

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(80A)
Indiranagar
Bangalore - 560 038

Dated : **29 JUL 1988**

APPLICATION NOS. 655 to 670, 793 to 810, 814 to 828
896 to 900 & 929 to 939/88(F)

Applicants

Shri S. Nanjundaswamy & 64 Ors

V/s

Respondents

The Secretary, M/o Finance
(Dept of Expenditure), New Delhi & 6 Ors

To

1. Shri S. Nanjundaswamy
 2. Shri S.S. Buelul Huck
 3. Shri P. Shanmugam - I
 4. Shri J. Vijayaraghevan
 5. Shri P. Shanmugam - II
 6. Shri M.N. Shankar
 7. Shri Nagapati V. Bhat
 8. Shri Kalappa Shivappa Kammar
 9. Shri P.K. Prasad
 10. Shri Subraya Shesha Bhat
 11. Shri Ramachandra Narayan Kulkarni
 12. Shri S.A. Hakeem
 13. Shri Nagu Poojari
 14. Shri G. Mohan Rao
 15. Shri P.B. Ryavanki
 16. Shri H.S. Kamath
- (Sl Nos 1 to 16 -

Deputy Accounts Officers
Office of the General Manager
Telecommunications, Karnataka Circle
Bangalore - 560 009)

17. Shri C. Srinivasamurthy
18. Shri V.S. Raghavan
19. Shri M.C. Timmapur
20. Shri B.L. Manamohana
21. Shri Rajashakara
22. Shri M. Krishnamurthy
23. Shri H. Venkatesh
24. Shri P. Papanna
25. Shri K.R. Savalsung
26. Shri N.B. Kushnoor
27. Shri H. Sankaranarayana Bhat
28. Shri K. Abdul Razak
29. Shri Ananda Ganiga
30. Shri K.N. Manjunatha Holla
31. Shri Suresh J. Naik
32. Shri K.G. Deshpande
33. Shri H. Prabhakara Rao
34. Shri A.M. Narasimha Rao

35. Shri K. Jayaram
36. Shri H.K. Sesha
37. Shri C. Balaramaiah
38. Shri K.R. Srinivasan
39. Shri C. Nagappan
40. Shri M.K. Bakkinakeri
41. Shri K. Brahmiah
42. Shri S. Ramani
43. Shri P.D. Mahale
44. Shri D. Mohana Krishnan
45. Shri V. Bommayan
46. Shri R. Munirathnam Naidu
47. Shri B. Venkataramanarao
48. Shri Shaik Hussain
49. Shri A. Ramamoorthy

(Sl Nos. 17 to 49 -

C/o Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009)

50. Shri A. Vasudaya
31/7, 13th Main, Vijayanagar
Bangalore - 560 040
51. Shri V.J. George Jayasheelan
No. 2, Vasanthappa Block
Gangahalli
Bangalore - 560 032
52. Smt A.C. Sarvamangala
136, 'Ambika'
7th Block, Jayanagar
Bangalore - 560 011
53. Shri H.A. Keshava Das
265, 9th Main, 3rd Block
Jayanagar
Bangalore - 560 011

54. Shri D.R. Teja Murthy
51, C.P.W.D. Quarters
Block - 5, Koramangala
Bangalore - 560 034
 55. Shri K. Balasubramanian
 56. Mary.L. Prabhavathamma
 57. Ms S. Sulochana
 58. Shri K.S. Sundaram
 59. Shri S. Sugumarar
 60. Smt Vijayalakshmi Gopalakrishnan
 61. Smt Nagamani S. Rao
 62. Smt Mary Philomena C' Couto
 63. Shri P. Murthy
 64. Smt Padmini Murthy
 65. Shri M. Radhakrishnan
- (Sl Nos. 55 to 65 -

Senior Accountants
Office of the Deputy Director
of Accounts (Postal)
Basava Bhavan
Bangalore - 560 001)

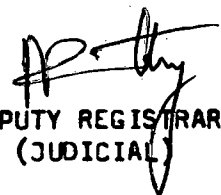
66. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
67. The Secretary
Ministry of Finance
(Department of Expenditure)
New Delhi - 110 001
68. The Member (Finance)
Telecommunication Board
Department of Telecommunications
Sanchar Bhavan
New Delhi - 110 001
69. The General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009

70. The Controller of Accounts
Central Accounts Office
Department of Mines
Geological Survey of India
Calcutta - 1
71. The Controller General of Accounts
Ministry of Finance
Department of Expenditure
Lokanayak Bhavan
New Delhi - 110 003
72. The Deputy Director of Accounts (Postal)
Karnataka Circle
Bangalore - 560 001
73. The Director General (Postal Wing)
Dak-Thar Bhavan
New Delhi - 110 001
74. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001
75. Shri M. Vasudeva Rao
Addl. Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 14-7-88.

Encl : As above


for DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

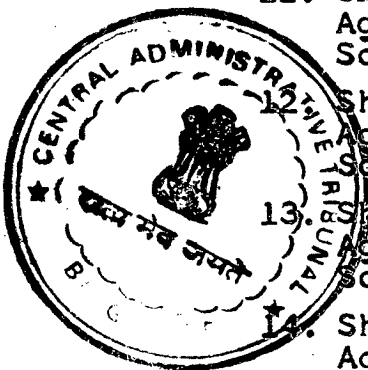
DATED THIS THE FOURTEENTH DAY OF JULY, 1988

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

Hon'ble Shri L.H.A. Rego .. Member (A)

APPLICATION NOS. 655 TO 670, 793 TO 810
814 TO 828, 896 TO 900 AND 929 TO 939
OF 1988

1. Shri S. Nanjundaswamy
Aged 35 years
Son of late R. Sannaiah.
2. Shri S.S. Bulul Huck
Aged 36 years
Son of S.M. Shahul Hameed.
3. Shri P. Shanmugam-I
Aged 38 years
Son of A. Perumal.
4. Shri J. Vijayaraghavan
Aged 34 years
Son of V.P. Jirulai Chetty
5. Shri P. Shanmugam-II
Aged 35 years
Son of Perianna Chetty.
6. Shri M.N. Shankar
Aged 39 years
Son of M.K. Narayanappa.
7. Shri Nagapati V. Bhat
Aged 36 years
Son of Venkataraman Bhat.
8. Shri Kalappa Shivappa Kammar
Aged 46 years
Son of Shivappa Kammar.
9. Shri P.K. Prasad
Aged 44 years
Son of P. Saranana Goud.
10. Shri Subraya Shesha Bhat
Aged 36 years
Son of Shesha Shankar Bhat.
11. Shri Ramachandra Narayan Kulkarni
Aged 52 years
Son of Narasimha Kulkarni.
12. Shri S.A. Hakeem
Aged 56 years
Son of Syed Jaffer.
13. Shri Nagu Poojari
Aged 36 years
Son of Chenna Poojari.
14. Shri G. Mohan Rao
Aged 41 years
Son of Parameshwaraiah.



15. Shri P.B. Ryavanki
Aged 39 years
Son of B. Ryavanki.

16. Shri H.S. Kamath
Aged 42 years
Son of H. Kamath.

.. APPLICANTS 1 to 16
in Application Nos.
655 to 670/88.

(All applicants are working as
Deputy Accounts Officers in the
office of the General Manager,
Telecommunications, Karnataka Circle
Bangalore-9.

