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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.

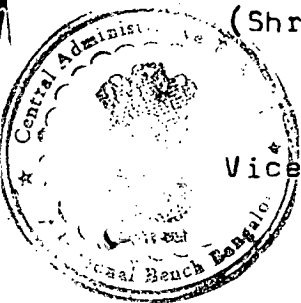
.... Respondents.

(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 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.



- 3 -

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 -

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
NEW DELHI

filed in Court

19/2/88

COCH
2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT

BANGALORE

I.A.No.1

in

REVIEW PETITION NOS. 5 AND 6 OF 1988

I N D E X

| S1. No. | Particulars | Page Nos. |
|------------|---|--------------|
| 1. | Application under Section 21 of the Administrative Tribunal Act, 1985 for condonation of delay, if any. | 1 |
| 2. | Memorandum of Facts in support of the Application for condonation of delay. | 2 - 3 |

Bangalore,

Dated:19.2.1988.

Shree
Advocate for Petitioners

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
BANGALORE.

I.A.No.1

in

REVIEW PETITION NOS. 5 AND 6 OF 1988

Between:

Sri A.N.Anantha Swamy Rao
and another.

..Petitioners

A n d :

The Union of India
and others.

..Respondents

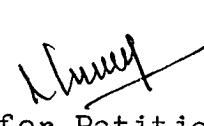
APPLICATION UNDER SECTION 21 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

- - -

That for the reasons stated in the
accompanying Memorandum of Facts, the Peti-
tioners abovenamed most respectfully pray
that this Hon'ble Tribunal may be pleased to
condone the delay, if any, in filing the
above Review Petitions to meet the ends of
justice.

Bangalore,

Dated:19.2.1988.


Advocate for Petitioners

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT

BANGALORE

I.A. No.1

in

REVIEW PETITION NOS. 5 AND 6 OF 1988.

Between:

Sri A.N. Anantha Swamy Rao
and another.

..Petitioners

A n d :

The Union of India
and others.

..Respondents

MEMORANDUM OF FACTS

I, M.S. Ananda Ramu, Advocate appearing for the petitioners in the above case, do hereby state as under:-

1. The original applications were disposed of on 10.12.1987 and the Review Petitions ought to have been filed on or before 10th January 1988. It is submitted that this Hon'ble Tribunal was closed on account of Winter Vacation from 18th December 1987 to 3rd January 1988 i.e., for a period of 15 days. If the period of vacation is excluded, the Review Petitions ought to have been filed on 21st January 1988 and where as the Petitions were filed on 1st February 1988. It is respectfully submitted that the order passed in Application Nos. 564 and



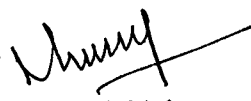
565 of 1987 was communicated to the Applicants/ Petitioners on 4th January 1988 and the period of limitation has to be calculated from the date of receipt of the order and if this is taken into consideration, the Review Petitions now filed are within the period of limitation. Therefore, there is no delay in presenting the Review Petitions.

2. It is most respectfully submitted that if there is any delay in filing these Review Petitions, it is only on account of wrong calculation of the period of limitation. The case of the petitioners in these Review Petitions is that even though the applications filed by them were allowed, the consequential benefits were restricted and thereby the petitioners had not been benefited from the order passed by this Hon'ble Tribunal. The order passed by this Hon'ble Tribunal is in-effective and in-operative and since the Petitioners have reached the stagnation in their pay scales, the benefit accrued out of the judgment delivered by this Hon'ble Tribunal is wholly ineffective.

Therefore, it is just, necessary, equitable and expedient that this Hon'ble Tribunal may be pleased to condone the delay, if any, in filing the above Review Petitions to meet the ends of justice.

Bangalore,

Dated:19.2.1988.


Advocate for Petitioners

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

....2/-

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 the record, 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/-

REGISTERED

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 Review application on 14-3-88.

Encl : As above

*Received copies
for Applicants and
Advocate*

*22/3/88
(B.S. Venkatesh)
Advocate*

B.S. Venkatesh
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

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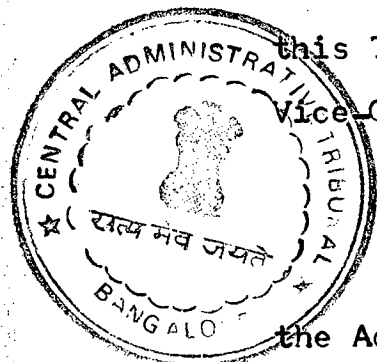
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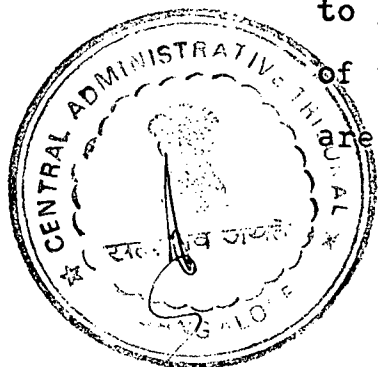
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5. Even assuming that I have denied arrears prior to 1-1-1986 that does not necessarily constitute a patent error on the face of the record, to justify a review of the order U/s 22(3) (f) of the Act. On this views also, these applications are liable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

[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE