

ANNEXURE - II

List of Papers in Original Application No. 92/92

Sl. No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
	13-9-85	Part I Original Judgement
	5-2-92	C.A. & Material Papers.
	29-4-92	Counter
		Reply Counter

PART - I

PART - II

PART - III

Destroyed.


19/3/99.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

RECORD SECTION INDEX SHEET

O.A. No.

92/1992

a) Applicant (S) M. Jayar Rao

Versus

b) Respondent (S) chief of air staff AIR Head quarters N-Delhi & 3 others

Sl.No.	Description of Documents.	Page. No.
	<u>Part. I</u>	
	Order Sheet	1 & 2
	Original Application	3 to 14.
	Material Papers	15 to 31.
	Order dated	
	Counter Affidavit.	32 to 42.
	Reply Affidavit	
	Order dated	13-9-95. 43 to 47.
	<u>Part. II</u>	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	
	" Order dt.	48
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	<u>Part-III</u>	
	Vakalat	
	Notice Papers	
	Memo of Appearance	

~~AM
6/11/95~~

OA 92/92

①

Date Office Note O-R D E R

2/3/95

Counsel for the applicant
seeks sometime to bring the LR
on records. List it on 2/3/95.

3/1/95

Memorandum on 10/1/95.

HABG
m(A)

HAWH
m(J)

HABG
m(A)

HAWH
m(J)

11-7-95

List with MA.

HABG
m(A)

HAWH
m(J)

DR(J)

MA is ordered.

Judgment is delivered.

The OA is ordered / dismissed.

No costs. Orders will separate
sheet.

HABG
m(A)

DR(J)
m(J)

Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No. 92/92 19

M. Tanya Rao.....Applicant (s)

Versus

Chief of Air Staff, New Delhi.....Respondent (s)

Date	Office Note	Orders
6-2-92		<p>Admit. Issue notice to respondents for filing counter within advance copy to the learned counsel for Respondent's applicant who may file the rejoinder within two weeks thereafter.</p> <p>List the case on 19-3-92.</p> <p style="text-align: right;">(H.C.J.R) m/s)</p>
28-4-92	<p>Counter filed by Mr. Narayan Bhaskara Rao, Adv. Case no 2714/92</p>	<p>Four weeks time is granted for filing counter. Post the O.A. for orders on 28-4-92.</p> <p style="text-align: right;">(H.C.J.R) m/s)</p>
29-4-92		<p>Mr. H.P. Chandramouli, Advocate for the applicant is present. He represents that he has received a copy of the counter only today that too just now. He intends to go through the counter and file rejoinder if necessary. In view of this position list this OA for orders on 25-6-92.</p> <p>Rejoinder if any by the applicant</p>

(P.T.O.) 2

SHR

AB

(2)

OA 92/92

Date	Office Note	Orders
20-6-92 Contd - - -		may be filed one week prior to 25-6-92 with a copy to the Counsel for the respondents.
25/6/92		<p><u>T. C. R</u> <u>(HCSE)</u> <u>M(J)</u></p> <p><u>25-6-92</u></p> <p>Learned Counsel for the Applicant prays for further one week's time to file rejoinder. Time prayed for is allowed. The case may thereafter be listed for hearing in the usual course.</p> <p><i>usd by</i> <i>HCJR</i> <i>M(J)</i></p> <p><i>C. C.</i> <i>HPCJ</i> <i>M(A)</i></p>
7-12-92		<p>List on 21/12/92 print the name of Mr. Derraj for respondents.</p> <p><i>HAESY</i> <i>M(A)</i></p> <p><i>Alceery</i> <i>HAESY</i> <i>MJD</i></p>
24-2-93		<p>At the applicant's counsel request adj. to 2-3-93.</p> <p><i>HAESY</i> <i>M(A)</i></p> <p><i>Alceery</i> <i>HAESY</i> <i>MPS</i></p>

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 92 OF 1992

Shri M. Jayarao

Applicant (s)

Versus

Chief of Air Staff, orde

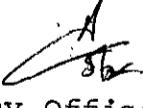
l 3 Gu.

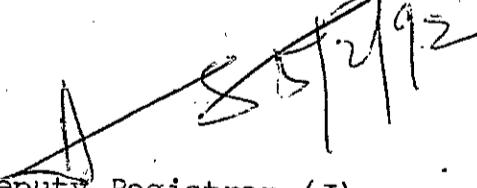
Respondent (s)

This Application has been submitted to the Tribunal by
Mr M P Chandre Mouli Advocate

under Section 19 of the Administrative Tribunal Act, 1985 and
same has been scrutinised with reference to the points mentioned
in check list in the light of the provisions contained in the
Administrative Tribunal (Procedure) Rules, 1987.