17. Shri C. Srinivasamurthy
Aged 44 years, o/o GMT, Bangalore.
S/o. Shri K. Chidambaraiah.

18. Shri V.S. Raghavan
Aged 36 years, o/o AE, CTSO, B'lore.
Son of Shri S. Varadachari.

19. Shri M.C. Thimmapur
Aged 41 years, o/o. T.D.E., Belgaum.
S/o. Shri C.G. Thimmapur.

20. Shri B.L. Manamohana
Aged 39 years, o/o GMT, Bangalore.
S/o. late B.T. Lakshminarayanappa.

21. Shri Rajashekara
Aged 43 years, o/o GMT, Bangalore.
S/o. Shri Puttaswamappa.

22. Shri M. Krishnamurthy
Aged 38 years, o/o GMT, Bangalore.
S/o. Shri M. Ramaiah.

23. Shri H. Venkatesh
Aged 38 years, o/o TDE, Shimoga.
S/o. Shri Harinarayanappa.

24. Shri P. Pappanna
Aged 44 years, o/o TDE, Hassan.
Son of Chikkapullanna.

25. Shri K.R. Savalsung
Aged 38 years, o/o TDE, Gulbarga
S/o. Shri Ramappa Savalsung.

26. Shri N.B. Kushnoor
Aged 38 years, o/o TDE, Gulbarga.
S/o. Shri Balagi V Kushnoor.

27. Shri H. Sankaranarayana Bhatt
Aged about 38 years,
S/o. Late H. Chandra Bhat.

28. Shri K. Abdul Razak
Aged 40 years, o/o TDE, Mangalore.
S/o. Shri G. Koyahussan.

29. Shri Ananda Ganiga
Aged 43 years, o/o TDE, Mangalore.
S/o. Late B. Rama.

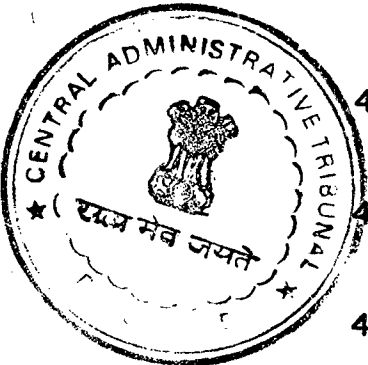


30. Shri K.N. Manjunatha Holla
Aged 36 years, o/o TDE, Mangalore.
S/o. Shri Narayana Holla, K.
31. Shri Suresh J. Naik
Aged 35 years, O/o TDE, Mangalore.
S/o. Shri J.N. Naik.
32. Shri K.G. Deshpande
Aged 42 years, o/o TDE, Hubli.
Spn of Shri Govindarao Deshpande.
33. Shri H. Prabhakara Rao
Aged 40 years, o/o BGTD, Bangalore.9.
S/o. Shri H.P. Janardhana Rao.
34. Shri A.M. Narasimha Rao
Aged 37 years, o/o BGTD, Bangalore-9.
S/o. Shri A. Manjunatha Rao.

(All are working as Deputy Accounts officers)

.. APPLICANTS 1 to 18 in Application Nos. 793 to 810.

35. Shri K. Jayaram
Aged 45 years
S/o. late Shri K. Krishnamurthy.
36. Shri H.K. Shesha, Aged 36 years,
S/o. late Sh. Keshavamurthy.
37. Shri C. Balaramaiah
Aged 37 years
S/o. Shri C. Ramaiah.
38. Shri K.R. Srinivasan
Aged 38 years
S/o. K. Rajagopalan.
39. Shri C. Nagappan
Aged 38 years
S/o. Shri Chinanan.
40. Shri M.K. Bekkinakeri
Aged 36 years
S/o. K.N. Bekkinakeri.
41. Shri K. Brahmiah
Aged 37 years
S/o. K. Balaiah.
42. Shri S. Ramani
Aged 35 years
S/o. Shri N. Subbumahalingam.
43. Shri P.D. Mahale
Aged 33 years
S/o. Shri Das.
44. Shri D. Mohana Krishnan
Aged 36 years
S/o. Shri C.R. Devarajan.
45. Shri V. Bommayan
Aged 41 years
S/o. Shri Vellaiah, Goundar.



46. Shri R. Munirathnam Naidu
Aged 38 years
S/o. Shri R.V. Naidu.
47. Shri B. Venkataramana Rao
Aged 37 years
S/o. Shri B. Govindarao.
48. Shri Shaik Hussain
Aged 43 years
S/o. Shri Shaik Mastan.
49. Shri A. Ramamoorthy
Aged 39 years
S/o. Shri K. Armugham.

.. APPLICANTS 1 to
15 in Application
Nos. 814 to 828/88.

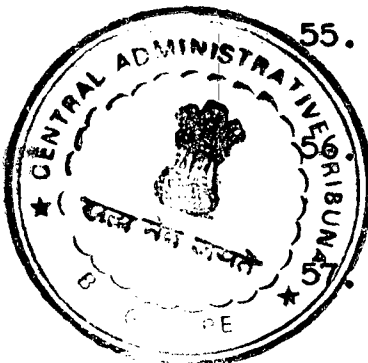
(Applicants in sl. no.35 to 45 & 47
are working as Deputy Accounts Officers
in O/O BGTD, Bangalore-9. Sl.no.46 is
working as Deputy Accounts Officer in
o/o Director Mtxe, Bangalore.1. Sl.no.
48 is working as Deputy Accounts Officer
in O/O DET(MW) Projects, Hubli-21 and
Sl.no.49 is working as Deputy Accounts
Officer in O/O GMT, Q/A, Bangalore.1.).

50. Shri A. Vasudeva
Aged 45 years
S/o. late S. Anantachar.
51. Shri V.J. George Jayasheelan
Aged 46 years
S/o. Shri P. John William.
52. Smt. A.C. Sarvamangala
Aged 39 years
D/o. Late A.S. Chandrasekhara Iyer.
53. Shri H.A. Keshava Das
Aged 44 years
S/o. late Shri H.K. Alasingachar.
54. Shri B.R. Teja Murthy
Aged 47 years
S/o. Shri B.V. Rajagopala Naidu.

.. APPLICANTS 1 to 5
in Application
Nos. 896 to 900/88

(All applicants are working as Senior
Accountants in the O/O the Pay &
Accounts Officer, G.S.I., Bangalore.)

55. Shri K. Balasubramanian
Aged about 44 years
S/o. Shri M.A. Krishnamurthy.
56. Ms. Y.L. Prabhavathamma
Aged 38 years
D/o. Shri Y. Lakshmanachar.
57. Ms. S. Sulochana
Aged 39 years
D/o. Shri S. Sampangi.
58. Shri K.S. Sundaram
Aged 39 years
S/o. K.S. Srinivasan.



22. On the foregoing discussion, we hold that the applicants are entitled to the benefits extended to them by the respective orders made in their favour from 1.1.1986 instead of from 1.4.1987, but however, subject to their service requirement of 3 years as on that date.

23. In the light of our above discussion, we make the following orders and directions:-

- (1) We declare that the applicants are entitled for the revised pay scales extended by Government of India in its order No. F.5(32)-E.III/86 Pt.II dated 12.6.1987 and the further orders made in their favour by the respective departments from 1.1.1986 instead of from 1.4.1987 subject to the requirement of 3 years of service as on that date. We further direct the respondents to fix the pay scales of the applicants in the revised pay scales in terms of orders made by Government of India on 12.6.1987 and the further orders made thereon by the respective departments from 1.1.1986 and extend them all such consequential and monetary benefits flowing from the same from that date.



24. Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs.

Sd/- TRUE COPY
VICE CHAIRMAN 14/7/88

Sd/-
MEMBER (A) 14.7.1988

mr.

for Deputy Registrar (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

only though not by Government there is no challenge by the applicants. The applicants claim that they satisfy that requirement. Whether that is so or not, cannot be examined by us and has necessarily to be examined and decided by the authorities in the first instance. We, therefore, leave that question open to be examined and decided by the authorities in the first instance. We need hardly say that if this decision is adverse to them, it is open to the applicants to challenge the same as also the very requirements before this Tribunal.

20. In their reply, the respondents had asserted that the applicant in A.No.896/88 had been allowed the revision of pay scales from 1.1.1986 and therefore his application was liable to be dismissed in its entirety. Shri Rao highlighting this, urges dismissal of this application. Dr. Nagaraja opposing this, urges that this applicant had only been placed in the revised scale, without giving him all other benefits of fixation of pay under rule 22(c) of the Fundamental Rules (FR) which was impermissible and illegal.

21. Shri Rao does not dispute the correctness of the submission of Dr. Nagaraja. If that is so, then there is force in the submission of Dr. Nagaraja. A mere placement in the time-scale of pay does not carry a Government servant anywhere. Whenever there is a revision the same must reflect itself in proper fixation under FR 22(c) as is done and is required to be done in all such cases. We do not see ^{any} ground to treat the case of the applicant in A. 896/88 differently. On this, it follows that the contention urged by Shri Rao in A.No.896/88 is liable to be rejected.

law and fact and is not one of inherent want of jurisdiction or a 'pure question of law' which is normally allowed to be urged at the hearing. On this short ground we must decline to examine this contention. But notwithstanding this, we propose to examine the same on merits also.

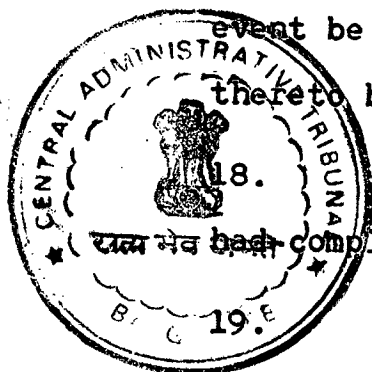
15. A careful examination of the order dated 12.6.1987 of Government, the correspondence that had ensued in extending that order of Government and various orders made thereon, reveal that they do not at all support this contention urged before us for the first time at the hearing. On the other hand all of them only lead us to hold otherwise.

16. At the highest, all that has happened was that either the posts are upgraded or treated as higher posts for extending the benefit of revision to those fitted against them. In the IA&AD also, the same thing had happened. From this, it follows, that the applicants are entitled to what had been held by us in NANJUNDASWAMY's case.

17. Sriyuths Padmarajaiah and Rao contend that such of those applicants that had not completed three years of service as on 1.1.1986 cannot in any event be allowed the benefit of the orders made thereto by the concerned authorities.

