaswamy Rao  
Superintendent  
National Sample Survey Organisation  
(Field Operations Division)  
No. 4, B.P. Wadia Road  
Basavanagudi  
Bangalore - 560 004
2. Shri M. Nagaraja  
Superintendent  
National Sample Survey Organisation  
(Field Operations Division)  
Dr A.N. Krishna Rao Road  
V.V. Puram  
Bangalore - 560 004
3. Shri B.S. Venkatesh  
Advocate  
128, Cubbonpet Main Road  
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~  
passed by this Tribunal in the above said <sup>Review</sup> application on 14-3-88.

COPY IS  
564 & 565/87(F)

Encl : As above

  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE FOURTEENTH MARCH, 1988

Present: Hon'ble Justice Shri K.S. Puttaswamy ....Vice-Chairman

R.A.Nos. 5 and 6 of 1988

1) Sri A.N. Ananthaswamy Rao,  
Son of late A. Narasigna Rao,  
aged about 56 years,  
working as Superintendent,  
National Sample Survey Organisation  
(Field Operations Division),  
No.4, B.P. Wadia Road,  
Basavanagudi,  
BANGALORE - 560 004.

2) Shri M. Nagaraja,  
Son of late M. Bhima Rao,  
aged about 50 years,  
working as Superintendent,  
National Sample Survey Organisation  
(Field Operations Division),  
Dr. A.N.K. Road,  
V.V. Puram, Bangalore-560 004.

Applicants

(Shri B.S. Venkatesh.....Advocate)

Vs.

1. Union of India  
represented by its Secretary,  
Ministry of Planning,  
Department of Statistics,  
Sardar Patel Bhavan,  
Sansad Marg,  
NEW DELHI.

2. The Director,  
National Sample Survey Organisation  
(Field Operations Division),  
Govt. of India,  
R.K. Puram,  
NEW DELHI -110 022.

Respondents

This application has come up for hearing before  
this Tribunal to-day, Hon'ble Justice Shri K.S. Puttaswamy,  
Vice-Chairman, made the following :

O R D E R

In these applications made under section 22(3) (f) of  
the Administrative Tribunal Act, 1985, ('Act'), the applicants have



sought for a review of my order made on 10.12.1987 in Application Nos. 564 and 565 of 1987.

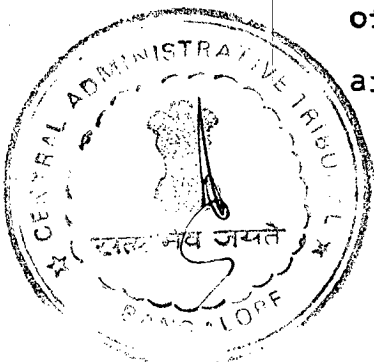
2. On an examination of the contentions urged before me, I have granted certain reliefs to the applicants. But still, Shri B.S. Venkatesh, learned counsel for the applicants, contends that my order suffers from an error apparent on the face of the record, in that it had denied arrears of pay prior to 1.1.1986.

3. In filing these applications, there is a delay of 23 days. In I.A. No.1, the applicants have sought for condoning the said delay. Shri Venkatesh urges for condoning the delay, for the very reasons stated in the affidavit I.A. No.1

4. In my opinion, the facts stated in I.A.No.1 do not at all constitute a sufficient cause to condone the delay of 23 days. In this view, the I.A. as also the R.A. are liable to be rejected, without examining the merits. But notwithstanding the same, I propose to examine the merits also.

5. Even assuming that I have denied arrears prior to 1-1-1986 that does not necessarily constitute a patent error on the face of therecord, to justify a review of the order U/s 22(3) (f) of the Act. On this views also, these applications are liable to be rejected.

...3/-




6. In the light of my above discussion, I reject I.A. No.1 and the review applications at the admission stage, without notices to the respondents.



Sd/-  
(K.S. PUTTASWAMY)  
VICE- CHAIRMAN 14/3/88

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DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE



Dy no 146/8932  
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for need feel  
22/5/88  
D.No. 5391/88/ /Sec.IVA

SUPREME COURT OF INDIA  
NEW DELHI

From: The Additional Registrar,  
Supreme Court of India.

Dated 14th March, 1989  
26-4-

To,

The Registrar,  
Central Administrative Tribunal  
Bangalore B.D.A. Complex, Indira Nagar,  
Bangalore - 560 038.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 14735-38 OF 1988  
Petitions under Article 136 of the Constitution of India for  
Special Leave to Appeal to the Supreme Court from the  
Judgment and Order dated the 10th December, 1987 of the  
Central Administrative Tribunal, Bangalore  
Applications Nos. 564 & 565 of 1987. R.A. Nos. 5 & 6 of 1988.

N. Ananthaswamy Rao and Another.

.. Petitioner (S)

Versus.

Union of India and Another

.. Respondent (S)

Sir,

I am to inform you that the Petitions above-mentioned for  
Special Leave to Appeals to this Court ~~was~~ were filed on behalf  
of the Petitioner above-named from the Judgment and Order of the  
Central Administrative Tribunal, Bangalore

~~was~~ noted above and that the same ~~was~~ were dismissed/disposed of  
by this Court on the 30th day of January, 1989.

Yours faithfully,

*[Signature]*  
for Addl. Registrar.