

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 4-1-88

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

W.P. NO

Applicants

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

To

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

Please find enclosed herewith the copy of ORDER/~~ORDER~~
~~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

Hole
FOR DEPUTY REGISTRAR
SECTION OF PAPER
(JUDICIAL)

RECEIVED 6 copies 5/1/88

Diary No. 1567 (C2) 157
Date: 7.1.88 AM

8/2

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.A.N.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 became 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.

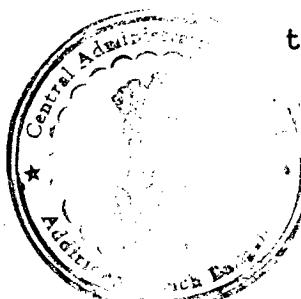
5. Shri C.R. Laxman, learned Counsel for the applicants, contends that Government having rightly removed the disparities and anomalies in their pay fixation had unjustly denied them the arrears legitimately due to them and the same should be remedied by this Tribunal.

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

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.



Sd/-
Vice-Chairman

dms/Mrv.

- True Copy -

[Signature]
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

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/~~REVIEW~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said Review application on 14-3-88.

Copy 16
564865/27(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. PuttaswamyVice-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.

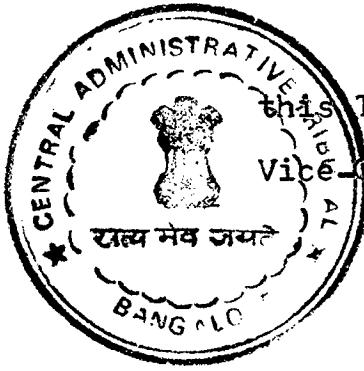
2. The Director,
National Sample Survey Organisation
(Field Operations Division),
Govt. of India,
R.K. Puram,
NEW DELHI -110 022.

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



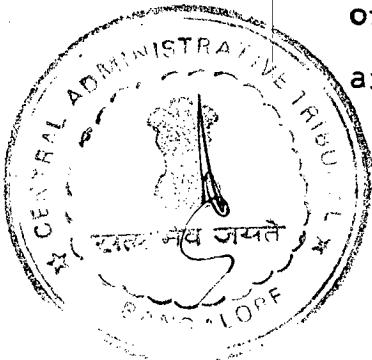
sought for a review of my order made on 10.12.1987 in Application Nos. 564 and 565 of 1987.

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.



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.

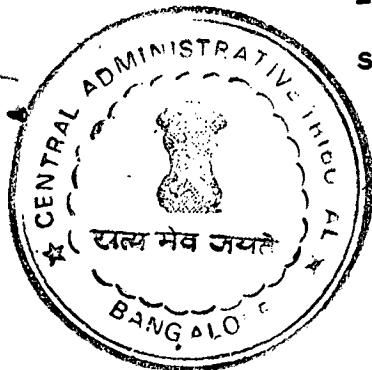
Sd/-

(K.S. PUTTASWAMY)
VICE- CHAIRMAN

14/3/88

TRUE COPY

B.P. Venkatesh Rao
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE



Dy no 146/87/89
3/5/89
SOL/need file
2/2/89

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
Bengaluru B.D.A.Complex, Indira Nagar,
Bangalore - 560 038.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 14735-38 OF 1988
Petition under Article 138 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
~~xxxxxx~~
~~xxxxxx~~ 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 Appeal to this Court ~~was~~/were filed on behalf
of the Petitioner above-named from the Judgment and Order of the
~~High Court~~

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

Yours faithfully,

Tanvir
for Addl. Registrar.