18. Dr. Nagaraja urges that all the applicants had completed 3 years of service also as on 1.1.1986.

On the requirement of 3 years of service as stipulated for promotion by the heads of departments



all, for not extending what had been held in Nanjundaswamy's case. The distinctions and differences in other departments must be real and substantial and cannot be on the ground that they are working in other departments. The respondents have not shown any real and substantial differences to deny the applicants what has been accepted by us in Nanjundaswamy's case.

11. We have earlier noticed, that the posts held by the applicants either of JAOs or JAs and even their pay scales were similar in all respects to the posts and pay scales of SOs and JAs in the IA&AD. If that is so, then on the true requirements of Articles 14 & 16 of the Constitution, it is odd to hold, that the applicants are not entitled to revision from 1.1.1986. On this view, even without reference to what we have held in NANJUNDASWAMY's case the applicants are entitled to succeed.

12. Sriyuths Padmarajaiah and Rao contend that the posts themselves in the departments, had been created from 1.4.1987 against which only the applicants must be deemed to have been promoted from that date and on that view, it was not open to this Tribunal to extend them benefits from 1.1.1986.

13. Dr. Nagaraja refuting this contention, urges that there was no merit in the same.

14. In their replies, the respondents have not pleaded this ground, which is a mixed question of



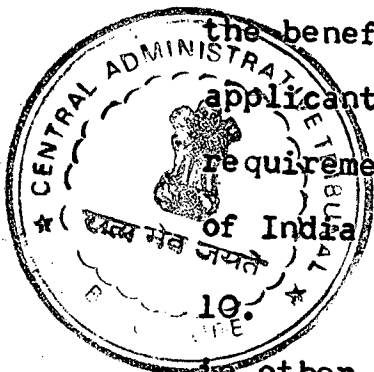
Constitution. We are also of the view, to borrow the language of Justice Desai, in D.S. Nakara v. Union of India¹¹ that the GOI had "picked up the date, namely, 1.4.1987 really from a hat" with caprice, which violates Article 14 of the Constitution. From this, it follows that the claim of the applicants for extending to them revised pay scales sanctioned by GOI in its order No.F.5(32)-E. III/86-Pt.II dated 12.6.1987, from 1.1.1986 instead of from 1.4.1987 calls for our acceptance.

This decision of ours in which we had even granted an order of stay was not even appealed against and has been accepted by Government. We are of the view that what is stated here, equally governs the contention urged before us.

8. In Nanjundaswamy's case, we have reproduced the order dated 12.6.1987 of Government in its entirety (vide para 31 pages 541-543 of the Report). In paras 4, 5 & 6 of that Order, Government had expressed that the benefits extended by it to the cadres of the IA&AD, should also be extended to similar cadres of other departments of Government. In conformity with this direction only the departmental heads of DT, PAD & GSI had extended, in reality and substance the benefit of revision of pay scales to the applicants from 1.4.1987.

9. On what has been expressed by Government itself at paras 4, 5 & 6 of its order and by us thereon in Nanjundaswamy's case, to the extent of back-dating the benefit of revision from 1.1.1986, the claim of the applicants for similar benefits which flows from the very requirements of Articles 14 & 16 of the Constitution of India cannot be resisted by the respondents.

10. The fact that the applicants are working in other departments of Government makes no difference at



To

1. The Comptroller & Auditor General of India
(with usual number of spare copies)
(Shri P.K. Lahiri, Director Staff).
2. Financial Advisor (Defence Services)
3. Comptroller General of Accounts, Ministry of Finance.
4. Member (Finance), Department of Posts.
5. Member (Finance), Department of Telecommunications.

Copy forwarded to Financial Commissioner (Railways)
Railway Board for issue of similar orders for
Railway Accounts Organisation.

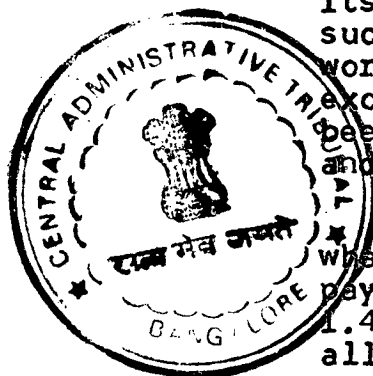
sd/-
(A.N. SINHA)
DIRECTOR

In this order, GOI had accepted the claim of those working in the Accounts Wing for parity with the Audit Wing. But in doing so, it had restricted or allowed the same from 1.4.1987. This has been obviously done on the recommendations of the Fourth Pay Commission.

The Fourth Pay Commission presided over by Justice Singal, examined the revision of pay scales in respect of all the civil servants of the Union of India in depth and submitted its detailed recommendations to the GOI. On those recommendations, GOI had made its orders, giving effect to the revision of pay scales, to all Departments of the GOI from 1.1.1986. The basis for making the order on 12.6.1987, was the recommendations of the Fourth Pay Commission and none other.

While GOI had generously allowed revision of pay scales from 1.1.1986 to almost all its employees, it had for no valid reason allowed the same, with effect from only 1.4.1987, to those working in the Accounts Wing. The order itself does not given any reasons for making such an invidious distinction only to those working in the Accounts Wing. Shri Padmarajaiah, except for a vehement assertion that the same had been properly made, did not give any satisfactory and convincing reasons for the same.

We are of the view that there are no reasons whatsoever for allowing the benefit of revised pay scales only to Accounts Wing with effect from 1.4.1987 and not from 1.1.1986, as is the case of all other civil servants in the GOI whose number probably exceeds 50 lakhs and that in any event, this was a case of irrational classification without any nexus to the avowed objective and was therefore clearly violative of Article 14 of the



the proposed scales of pay of Rs 1400-2600 and Rs 2000-3200 may be treated as functional grades in future and that there will be no selection grade for any of these posts. As regards the number of posts in the higher functional scales, the Commission left this matter for the Government to decide.

3. The revised scales of pay for the Accounts staff in Organised Accounts Cadres under the Controller General of Defence Accounts, Controller General of Accounts, Department of Post and Telecommunications and also in Indian Audit and Accounts Department at par with Audit stream have already been notified vide this Ministry's Notifications No.s F....IC/86 dated 13.9.1986 and 22.9.1986 respectively. In accordance with these modifications certain persons have already been allowed the higher revised scales of pay subject to the conditions laid down therein.

4. The question regarding number of posts to be placed in the higher scales of pay has been under the consideration of the Government and it has now been decided that the ratio of number of posts in higher and lower scales in the Organised Accounts cadres as well as in Accounts Wing of the IA&AG may be as follows:

- | | | |
|--------------------------|--|-----|
| (i) Section Officer (SG) | Rs 2000-60-2300-
EB-75-3200 | 80% |
| (ii) Section Officer | Rs 1640-60-2600-
EB-75-2900 | 20% |
| (iii) Senior Accountant | Rs 1400-40-1600-
50-2300-EB-
60-2600 | 80% |
| (iv) Junior Accountant | Rs 1200-30-1560-EB
-40-2040 | 20% |

The designations in different Organised Accounts cadres may be different. In such cases also the pay structure on these lines may be decided.

5. These orders take effect from 1.4.1987. The respective cadre controlling authorities may now take necessary action to prescribe criteria for appointment to the higher functional grades requiring promotion to the grades of Rs 1400-40-1600-50-2300-EB-60-2600 and Rs 2000-60-2300-EB-75-3200 on the same lines as adopted for Audit stream and thereafter take necessary action to implement these orders.

6. The orders in respect of Railway Accounts Organisation will be issued separately.

These orders issued in consultation with the Comptroller and Auditor General of India in so far as these relate to IA&AD.

Hindi version is attached.

sd/-
(A.N. SINHA)
Director



the Constitution. The new dimension of Article 14 of the Constitution, namely, that arbitrariness was the very anti-thesis of the rule of law enshrined in Article 14 of the Constitution, evolved in E.P. Royappa v. State of Tamil Nadu⁹ has been elaborated and explained by the Supreme Court in Maneka Gandhi v. Union of India.¹⁰ Bearing the principles enunciated in all these cases, we must examine the claim of the applicants based on Article 14 of the Constitution.

The order made by GOI on 12-6-1987 reads thus:

'No.F.5(32)-E.III/86-Pt.II
Government of India
Ministry of Finance
Department of Expenditure

New Delhi
the 12th June 1987.

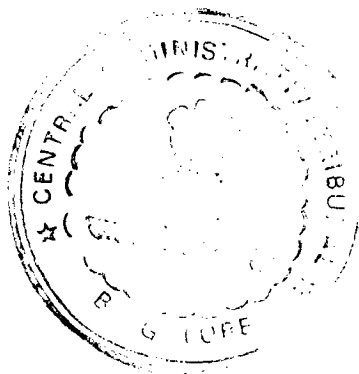
Office Memorandum

Subject: Restructuring of Accounts Staff
in Organised Accounts Cadres.