The Application has been in order and may be listed
for admission on - 2 P.


Scrutiny Officer.


Deputy Registrar (J)

Particulars to be examined

Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly ? *h*

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ? *g*

10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *g*

11. Are the application/duplicate copy/spare copies signed ? *g*

12. Are extra copies of the application with annexures filed.

(a) Identical with the original *g*

(b) Defective *2*

(c) Wanting in Annexures

No /Page Nos ?

d. Distinctly Typed ?

13. Have full size envelopes bearing full address of the Respondents been filed ? *g*

14. Are the given addresses, the registered addresses ? *g*

15. Do the names of the parties started in the copies, tally with those indicated in the application ? *g*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *2/2*

17. Are the facts for the case mentioned under item No. 6 of the application.

(a) Concise ? *g*

(b) Under Distinct heads ? *2*

(c) Numbered consecutively ? *g*

(d) Typed in double space on one side of the paper ? *g*

18. Have the particulars for interim order prayed for, stated with reasons ? *2/1*

*magistrate
Sth*

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

APPLICANT (S).....M. L. Rao.....

RESPONDENT (S)Chief of Staff, and 3.01.

Particulars to be examined

Endorsement as to result
of examination

1. Is the application Competent ?	✓
2. (a) Is the application in the prescribed form ?	✓
(b) Is the application in paper book form ?	✓
(c) Have prescribed number complete sets of the application been filed ?	✓
3. Is the application in time ?	✓
If not by how many days is it beyond time ?	
His sufficient cause for not making the application in time, stated ?	
4. Has the document of authorisation / Vakalat name been filed ?	✓
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I P.O. to be recorded.	✓
6. Has the copy/copies of the order (s) against which the application is made, been filed ?	✓
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ?	✓
(b) Have the documents referred to in (a) above duly attested and numbered accordingly ?	✓
(c) Are the documents referred to in (a) above neatly typed in double space ?	✓

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH.

INDEX SHEET.

O.A. No.

92

1992

CAUSE TITLE

m-Jaya Rao.

VERSUS

Chief of Air Staff, New Delhi

Sl. No.	Description of Documents.	Page No
1.	Original Application	1 to 10.
2.	Memorial Papers.	1 to 17
3.	Vakalat	1
4.	Objection Sheet	
5.	Suprae Copies	4
6.	Covers.	4

My. o direction to the Respects to Me on the Period of Service of C.C. from
1895, to 20-2-68. as the Service in Telephone Operator No. 11
3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: ADDL.BENCH
AT HYDERABAD

Revised as

O.A. No. 92 of 1992

Dejener

INDEX TO MATERIAL PAPERS

S.No	Date	Particulars	page
1.	26-07-1976	Order of Govt of India relaxing the education qualifications	
2.	27-01-1983	Representation of the applicant requesting to consider his post service	
3.	16-11-1983	Order of the Station Commanding Recommending the applicant's case	
4	20-06-1989	Order issued by the Air Force Station, Secunderabad	
5.	05-08-1990	Applicant's representation	
6.	02-05-1991	Impugned order	
7.	06-06-1991	Letter of AOC, Air Force Station Secunderabad.	
8.	11-07-1991	Representation of the applicant to AOC.	



Hyderabad,
dt. 3-2-92.

M. G. Ansari
Counsel for the applicant.

*Received on 5/2/92
Malcolm Shandron Row
5/2/92
C.G.S.C*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : ADDL. BENCH : HYD
O.A. No. of 1992

CHRONOLOGICAL STATEMENT OF EVENTS

S.No.	Date	Events
1.	18-09-1951	Applicant appointed as L.D.C.
2.	20-02-1968	Applicant absorbed as Telephone Operator
3.	03-04-1969	Order of the 4th respondent directing the applicant to acquire Matriculation qualification
4.	19-01-1972	Judgment delivered in W.P. No. 3083/70
5.	26-07-1976	Govt of India relaxed the Education Qualification
6.	16-11-1983	Station Commander and C.G.O. recommended the applicants case
7.	06-05-1988	Letter of Unit office
8.	17-05-1988	Letter of Control Accounts to Dy. Controller of Accounts
9.	21-07-1988	Letter of control Accounts to Dy Controller of Accounts
10.	20-06-1989	Order of the Air Force station, Hakimpet
11.	10-01-1990	Applicant was paid arrears
12.	05-08-1990	Applicants representation to the respondents
13.	14-01-1990	Applicants representation to the respondents
14.	25-01-1991	Letter of Air Head Quarters
15.	09-02-1991	Letter of Air Head Quarters
16.	02-06-1991	Impugned order passed
17.	06-06-1991	Letter of 4th respondent to Applicant
18.	11-07-1991	Applicants representation
19.	19-07-1991	Letter of Air Officer Commanding, Hakimpet.

