

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 823/92. ~~823/92~~

Date of Order: 15-4-96

Between:

1. V. Bhaskar Reddy
2. S. M. Haq.



.. Applicants

and

1. Union of India, Ministry of Home Affairs,  
rep. by Secretary to the Govt.,  
M.H.A. New Delhi.
2. The Govt. of A.P. rep. by the Chief Secretary,  
General Administration (S.C.C) Dept.,  
Secretariat Buildings, Hyderabad.
3. The Director General and Inspector General of Police,  
Saifabad, Hyderabad.
4. Sri N.R. Wasan, S.P.C.B.I. S.I.C.-I, New Delhi.  
C/o Director General & Inspector General of  
Police, Hyderabad.
5. Sri C.N. Gopinath Reddy, IPS, S.P.E.G. Dist.

Respondents.

For the Applicants :- Mr. K. Sudhakar Reddy,  
Mr. S. Ramakrishna Rao, Advocates.

For the Respondents: Mr. N.R. Devraj,  
Sr. / Addl. CGSC

CORAM: Mr. I.V. Radhakrishna Murthy, Spl. Counsel for A.P. Govt.

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR. H. RAJENDRAPRASAD : MEMBER (ADMN)

(ii) Notice will also be sent through the Director General and Inspector General of Police, Hyderabad.

4. Office shall issue notice to Respondent No.5, Shri C.N.Gopinath Reddy, through the Director General and Inspector General of Police, Hyderabad.

5. It should be clearly <sup>stated</sup> in the notice that the matter is fixed for final hearing on 30.4.96 when the respondents are required to appear, if so desired, failing which the matter may proceed in their absence. Notices to be issued urgently.

6. We are informed that the order of the Tribunal in the O.A. was implemented and certain consequences have taken place. In view of that order having been now set-aside by the Supreme Court, the applicants apprehend that the respondents might alter the existing situation as regards the applicants and the private respondents. We think that since the O.A. itself <sup>is</sup> being fixed for early hearing, present status-quo may not be disturbed until the O.A. is disposed of. Hence Respondent Nos.1 to 3 are directed to maintain status-quo as of today in respect of the present postings of the applicants and Respondent Nos.4 and 5 including the position of their seniority as now operates. O.A. to be listed on 30.4.1996 as a fixed matter. Copy of the order to be supplied immediately.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

April 25, 1996

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The Registrar,  
Central Administrative Tribunal,  
(Hyderabad Bench) at  
Hyderabad.  
No. 5-10-193 1st Floor,  
HACA Bhavan (Opposite Public Gardens),  
HYDERABAD-500 004.

*Subject: Implementation of Judgement of Hon'ble Supreme Court in Civil Appeal Nos. 4226 and 4227 of 1996 arising out of the judgement and order dated 29<sup>th</sup> June, 1993 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A. Nos. 823 and 919 of 1992).*

*Ref. (i) No. 2348/93/Sec.XII A dated 15<sup>th</sup> March, 1996 & No. D. 2348/93/XIIA dated April 1996 of Supreme Court of India.  
(ii) Registered letter dated April 10, 1996 addressed to Registrar CAT Hyderabad sent by the undersigned.  
(iii) Endt. No. CAT/Hyd./Judl/SC/94 dated 2/3.96 posted on 10.4.96 and received on April 22, 1996.*

Sir,

With reference to my registered letter dated April 10, 1996 requesting for copies of pleadings, documents any other relevant material on the record of Hon'ble Tribunal etc., it is intimated that the same has not yet been received for preparing reply/rejoinder and to take any other appropriate step in the matter. It is further submitted that in spite of my applications dated 11.11.1992 under section 22(1) r/w Section 24(a) of CAT Act in the above OAs, the enclosures/documents cited by the applicants/petitioners have not been supplied till this day. I was constrained to file a reply/counter before the Hon'ble CAT without having any access to the enclosures/documents filed by the applicants and other respondents. This was specifically pleaded in my counter affidavit dated 16.4.93 filed before the Hon'ble Tribunal. It was also submitted in SLP's No. 17797 & 98 of 1993 filed by me before the Hon'ble Supreme Court later converted into Civil Appeal No. 4226-27 of 1996.

2 Further it is requested that the order of the Hon'ble CAT on my above cited letter may please be communicated at the earliest.

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3 It is once again requested that reasonable opportunity should be given to the undersigned for submitting his case before the Hon'ble Tribunal. The date of hearing, if any, may be intimated well in advance as the undersigned will have to make arrangements for visiting Hyderabad to present his case in person if permitted by official commitments or to make any other alternative arrangement.

Thanking you,

Yours faithfully,

Sd/-

(NAVNEET RAJAN WASAN)  
SUPERINTENDENT OF POLICE,  
CENTRAL BUREAU OF INVESTIGATION  
10/6, JAMNAGAR HOUSE, AKBAR ROAD,  
NEW DELHI-110 011.