Based on the recommendation of the Fourth Central Pay Commission the scales of pay for Auditors and Section Officer in Audit stream of Indian Audit and Accounts Department (IA&AD) is on the following lines:

	<u>Pre-revised</u>	<u>Revised</u>	
	Rs	Rs	
1. Assistant Audit Officer:	650-30-740-35 -880-EB-40- 1040.	2000-60-2300 -EB-75-3200.	80%
2. Section Officer:	500-20-700-EB	1640-60-2600 -EB-75-2900.	20%
3. Senior Auditor:	425-15-500- EB-15-560-20- 700-EB-25-800	1400-40-1600 -50-2300-EB -60-2600.	80%
4. Auditor:	330-10-380-EB -12-500-EB-15 560	1200-30-1560 -EB-40-2040	20%

2. The Fourth Central Pay Commission vide para 11.38 of Part-I of its Report have observed that the Audit and Accounts functions, are complementary to each other and are generally performed in many Government offices in an integrated manner which is necessary for their effective functioning. Accordingly, the Pay Commission have recommended that there should be broad parity in the pay scales of the staff in IA&AD and other Accounts organisations. It has further recommended that



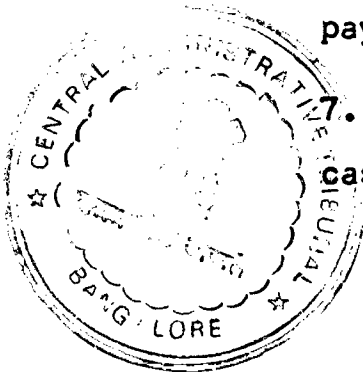
4. In separate but identical replies the respondents have resisted these applications. The respondents had asserted that there were inherent differences and distinctions between the posts held by the applicants and those working in the IA&AD or other departments of Government and that on any view they were not entitled for benefits of revision of their pay scales from 1.1.1986.

5. Dr. M.S. Nagaraja, learned counsel for the applicants, contends that the duties, responsibilities and the scales of pay allowed to the JAOs and JAs of the Departments of DT, PAD & GSI were similar to their counterparts in the IA&AD in whose favour Government had made its order on 12.6.1987 and by us in M. NANJUNDASWAMY AND OTHERS V. ACCOUNTANT GENERAL AND OTHERS (1987 SLJ Part III Vol. 25 page 531) and therefore the applicants were clearly entitled to revised scales of pay from 1.1.1986.

6. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel, appearing for respondents, except in A. Nos. 896 to 900/88 wherein Shri M. Vasudeva Rao, learned Addl. Central Government Standing Counsel, ^{appears} refuting the contention of Dr. Nagaraja, sought to support the respective orders made against the applicants restricting the benefit of revision of pay scales from 1.4.1987.

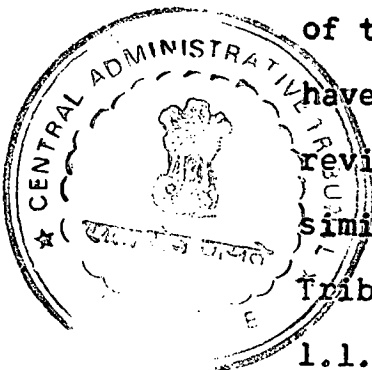
On this very question in NANJUNDASWAMY's case, we have expressed thus:

"The true scope and ambit of Article 14 of the Constitution, has been explained by the Supreme Court in a large number of cases. In Ramakrishna Dalmia v. Justice Tendolkar⁸ (Re:Special Court Bills case), the Supreme Court had reviewed all the earlier cases and had re-stated all the facets of Article 14 of



were working as Junior Accounts Officers (JAOs) in the Department of Telecommunications (DT) which posts are equivalent to those of Section Officers (SOs) of the Indian Audit and Accounts Department (IA&AD) of Government in all respects. Prior to 1-1-1986, applicants in A. Nos. 929 to 939 of 1988 and in A. Nos. 896 to 900/1988 were working as Junior Accountants (JAs) in the Postal Accounts Department of Government (PAD) and the Accounts Wing of the Geological Survey of India (GSI) respectively. The posts of JAs in the Departments of PAD and GSI are equivalent to the posts of JAs in the IA&AD in all respects.

3. In its Order No.F.5(32)E III - PT.II dated 12.6.1987, Government inter alia accorded its sanction for placing the posts of SOs and JAs in the IA&AD in the revised scales of pay, however restricting such benefit from 1.4.1987 only. In conformity with this order of Government, by separate but identical orders made, the respective departmental heads of DT, PAD & GSI, had made similar orders allowing the applicants also similar benefits but restricting the same from 1.4.1987 and not from 1.1.1986 as they now claim. Hence in these separate but identical applications made under section 19 of the Administrative Tribunals Act of 1985 (Act), they have sought for a direction to extend ^{to them} the benefit of such revision from 1.1.1986 on the ground that they were similarly situated with those of the IA&AD to whom this Tribunal had extended the benefit of revision from 1.1.1986 as in the case of all other civil servants of the Union of India.



3. The General Manager
Telecommunications
Karnataka Circle
Bangalore.

.. Respondent 3 in
Application nos.
655 to 670, 793 to
810, & 814 to 828/88.

4. The Controller of Accounts
Central Accounts Office
Department of Mines
Geological Survey of India
Calcutta.1.

.. Respondent 1 in
Application no.
896 to 900/1988.

5. The Controller General of
Accounts
Ministry of Finance
Department of Expenditure
Loknaya Bhavan
New Delhi.

.. Respondent 2 in
Application no.
896 to 900/1988.

6. The Deputy Director of
Accounts (Postal)
Karnataka Circle
Bangalore-1.

.. Respondent 1 in
Application no.
929 to 939.

7. The Director General (Postal
Dak Tar Bhavan Wing)
New Delhi.

.. Respondent 2 in
Application no.
929 to 939/1988.

(Shri M.S. Padmarajaiah & Shri M. Vasudeva Rao
Standing Counsel)

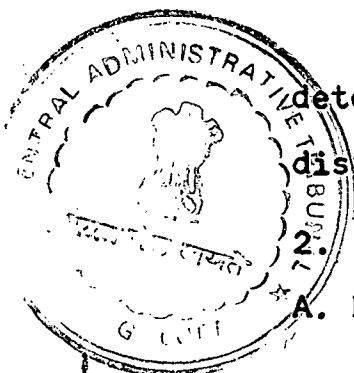
These applications having come up
before the Tribunal today, Hon'ble Vice Chairman, made
the following:

O R D E R

As the questions that arise for
determination in these cases are common, we propose to
dispose of them by a common order.

Prior to 1.1.1986, applicants in
A. Nos. 655 to 670, 793 to 810 and 814 to 828 of 1988

.....7/-



59. Shri S. Sugumaran
Aged 37 years
S/o. Shri P. Shanmugam.
60. Smt. Vijayalakshmi Gopalakrishnan
Aged 38 years
D/o. Shri V.R. Thiruvengadam.
61. Smt. Nagamani S. Rao
Aged 35 years
W/o. Shri S.G. Subba Rao.
62. Smt. Mary Philomena C'Couto
Aged 41 years
W/o. Shri Adolf D'Couto.
63. Shri P. Murthy
Aged 36 years
S/o. Sri Poongodai.
64. Smt. Padmini Murthy
Aged 36 years
W/o. Shri P. Murthy.
65. Shri M. Radhakrishnan
Aged 40 years
S/o. Shri M. Meenakshisundaram.

... APPLICANTS 1 to 11
in Application Nos.
929 to 939/1988.

(All are working as Senior Accountants
in the O/O Deputy Director of Accounts,
Basava Bhavan, Bangalore - 560 001).

(Dr. M.S. Nagaraja, Advocate)

Vs.

1. Union of India
Represented by Secretary to
Government
Ministry of Finance
(Deptt. of Expenditure)
New Delhi

... Respondent 1 in
Application Nos.
655 to 670, 793 to
810, 814 to 828 &
Respondent 3 in
Application nos.
896 to 900 and
929 to 939/1988.

... Respondent 2 in
Application Nos.
655 to 670, 793 to
810 & 814 to
824/1988.



5102-61/88
D.No. _____ IVA
SUPREME COURT OF INDIA
NEW DELHI

Dated 2.3.1989

From:

The Assistant Registrar
Supreme Court of India
New Delhi

To

The Registrar
Central Administrative Tribunal
B.D.A. Commercial Complex,
Indira Nagar, Bangalore

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS 13821 to 13869/88
WITH

CIVIL MISC. PETITIONS NOS. 39320 to 29368 of 1988
(Appls. for ex-parte stay)

The Secretary, Ministry of Finance & Ors ..Petitioners
vs
Sh. S.Najundaswamy & Ors ...Respondents

Sir,

I am directed to forward herewith for your information
and necessary action a certified copy of the _____ Order
of this Court dated 28.2.1989 made _____ in the _____ applications
above-mentioned.