Hyderabad,
dt. 3-2-1992.

U. Sankar R
Counsel for the Applicant.

(2)

APPLICATION UNDER SEC. 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Date of filing :-

Date of receipt:-

Registration No.

Signature
Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD.

O.A.No. 92 of 1992

Between:-

M. Jaya Rao
Telephone Operator, P/A.No.10871(Retd)
116/1 Sreenagar Colony,
Tirumalagiri, Secunderabad

.. APPLICANT

-vs-

1. Chief of Air Staff
AIR Head Quarters, New Delhi-11
2. Air Officer, Personnel
AIR Head Quarters, New Delhi-11
3. Chief Officer,
The Head Quarters Training
Command-IAF, Bangalore-6.
4. The Air Officer commanding
Air Force Station, Hakimpet, Hyderabad

.. RESPONDENTS

DETAILS OF APPLICATION

I. PARTICULARS OF THE APPLICANT:

i. Name	: M. Jaya Rao
ii. Father's Name	: M. Hanumantha Rao
iii. Designation & office in which employed	: Telephone Operator, Grade-II(Retd) Air Force Station, Hakimpet, Secunderabad
iv. Office address	: -n/a-
v. Address for services of notices etc	: M/s. M.P. Chandramouli Katta Janardhana Rao Advocates 1-7-139/1, S.R.K.Nagar, Hyderabad-48.

M. Jaya Rao

B

2. PARTICULARS OF THE RESPONDENTS

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
2. Air Officer, Personnel
AIR Head Quarters, New Delhi-11
3. Chief Officer
The Head quarters Training Command
IAF
Bangalore-6
4. The Air Officer Commanding
Air Force Station
Hakimpet, Hyderabad

3. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICANT IS MADE

i. Order No.	: AIR.HQ/23046/83 Tele-Staff/PC (DPC)
ii. date of order	: 2-5-1991
iii. passed by	: AIR Officer, Personnel AIR Head Quarters, New Delhi.11
iv. Brief facts of the case:	

The applicant after rendering more than 10 years service as L.D.C. was absorbed as Telephone Operator Grade-II in the year 1968 was fixed in the minimum scale of pay. Subsequently the educational qualification was relaxed and he was given higher scale but the period of service rendered as L.D.C. was not taken into consideration in his cadre of Telephone operator Grade-II. His case was rejected stating that the instructions prohibit the same. Hence the O.A.

4. JURISDICTION OF THE TRIBUNAL

The applicant declares that both the applicant and the 3rd respondent are in the State of Andhra Pradesh and hence the subject matter is within the jurisdiction of this Hon'ble Tribunal under sec. 14 of the Admn. Tribunals Act, 1985.

M. Jayaram

(P)

5. LIMITATION

The applicant declares that the application is within the period of limitation prescribed under sec. 21 of Admn. Tribunals Act, 1985.

6. FACTS OF THE CASE

(a) The applicant was first appointed as Lower Division Clerk on 18-9-1951 against airmen vacancy. He was continued in the said post till 1968. The applicant understands and believe it to be true that instructions were given stating that the persons who do not possess the requisite educational qualification viz a pass in the Matriculation shall be placed last in the cadre of L.D.C. and they should be shown as temporary. The applicant submits that during 1968 he and another L.D.C. by name Smt. Mary Heaton were rendered surplus in the Clerical Cadre and were absorbed as telephone operator on 20-2-1968. His salary in the cadre of Telephone Operator was provisionally fixed in the scale of 110-180. Actually the applicant would have been fixed in the pay scale of 110-240 which was the scale for the Telephone Operators working 45 hours for a week and performing the night duties also. The applicant submits that the provisional fixation of the pay scale was due to the fact that he did not pass Matriculation. As there were number of persons who were appointed without the requisite educational qualification, the Government of India passed orders relaxing their educational qualifications. The applicant and several other persons who were similarly situated like him have applied for waiver of their educational qualifications as they have rendered more than 10 years of service. While the matter was under consideration of the Government of India, the Commanding Officer Airforce Station, Hakimpet by order dated 3-4-69 directed the applicant stating that if he fails to acquire Matriculation qualification by