✓ Copy submitted to:

The bench of Hon'ble Mr Justice M.G. Chaudhari Vice Chairman &  
Hon'ble Mr H Rajendra Prasad Member(Admn)

*Navneet W 2574196*  
(NAVNEET RAJAN WASAN)  
SUPERINTENDENT OF POLICE,  
CENTRAL BUREAU OF INVESTIGATION  
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*(ii) Registered letter dated April 10, 1996 addressed to Registrar CAT Hyderabad sent by the undersigned.*

*(iii) Endt. No. CAT/Hyd./Judl/SC/94 dated 27.3.96 posted on 10.4.96 and received on April 22, 1996.*

Sir,

With reference to my registered letter dated April 10, 1996 requesting for copies of pleadings, documents any other relevant material on the record of Hon'ble Tribunal etc., it is intimated that the same has not yet been received for preparing reply/rejoinder and to take any other appropriate step in the matter. It is further submitted that in spite of my applications dated 11.11.1992 under section 22(1) r/w Section 24(a) of CAT Act in the above OAs, the enclosures/documents cited by the applicants/petitioners have not been supplied till this day. I was constrained to file a reply/counter before the Hon'ble CAT without having any access to the enclosures/documents filed by the applicants and other respondents. This was specifically pleaded in my counter affidavit dated 16.4.93 filed before the Hon'ble Tribunal. It was also submitted in SLP's No. 17797 & 98 of 1993 filed by me before the Hon'ble Supreme Court later converted into Civil Appeal No. 4226-27 of 1996.

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The bench of Hon'ble Mr Justice M.G. Chaudhari Vice Chairman &  
Hon'ble Mr H Rajendra Prasad Member(Admn)

*NAVNEET M 2574196*  
(NAVNEET RAJAN WASAN)  
SUPERINTENDENT OF POLICE,  
CENTRAL BUREAU OF INVESTIGATION  
10/6, JAMNAGAR HOUSE, AKBAR ROAD,  
NEW DELHI-110 011.

J U D G M E N T

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri K.Sudhakar Reddy, learned counsel for the applicant and Sri N.R.Devaraj, learned Counsel for R-1 & 2 and Sri I.V.Radhakrishna Murthy, Special Counsel for the State of Andhra Pradesh.

2. The applicant herein was promoted from State Police Service and appointed to the IPS cadre vide notification dt. 9.10.1984 (Annexure-II). The year of allotment to the IPS cadre was assigned as 1979 to him. He is now working in the D.I.G. cadre.

3. Sri K.Rushya Rao, who was also promoted as IPS vide notification dt. 17.10.1984 was junior to the applicant in the Deputy Superintendent of Police cadre i.e. in the State Police cadre. As can be seen from the half-yearly list of the members of Indian Police Service cadre born on A.P.Establishment corrected upto 1st January, 1996 the date of entry of Sri K.Rushya Rao to the IPS cadre is shown as 17.10.1984. The applicant having been elevated to IPS cadre on 9.10.1984 is senior to Sri K.Rushya Rao. It is also stated that the applicant was shown senior to Sri K.Rushya Rao in the select list of IPS drawn on 29.12.1983/31-1-1984.

4. The applicant herein submits that he made a representation dt..11.3.1992 to the respondents for revision of seniority and year of allotment on par with his juniors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BY ORDER UNDER THE RULES

No. 105/96.

9-2-96.

PL. OF ORDER

Between :-

V. Bhasker Reddy

.. Applicant.

AND

1. The Union of India, Rep.  
by its Secretary, Min. of  
Home Affairs, North Block,  
New Delhi.
2. The Union Public Service Commission,  
Rep. by its Secretary, New Delhi.
3. The State Govt. of A.P., rep.  
by its Chief Secretary, Secretariat,  
Hyderabad, A.P.

.. Respondents.

Counsel for the Applicant : Shri.K.Sudhakar Reddy

Counsel for the Respondent : Shri. N.R.Devaraj, Sr.CGSC.

Shri I.V.R.K.Murthy, Spl. counsel  
for the State of A.P.

CONAM:

THE HON'BLE JUSTICE SHRI V.NEELAKURU : VICE-CHAIRMAN

THE HON'BLE SHRI R.RAGARAJAN : MEMBER (A)

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7. In the result, the following direction is given:-

The applicant herein should be assigned the same year of allotment to IPS cadre as that of Sri K.Rushya Rao and placed above Sri Rushya Rao in the IPS cadre. His suitability should be assessed for the post of I.G.P. and if found suitable, he should also be promoted to the post of Inspector General of Police and be placed above Sri K.Rushya Rao in the category of I.G. of Police. If promoted to the post of Inspector General of Police, he is deemed to have been promoted to I.G. cadre from the date on which Sri K.Rushya Rao was promoted and the pay fixation and arrears of pay in the I.G. cadre have to be drawn on that basis.

8. The OA is ordered accordingly at the admission stage itself. No order as to costs./

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

सामान्य न्यायाधीश  
COURT OFFICER

केन्द्रीय न्यायाधीश न्यायालय  
Central Judicial Tribunal  
HYDERABAD BENCH

To

1. The Secretary, Ministry of Home Affairs,  
Union of India, North Block, New Delhi.

2. The secretary, U.P.S.C. New Delhi.

3. The Chief Secretary, State Govt. of A.P.  
Secretariat, Hyderabad. A.P.

4. One copy to Mr. K. Sudhakar Reddy Advocate, CAT. Hyd.

5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.

6. One copy to Mr. I.R. Radhakrishna Murthy, Spl. Counsel for A  
CAT. Hyd.

7. One copy to Library, CAT. Hyd.

8. One spare copy.