Yours faithfully,

ASSISTANT REGISTRAR

ns/19.12.88/IVA

IN THE SUPREME COURT OF INDIA**CIVIL/CRIMINAL APPELLATE JURISDICTION**

Assistant Registrar (Judl)

..... 198

Supreme Court of India

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 13821 to 13869/1988
 (Under Article 136 of the Constitution of India from the Order dated the 14th July, 1988 of the Central Administrative Tribunal, Bangalore Bench at Bangalore in Application Nos. 655 to 670, 793 to 810 and 814 to 828 of 1988)

WITH**CIVIL MISCELLANEOUS PETITIONS NOS. 29320 to 29368 OF 1988**

(Applications for stay by notice of motion with a prayer for an ex-parte Order)

The Secretary,
 Ministry of Finance, New Delhi & Ors.

....Petitioners.

Versus

Sh. S. Nanjundaswamy & Ors.

....Respondents

(Complete Cause Title is as per Schedule 'A')

Dated the 28th February, 1989**CORAM:**

HON'BLE MR.JUSTICE K.N.SINGH

HON'BLE MR.JUSTICE K.JAGANNATHA SHETTY

HON'BLE MR.JUSTICE KULDIP SINGH

For the Petitioners : Mr. G. Ramaswami, Additional Solicitor General,
 of India.
 (M/s. C.V. Subba Rao, A. Subba Rao, L.K. Gupta,
 and T.C. Sharma, Advocates with him)

For the Caveator/Respondent: M/s. R.K. Kamal, and B.S. Gupta, Advocates
 In SLP No. 13821/88

THE PETITIONS FOR SPECIAL LEAVE TO APPEAL AND THE
 APPLICATIONS FOR STAY above-mentioned being called on for
 hearing before this Court on the 28th day of February, 1989

Contd.....2/-

SUPREME COURT
CIVIL/~~CRIMINAL~~/APPELLATE JURISDICTION

SPECIAL LEAVE PETITIONS (CIVIL) NOS. 13821 to 13869 of 1988

WITH

CIVIL MISCELLANEOUS PETITIONS NOS. 29320 to 29368 of 1988
(Applications for ex-parte stay)

The Secretary,
Ministry of Finance & Org

Appellant
~~Respondent~~
Petitioner s

Versus

Sh. S. Nanjundaswamy & Ors

Respondent s

ORDER DIRECTING GRANTING AD-INTERIM/EX-PARTE STAY

28th February, 1989
Dated the _____ day of _____ 1989

Re:

SHRI C.V. Subba Rao
Advocate-on-Record for Petitioners

SHRI B. S. Gupta, Caveator
Advocate-on-Record for Respondent No. 1
in SLP 13821/88

SHRI
Advocate-on-Record for

Engrossed by negi/
Examined by
Compared with
No. of folios

SEALD IN MY PRESENCE

39

40. Shri M.K.Bekkinakeri
Aged 36 years
S/o K.N.Bekkinakeri
41. Shri K.Brahmiah
Aged 37 years
S/o K.Balaiah.
42. Shri S.Ramani
Aged 35 years .
S/o Shri N.Subbumahalingam.
43. Shri P.D.Mahale
Aged 33 years,
son of Shri Das
44. Shri D.Mohana Krishnan
Aged 36 years
S/o Sh. C.R.Devarajan.
45. Shri V.Bommayan
aged 41 years
S/o Shri Vellaiah, Goundar.
46. Shri R. Munrathnam Naidu
Aged 38 years
S/o Shri R.V Naidu.
47. Shri B.Venkataramana Rao
Aged 37 years
S/o Shri B.Govindarao.
48. Shri Shaik Hussain
Aged 43 years
s/o Sh. Shaik Mastan.
49. Shri A.Ramamoorthy ... Applicants 1 to 15
Aged 39 years in Application Nos.814
S/o Shri K. Armughan. to 828/88.

(Applicants in Sl.No.35 to 45 and 47 are working as Deputy Accounts Officer in O/O BGTD, Bangalore-9. Sl. No.46 is working as Deputy Accounts Officer in O/O Director Mxse, Bangalore-1. Sl.No.48 is working as Deputy Accounts Officer in O/O DET(MW) Projects, Hubli-21 and Sl.No.49 is working as Deputy Accounts Officer in O/O GMT, O/A, Bangalore-1.)

39

40. Shri M.K.Bekkinakeri
Aged 36 years
S/o K.N.Bekkinakeri
41. Shri K.Brahmiah
Aged 37 years
S/o K.Balaiiah.
42. Shri S.Ramani
Aged 35 years
S/o Shri N.Subbumahalingam.
43. Shri P.D.Mahale
Aged 33 years
son of Shri Das
44. Shri D.Mohana Krishnan
Aged 36 years
S/o Sh. C.R.Devarajan.
45. Shri V.Bommayan
aged 41 years
S/o Shri Vellaiah, Goundar.
46. Shri R. Munrathnam Naidu
Aged 38 years
S/o Shri R.V Naidu.
47. Shri B.Venkataramana Rao
Aged 37 years
S/o Shri B.Govindarao.
48. Shri Shaik Hussain
Aged 43 years
s/o Sh. Shaik Mastan.
49. Shri A.Ramamoorthy ... Applicants 1 to 15
Aged 39 years in Application Nos.814
S/o Shri K. Armughan. to 828/88.

(Applicants in Sl.No.35 to 85 and 47 are working as Deputy Accounts Officer in O/O BGTD, Bangalore-9. Sl. No.46 is working as Deputy Accounts Officer in O/O Director Mxse, Bangalore-1. Sl.No.48 is working as Deputy Accounts Officer in O/O DET(MW) Projects, Hubli-21 and Sl.No.49 is working as Deputy Accounts Officer in O/O GMT, O/A Bangalore-1.)

22. Shri K.G.Deshpande

Aged 42 years, o/o TDE, Hubli.

Son of Shri Govindarao Deshpande.

33. Shri H. Prabhakara Rao

Aged 40 years, o/o BGTD, Banlore-9.

S/o Shri H.P.Janardhana Rao.

34. Shri A.M. Narasimha Rao

Aged 37 years, o/o BGTD, Bangalore-9.

S/o Shri A. Manjunatha Rao ...Applicants 1 to
18 in application

Nos. 793 to 810.

(All are working as Deputy Accounts
Officers) in ^{Kannada Telephone Dept.} ~~Bangalore Telephone Dept.~~ Bangalore-9.
byapuraj

35. Shri K.Jayaram

Aged 45 years

S/o late Shri K.Krishnamurthy.

36. Shri H.K.Shesha, aged 36 years,

S/o late Sh.Keshavamurthy.

37. Shri C. Balaramaiah

Aged 37 years

S/o Shri C.Ramaiah.

38. Shri K.R.Srinivasan

Aged 38 years

S/o K.Rajagopalan.

39. Shri C.Nagappan

Aged 38 years

S/o Shri Chinanan

23. Sh.H. Venkatesh
Aged 38 years, o/o TDE, Shimoga.
S/o Shri Harinarayanappa.
24. Shri P.Pappanna
Aged 44 years, o/o TDE, Hassan
S/o Chikkapullanna.
25. Shri K.R. Savalsung
Aged 38 years, o/o TDE, Gulbarga
S/o Shri Ramappa Savalsung.
26. Shri N.B.Kushnoor
Aged 38 years, o/o TDE, Gulbarga
S/o Sh. Ramappa Savalsung.
27. Shri H. Sankaranarayana Bhatt
Aged about 38 years
S/o late H.Chandra Bhatt.
28. Shri K.Abdul Razak
Aged 40 years, o/o TDE, Mangalore.
S/o Shri G.Koyahussan.
29. Sh. Ananda Ganiga
Aged 43 years, o/o TDE, Mangalore.
Son of Late B.Rama.
30. Shri K.N. Manjunatha Holla
Aged 36 years, o/o TDE, Mangalore.
S/o Shri Narayana Holla, K.
31. Shri Suresh J. Naik
Aged 35 years, o/o TDE, Mangalore.
S/o Sri J.N.Naik.

16. Shri H.S. Kamath

Aged 42 years

Son of H.Kamath

...Applicants 1 to 16

in Application Nos.

(All applicants are working 655 to 670/88.

as Deputy Accounts Officers in

the Office of the General Manager,

Telecommunications, Kamataka Circle

Bangalore-9.

17. Shri C.srinivasamurthy

Aged 44 years, o/o GMT, Bangalore.

Son Shri K. Chidambaramiah.

18. Shri V.S. Raghavan

Aged 36 years, o/o AE, CTSD, B'lore.

Son of Shri S. Varadachari.

19. Shri M.C. Thimmapur

Aged 41 years, o/o TDE, Belgaum

S/o Shri C.G. Thimmapur.

20. Shri B.L. Manamohana

Aged 39 years, o/o GMT, Bangalore.

S/o Late B.T. Lakshminarayanappa.

21. Shri Rajashekara

Aged 42 years, o/o GMT, Bangalore.

S/o Shri Puttaswamappa.

22. Shri M. Krishnamurthy

Aged 38 years, o/o GMT, Bangalore.

S/o Shri M. Ramiah.

36
FILED ON
28 OCT 1988

of India

7. Shri Nagapati V. Bhat

Aged 36 years

son of Venkataraman Bhat.

9. Shri Kalappa Shivappa Kammar

Aged 46 years

son of Shivappa Kammar

9. Shri P.K. Prasad

Aged 44 years

son of P.Saranana Goud.

10. Shri Subraya Shesha Bhat

Aged 36 years

son of Shesha Shankar Bhat.

11. Shri Ramachandra Narayan Kulkarni

Aged 52 years

son of Sh. Narasimha Kulkarni.

12. Shri S.A. Hakeem

Aged 56 years

son of Syed Jaffer.

13. Shri Nagu Poojari

Aged 36 years

son of Sh. Chenna Poojari.

14. Shri G.Mohan Rao

Aged 41 years

son of Parameshwarai ah.

15. Shri P.B. Ryavanki

Aged 39 years

son of B. Rayavanki.

(2)

34

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SLOP (CIVIL) NO. 13821-69 OF 1988

IN THE MATTER OF:

1. The Secretary,
Ministry of Finance
(Department of Expenditure),
New Delhi & 6 Others
2. Member Finance
Telecommunication Board
Department of Telecommunication
Sanchar Bhavan,
New Delhi.
3. The General Manager
Telecommunications
Karnataka Circle
Bangalore.

....Petitioners

Versus

1. Sh. S. Nanjundaswamy & 49 Ors.
2. Shri S.S. Bulul Huck
Aged 36 years
son of S.M. Shahul Hameed.
3. Shri P. Shanmugam-I
Aged 38 years
Son of A. Perumal.
4. Shri J. Vijayaraghavan
Aged 34 years
son of V.P. Jirulai Chetty.
5. Shri P. Shanmugam-II
Aged 35 years
son of Perianna Chetty.
6. Shri M.N. Shankar
Aged 39 years
son of M.K. Narayanappa.

...Respondents.

UPON, hearing Counsel for the Appearing Parties herein, THIS COURT, while adjourning the matter DOTH ORDER, that in the meanwhile, the operation of the Order dated the 14th July, 1988, of the Central Administrative Tribunal, Bench at Bangalore, in Applications Nos. 655 to 670, 793 to 810 and 814 to 828 of 1988, be and is hereby stayed;

AND THIS COURT DOTH FURTHER ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Raghunandan Swarup Pathak, Chief Justice of India, at the Supreme Court, New Delhi, this the 28th day of February, 1989.

Sd/-
(V.P. SINGHAL)
JOINT REGISTRAR

Recd. as Regd. letter

15.12.29.
Enter in SLP list, SLP Register &
Main Register. Add to the relevant files & note.
Subject to all connected files & note.
Thereafter, a photocopy of this & a
copy of O.A. order be sent in O.A. to
Hon. VC & Hon. members for
perusal.

SECTION IV-A

D.No.4891-95/88/IV-A.

From:

The Assistant Registrar,
Supreme Court of India.
New Delhi.

SUPREME COURT OF INDIA
NEW DELHI.

Dated: 20th August, 1993.

To:

✓ The Registrar,
Central Administrative Tribunal,
Bangalore Bench, Bangalore.

CIVIL APPEAL NOS. 3674-3758 OF 1993
(Central Administrative Tribunal Applications Nos. 896 to
900 of 1988, 655 to 670, 793 to 810, 814 to 828 of 1988,
'21 to 26 of 1988, 569 to 591 of 1988, 84 of 1989, and
302 of 1989.)

The Secretary Ministry of Finance etc.

... Appellants.

Sh. A. Vasudeve & Ors.

-Versus-

... Respondents.

Sir,

In pursuance of Order XIII, Rule 6, S.C.R. 1966, I am
directed by their Lordships of the Supreme Court to
transmit herewith a certified copy of the Order dated the
6th August, 1993 in the appeals above-mentioned. The
certified copy of the Decree made in the said appeals will
be sent later on.

Please acknowledge receipt.

Yours faithfully


ASSISTANT REGISTRAR

Certified to be a true copy

Assistant Registrar (Judl.)

21.8.1993
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

459015

SPECIAL LEAVE PETITIONS (C) NOS. 16315-19 OF 1988
[With SLPs (C) Nos. 16227/88, 16403-21/88 & 16200-05/88]

The Accountant General & Ors. ... Petitioners

versus

P.S. Matha & Ors. ... Respondents

W I T H

CIVIL APPEAL NOS. 3674-3758 OF 1993
[Arising out of SLPs (C) Nos. 13660-64/88, 13221-69/88, 10025-30/88, 13354-76/88, 11732/89, 11599/89]

The Secretary, Ministry of
Finance & Ors. ... Appellants

versus

A. Vasudeva & Ors. ... Respondents

W I T H

CIVIL APPEAL NOS. 3626-27 OF 1983

Union of India ... Appellant

versus

Sri Jaikishan etc. ... Respondents

O R D E R

SLPs(C) Nos. 16315-19/88, 14227/88, 16408-21/88 & 16209-05/88 :

Issue notice on the special leave petitions

and also on the applications for condonation of delay.

The notice shall indicate that the matters will be

finally disposed of at the admission stage itself in the

light of the judgment of this Court dated February 4,

1992 in Civil Appeal No. 1783-84/90, Union of India &

Ore. vs. The Secretary, Madras Civil Audit & Accounts

Association & Anr., etc. [1992 (1) JT 586].

C.A.NOS. of 1993 [arising out of SLPs(C) Nos. 13640-64/88, 13821-69/88, 10025-30/88, 13354-76/88, 11732/89, 11599/89] :

Leave granted. These appeals involve the

question whether the benefit of the pay scales fixed by

Memorandum dated June 12, 1987 should be available with

effect from April 1, 1987 or with effect from January 1,

1986 as held by the Central Administrative Tribunal.

The said question has been considered by this Court in

Union of India & Ore. vs. The Secretary, Madras, Civil

Audit & Accounts Assn. & Anr., etc. [supra] wherein this

Court has held that the benefit of the said Memorandum

could only be given effect from April 1, 1987. The

present case is fully covered by the said decision. In

the light of the said decision, the appeals are allowed, the order of the Central Administrative Tribunal is set aside and it is directed that the benefit of the Memorandum dated June 12, 1987 shall be available only with effect from April 1, 1987.

C.A.Nos. 3626-27/88 :

These matters may be delinked from this batch.

24/-
.....
(L. C. Agrawal)

14/-
.....
(L. Venkatesh)

New Delhi,
August 6, 1993.

2/10/93
Recd. as Regd. Parcel
No. 2403

To the file
793 to 810/88

If enter in SLP Register, main Register & add to the relevant file with copies to Connected files & note. A copy of this may be submitted in O2 to Hon V.C. & Hon J. with a copy of CAT
D.Nos.4891-95 etc./88/Sec IV A
SUPREME COURT OF INDIA
NEW DELHI.

24th
Dated this the October, 1993.

order
Rules 142 & 143 of
CAT R.O.P. 93
Refer.

From: The Registrar (Judicial),
Supreme Court of India,
New Delhi.

To: The Registrar,
Central Administrative Tribunal,
Bangalore Bench,
Bangalore.

CIVIL APPEAL NOS.3674 TO 3758 OF 1993.

The Secretary, Ministry of Finance & 2 Ors.
etc.etc.

...Appellants.

Versus

Shri A. Vasudeva & 4 Ors.etc.etc.

...Respondents.

Sir,

In continuation of this Registry's letter of even number dated the 24th August, 1993, I am directed to transmit herewith for necessary action a certified copy of the common Decree dated the 6th August, 1993 of the Supreme Court in the said appeals.

Please acknowledge receipt.

Yours faithfully,

[Signature]
for REGISTRAR(JUDICIAL)

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

CIVIL APPELLATE JURISDICTION

Sup. C. 84

Registrar (Judl.)

Supreme Court of India

474813

~~XXXXXX~~

~~XX~~

~~XXXX~~

CIVIL APPEAL NOS. 3674 TO 3758 OF 1993.

(Appeals by special leave granted by this Court by its Order dated the 6th August, 1993 in Petitions for Special Leave to Appeal (Civil) Nos. 13660 to 13664, 13821 to 13869, 10025 to 10030 and 13354 to 13376 of 1988 and 11732 and 11599 of 1989 from the Judgments and Orders dated the 14th July, 25th January and 8th April, 1988 and 20th February and 22nd May, 1989 of the Central Administrative Tribunal, Bangalore Bench, Bangalore in Application Nos. 896 to 900, 655 to 670, 793 to 810, 814 to 828, 21 to 26 and 569 to 591 of 1988 and 84 and 302 of 1989 (F) respectively).

The Secretary, Ministry of Finance & 2 Ors.
etc.etc.

...Appellants.

Versus

Shri. A. Vasudeva & 4 Ors. etc.etc.

...Respondents.

(For full cause title please see
Schedules 'A' to 'F' attached herewith).

6th August, 1993.

CORAM:

HON'BLE MR. JUSTICE S.C. AGRAWAL
HON'BLE MR. JUSTICE N. VENKATACHALA

For the Appellants in
all the Appeals except
Civil Appeal Nos. 3679 to
3727 of 1993:

Ms. Kitty Kumarmangalam and
M/s. P. Parmeswaran, S.N. Tardol and
C. V. Subba Rao, Advocates.

For the Appellants in
Civil Appeal Nos. 3679
to 3727 of 1993:

Mr. V.C. Mahajan, Senior Advocate,
(Mr. C. Badrinath Babu, Advocate with
him).

For Respondent No. 1 in
Civil Appeal Nos. 3679 to
3727 of 1993:

Mr. B.K. Kamal, Advocate.

The Appeals above-mentioned alongwith other connected matters being called on for hearing before this Court on the 6th day of August, 1993; UPON perusing the record and hearing counsel for the appearing parties above-mentioned, THIS COURT in view of its decision dated the 4th February, 1992 in Civil Appeal Nos. 1783 and 1784 of 1990 entitled Union of India & Ors. Vs. The Secretary.

...2/-

Madras, Civil Audit & Accounts Assn. & Anr. etc. reported in
(1992 (1) JT ²⁵³⁶² 226) DOTH in allowing the appeals ORDER:

THAT the Judgments and Orders dated the 14th July, 25th January and 8th April, 1988 and 20th February and 22nd May, 1989 of the Central Administrative Tribunal, Bangalore Bench, Bangalore in Application Nos. 896 to 900, 655 to 670, 793 to 810, 814 to 828, 21 to 26 and 569 to 591 of 1988 and 84 and 302 of 1989 (F) respectively be and are hereby set aside and instead it is hereby directed that the benefit of the Memorandum dated the 12th June, 1987 issued by the Government of India, Ministry of Finance, Department of Expenditure, bearing No.F (32) -E-111/86- PT II with regard to revision of pay scales shall be available to the ^{Respondents &} ~~appellants~~ herein only with effect from 1st April, 1987;

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Manepalli Narayanarao Venkatachaliah, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 6th day of August, 1993.

^{Sdh}
(J.K. RAWAL)
ADDITIONAL REGISTRAR (JUDL.)
^{10/8}
h

C. A. Nos. 3674 to 3758/93
3678/93

36

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.

13660-64
OF 1988

1. The Secretary,
Ministry of Finance,
(Deptt. of Expenditure),
New Delhi.
2. Controller General of Accounts,
Ministry of Finance,
(Deptt. of Expenditure),
New Delhi.
3. Controller of Accounts,
Deptt. of Mines,
Geological Survey of India,
Calcutta.

.. Petitioners

Versus

1. Shri. A. Vasudeva,
31/7, 13th Main Vijayanagar
Bangalore-560 040.
2. Shri. V. J. George Jayasheelan,
No. 2, Vasanthappa Block,
Gangenahalli,
Bangalore-560 032.

3. Smt.A.C.Sarwamangala
#36, 'Ambika',
7th Block, Jayanagar,
Bangalore-560 011.
4. Shri.H.A.Keshava Das,
265,9th Main,3rd Block,
Jayanagar,
Bangalore-560 011.
5. Shri.B.R.Teja Murthy,
51,C.P.W.D.Quarters,
Block,.5, Koramangala
Bangalore-560 034.

.. Respondents

PETITION UNDER ARTICLE 136
OF THE CONSTITUTION OF INDIA
FOR SPECIAL LEAVE TO APPEAL
AGAINST THE JUDGMENT DATED
14.7.1988 PASSED BY THE
CENTRAL ADMINISTRATIVE
TRIBUNAL BANGALORE BENCH.
BANGALORE IN APPLICATION NOS.
896 to 900/88.

To

The Hon'ble The Chief Justice of India and
His Companion Justices of the Supreme
Court of India.

The humble petition of the petitioners, above named

Schedule 'B'
CA. Nos. 3679-3727/93 (2)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SLOP (CIVIL) NO. 3801-69 OF 1988

34

IN THE MATTER OF:

1. The Secretary,
Ministry of Finance
(Department of Expenditure),
New Delhi & 6 others
2. Member Finance
Telecommunication Board
Department of Telecommunication
Sachar Bhavan,
New Delhi.
3. The General Manager
Telecommunications
Karnataka Circle
Bangalore.

....Petitioners

Versus

1. Sh. S. Nanjundaswamy & 49 Ors.
2. Shri S.S. Bulul Huck
Aged 36 years
son of S.M. Shahul Hameed.
3. Shri P. Shanmugam-I
Aged 33 years
son of A. Perumal.
4. Shri J. Vijayaraghavan
Aged 34 years
son of V.P. Jirulal Chetty.
5. Shri P. Shanmugam-II
Aged 35 years
son of Perianna Chetty.
6. Shri M.N. Shankar
Aged 39 years
son of M.K. Narayanappa.

...Respondents.

- 35
7. Shri Nagapati V. Bhat
Aged 36 years
son of Venkataraman Bhat.
 9. Shri Kalappa Shivappa Kammar
Aged 46 years
son of Shivappa Kammar
 9. Shri P.K. Prasad
Aged 44 years
son of P. Saranana Goud.
 10. Shri Subraya Shesha Bhat
Aged 36 years
son of Shesha Shankar Bhat.
 11. Shri Ramachandra Narayan Kulkarni
Aged 52 years
son of Sh. Narasimha Kulkarni.
 12. Shri S.A. Hakeem
Aged 56 years
son of syed Jaffer.
 13. Shri Nagu Poojari
Aged 36 years
son of Sh. Chenna Poojari.
 14. Shri G.Mohan Rao
Aged 41 years
son of Parameshwarai ah.
 15. Shri P.B. Ryavanki
Aged 39 years
son of B. Rayavanki.

16. Shri H.S. Kamath

Aged 42 years

Son of H.Kamath

...Applicants 1 to 16

in Application Nos.

655 to 670/88.

(All applicants are working
as Deputy Accounts Officers in
the Office of the General Manager,
Telecommunications, Kamataka Circle
Bangalore-9.

17. Shri C.Srinivasamurthy

Aged 44 years, o/o GMT, Bangalore.

Son Shri K. Chidambaram.

18. Shri V.S. Raghavan

Aged 36 years, o/o AE, CTSO, B'lore.

Son of Shri S. Varadachari.

19. Shri M.C. Thimmapur

Aged 41 years, o/o TDE, Belgaum

S/o Shri C.G. Thimmapur.

20. Shri B.L. Mahanahana

Aged 39 years, o/o GMT, Bangalore.

S/o Late B.T. Lakshminarayana.

21. Shri Rajashekara

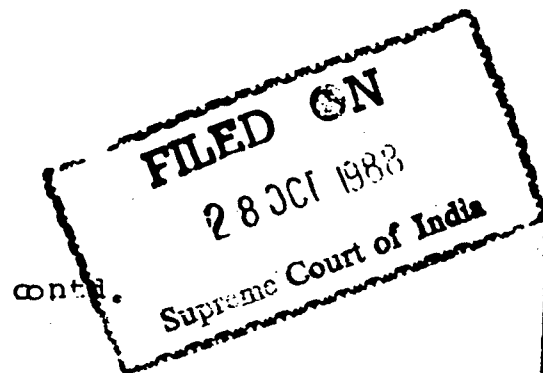
Aged 43 years, o/o GMT, Bangalore.

S/o Shri Puttaswamappa.

22. Shri M. Krishnamurthy

Aged 38 years, o/o GMT, Bangalore.

S/o Shri M. Ramiah.



23. Sh.H. Venkatesh
Aged 38 years, o/o TDE, Shimoga,
S/o Shri Harinarayanappa.
24. Shri P.Pappanna
Aged 44 years, o/o TDE, Hassan
S/o Chikkapullanna.
25. Shri K.R. Savalsung
Aged 38 years, o/o TDE, Gulbarga
S/o Shri Ramappa Savalsung.
26. Shri N.B.Kushnoor
Aged 38 years, o/o TDE, Gulbarga
S/o Sh. Ramappa Savalsung.
27. Shri H. Sankaranarayana Bhatt
Aged about 38 years
S/o late H.Chandra Bhatt.
28. Shri K. Abdul Razak
Aged 40 years, o/o TDE, Mangalore.
S/o Shri G.Koyahussan.
29. Sh. Manda Ganiga
Aged 43 years, o/o TDE, Mangalore.
Son of Late B.Rama.
30. Shri K.N. Manjunatha Holla
Aged 36 years, o/o TDE, Mangalore.
S/o Shri Narayana Holla, K.
31. Shri Suresh J. Naik
Aged 35 years, o/o TDE, Mangalore.
S/o Sri J.N.Naik.

32. Shri K.G.Deshpande

Aged 42 years, o/o TDE, Hubli.

Son of Shri Govindarao Deshpande.

33. Shri H. Prabhakara Rao

Aged 40 years, o/o BGTD, Banlore-9.

S/o Shri H.P.Janardhana Rao.

34. Shri A.M. Narasimha Rao

Aged 37 years, o/o BGTD, Bangalore-9.

S/o Shri A. Manjunatha Rao ...Applicants 1 to

18 in application

Nos. 793 to 810.

(All are working as Deputy Accounts
Officers) in ^{Kannada Telephone Dept.} ~~Bangalore Telephone Dept.~~ Bangalore-9.
byanuraj

35. Shri K.Jayaram

Aged 45 years

S/o late Shri K.Krishnamurthy.

36. Shri H.K.Shesha, aged 36 years,

S/o late Sh.Keshavamurthy.

37. Shri C. Balaramaiah

Aged 37 years

S/o Shri C.Ramaiah.

38. Shri K.R.Srinivasan

Aged 38 years

S/o K.Rajagopalan.

39. Shri C.Nagappan

Aged 38 years

S/o Shri Chinanan

contd.

39

40. Shri M.K.Bekkinakeri
Aged 36 years
S/o K.N.Bekkinakeri
41. Shri K.Brahmiaah
Aged 37 years
S/o K.Balaiiah.
42. Shri S.Ramani
Aged 35 years
S/o Shri N.Subbumahalingam.
43. Shri P.D.Mahale
Aged 33 years
son of Shri Das
44. Shri D.Mohana Krishnan
Aged 36 years
S/o Sh. C.R.Devarajan.
45. Shri V.Bomnayan
aged 41 years
S/o Shri Vellaiah, Goundar.
46. Shri R. Munrathnam Naidu
Aged 38 years
S/o Shri R.V Naidu.
47. Shri B.Venkataramana Rao
Aged 37 years
S/o Shri B.Govindarao.
48. Shri Shaik Hussain
Aged 43 years
s/o Sh. Shaik Mastan.
49. Shri A.Ramamoorthy ... Applicants 1 to 15
Aged 39 years in Application Nos.814
S/o Shri K. Armughan. to 828/88.

(Applicants in Sl.No.35 to 45 and 47 are working as Deputy Accounts Officer in O/O BGTD, Bangalore-9. Sl. No.46 is working as Deputy Accounts Officer in O/O Director Mxe, Bangalore-1. Sl.No.48 is working as Deputy Accounts Officer in O/O DET(MW) Projects, Hubli-21 and Sl.No.49 is working as Deputy Accounts Officer in O/O GMT, O/A, Bangalore-10).



contd...

Schedule 'C' (59-152)
C.A. Nos. 3728-3729

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. 10,025-30 OF 1988

In the matter of:

A petition under Article 136 of the
Constitution of India for special leave
to appeal from the judgment and order
dated 25.1.1988 passed by the Central
Administrative Tribunal, Bangalore Bench
in Original Application Nos. 21 to 26
of 1988.

And in the matter of:

1. The Accountant General,
(Accounts and Entitlements)
Karnataka, Bangalore.
2. The Comptroller and Auditor General
of India, No.-10, Bahadur Singh
Zafar Marg, New Delhi.
The Government of India,
by its Secretary,
Ministry of Finance,
Department of Expenditure,
New Delhi. ... Petitioner

Versus

1. Smt. K.R. Kamala
2. Smt. K. Ushe Devi
3. Smt. M.N. Manjula
4. Smt. Nitig Govindan
5. Sri K. Dayananda Sastri
6. Smt. Saramma Varghese ... Respondent

(All the respondents are working in the
office of the Accountant General (AGS)
Karnataka, Bangalore)

Schedule D
CA 8. 3734-3756/93

(59-182)
59

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

SPECIAL LEAVE PETITION (CIVIL) NO. 13354-76 OF 1988

In the matter of :-

A petition under Article 136 of the Constitution of India for special Leave to Appeal from the judgment and Order dated 8/4/88 passed by the Central Administrative Tribunal Bangalore Bench in Original Application Nos. 569 to 591 of 88

and In the matter of :-

1. The Accountant General,
(Accounts and Entitlements),
Karnataka, Bangalore.
2. The Comptroller and Auditor General of India,
No.40 Barakhamba Road, Zafar Marg, New Delhi.
3. The Government of India, by its Secretary,
Ministry of Finance, Department of Expenditure,
New Delhi.

.... Petitioners

Versus

1. Sri Mir Majid Ali
2. Sri R. Banuvelu
3. Sri M. S. Arunachalam
4. Sri N. Narayana
5. Sri S. Sundara Ram
6. Sri Jamsheed Shaik Mustafa
7. Smt. D. Ratna
8. Sri S. T. Govindaraj
9. Sri Nazir Ahmed Sharifi
10. P. N. M. Sharada
11. Smt. S. Rathnamma
12. Smt. K. R. Padmanavathy
13. Smt. M. K. Kamala
14. Sri H. G. Alur
15. Smt. S. Meera
16. Smt. R. K. Rameshnavathy
17. Sri M. L. Sathya Murthy
18. Smt. K. R. Sharada
19. Smt. Sumathi Kumari
20. Sri C. Pragasan
21. Smt. E. Beluah
22. B. Kumari Bai
23. Smt. M. V. Thilakanthamma

SUPREME COURT

CRIMINAL/CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3674 TO 3755 OF 1993.

~~22x~~

~~XXXXXX~~

The Secretary, Ministry of
Finance & Ors. etc.etc.

Appellant ~~2.~~
~~XXXXXX~~
Petitioner

Versus

Shri A. Vasudeva & 4 Ors. etc.etc. Respondents.

~~XXXXXX~~
Respondent
CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE.

Application Nos. 596 to 600, 655 to 670, 783
to 810, 814 to 828, 21 to 26 and 569 to 591
of 1980 and 24 and 302 of 1981 (i) respectively.

ORDER ALLOWING THE APPEALS.

the _____ day of August, 1993.

Shri C.V. Subba Rao,
Advocate on record for the Appellants in
XXXX Civil Appeal Nos. 3674-78, 3679-3727 and
3755 of 1993.

Examined by

~~XXXX/XXXXXX/XXXX~~
Advocate on Record for
Shri P. Parthasarathy,

Compared with

Advocate on record for the Appellants in
XXXX Civil Appeal Nos. 3728-39 and 3744-56
of 1993.

No. of folios

~~XXXXXX/XXXXXX/XXXXXX~~
Advocate on Record for
Shri P. Parthasarathy,
Advocate on record for the Appellants in
Civil Appeal Nos. 3757 of 1993.

Mr. B.L. Gupta,
Advocate on record for Respondent No. 1,
in Civil Appeal Nos. 3679 to 3727 of 1993.

G. S. / 2/2/2003

Schedule 'E'
CA. No. 3757/93

6
2/6/93

IN THE SUPREME COURT OF INDIA.

CIVIL APPELLATE JURISDICTION

S.L.P. (CIVIL) NO 11732 OF 1989

IN THE MATTER OF:

1. Accountant General (Accounts and Entitlement),
Karnataka

Bangalore- 560004.

2. Comptroller and Auditor General of India,

10, Bahadur Shah Zafar Marg,

New Delhi- 110002.

3. The Secretary to the Government of India,
Ministry of Finance

(Department of Expenditure,

New Delhi.

..Petitioners

VERSUS

Shri V. Radha Krishna

51, East Anjanya Temple Street,

Bangalore- 560004.

..RESPONDENT

IN THE MATTER OF:

PETITION UNDER ARTICLE 136 OF THE

CONSTITUTION OF INDIA FROM JUDGMENT AND ORDER.

.../-

CA 3758/93
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
S.L.P. (CIVIL) NO. 11599 OF 1989

Schedule 'F'

- (1) The Accountant General,
(Accounts and Entitlement),
Karnataka, Bangalore.
- (2) The Controller and
Auditor General of India,
Bahadurshah Zafar Marg,
New Delhi.
- (3) The Secretary,
Government of India,
Ministry of Finance,
(Deptt. of Expenditure)
New Delhi.

: : Petitioners

Versus

Shri S.V. Padmanabhan
Hill View,
1156, 5th Main,
A-Block, Rajaji Nagar,
7th Stage,
Bangalore - 560 010

: : Respondent

In the matter of PETITION UNDER ARTICLE 136 of
THE CONSTITUTION OF INDIA
FROM JUDGMENT AND ORDER DATED
22.5.1989 OF THE CENTRAL ADMI-
NISTRATIVE TRIBUNAL, BANGALORE
IN O.A. NO. 302 OF 1989.