by 1-7-70 his services would be terminated from that date. The petitioner filed writ petition No.3083/70 challenging the orders of termination. The Hon'ble High Court by judgement dated 19-1-1972 set aside the orders of termination and during pendency of writ petition he continued in service by the interim orders of the court. Subsequently the Government of India by order dated 26-7-76 (Annexure-I) passed orders relaxing the prescribed minimum educational qualification of applicant alongwith 28 others. But the respondent has not granted the consequentlyl benefits like fixation of pay in the correct scale, seniority, promotion etc inspite of several representations, ultimately the Station Commander and the C.G.O. Officer in Charge Civil Administration, have favourably recommended on 16Nov,85 (Annexure-III) for the fixation of the applicants pay in the pay scale of 110-240 w.e.f. 20-2-68, that the service rendered by the applicant from 18th Sept, 1951 to 20-2-68 shall be reckoned for the purpose of seniority and promotions in the cadre of Telephone Operator and he should be promoted to the post of Telephone Operator Grade-I, Telephone Supervisor etc as per AFI/25/51. On the said recommendations the Air Head Quarters, have requested the AIR Force Station, Hakimpet to send Audit report. AIR Force Station Hakimpet, seems to have sent the report required. Ultimately the AF Central Accounts Office, New Dehi, by letter dated 17-5-88 has addressed the Deputy Controller of Defence Account, New Delhi. enclosing copy of the letter of the unit office dated 6-5-1988 and also enclosing the service book, statement of case submitted by the unit office at AIR Force Station, Hakimpet and requested for further action. The Central Accounts office, New Delhi by letter dated 21-7-88 intimated the AIR Force Station Hakimpet with a copy marked to the applicant stating that the individual has fulfilled the conditions laid down

M. Fayz Rao

(3)

in the government letter dated 8-12-55 and he should have been given the higher pay scale with effect from 20-2-68., as the scale was not given to the individual and it is time barred sanction of Government of India is required and directed the Air Force Station, Hakimpet to get the sanction. The applicant submits that the Government of India seems to have given sanction orders and consequently the applicants scale was refixed in the scale of 110-240 w.e.f. 20-6-68 and in the scale of 260-480 from 1-1-71 and stagnation increment was given on 1-7-83 vide office order Sl.No.NE 102 order of the AR Station, Hakimpet dated 20-6-89 (Ann-IV). Accordingly the applicant was paid all arrears. The applicant submit that he was paid the arrears and the salary in the revised pay scales on 10-1-90. The applicant submits that as out of the two grievances of the applicant only one viz. the fixation of pay scale was alone granted and the remaining prayer for reckoning the service rendered in the post of L.D.C. for fixation of seniority and promotion was not considered and disputed off as recommended by the AF station, Hakimpet, he submitted a representation on 5-8-1990 (Annexure-V) to the Head Quarters Training Command IAF Bangalore, with copies to Air Head Quarters, and New Delhi of AF CAO, New Delhi. He had sent reminder on 14-12-90 to the Air Officer Commanding Air Force Station Hakimpet. To the said letter a reply was given stating that the applicants case for fixation of seniority was already referred to Air Head Quarters by HQ TC IAF and as and when a decision is taken he will be informed. The applicant submits that the AIR HQ by letter dated 25-1-91 addressed to Head Quarters Training Command IAF stating that they have examined the case and they required further information with documents enabling them to consider the case. They requested for appointment letter,

Mr. Jayaram

16

letter declaring him as surplus, letter appointing him as Telephone Operator, letter fixing his pay scale initially and confirmation that there was no break in service from 18-9-51 to 20-2-68. Thereupon the AF Station Hakimpet directed the applicant to report to the office to furnish the particulars required by the Air Head Quarters by letter dated 9-2-91. Accordingly the applicant reported at the station. The applicant submits that ultimately the AIR HQ New Delhi by letter dated 2-5-91 (Annexure-6) informed the Head Quarter Training Command Bangalore stating that the applicants seniority had been correctly fixed w.e.f. 20-2-68 in the cadre of Telephone Operator Grade-II and that as per government relevant instructions on the subject service rendered by the applicant as clerk can in no case be counted towards his seniority in the Telephone Operator Grade-II. By letter dated 6-6-91 (Annexure-7) the Hakimpet station has informed the applicant stating that AIR Head Quarters in their letter dated 2-5-91 has informed them that as per relevant government instruction service rendered by the applicant as L.D.C. cannot be counted towards his seniority in the cadre of Telephone Operator. Thereupon the applicant addressed a letter on 11-7-91 (Annexure-8) to the Air Officer Commanding Hakimpet requesting for a copy of the letter dated 2-5-91 of the Air H.Q. and also for a copy of the relevant instruction on the subject. The Air Officer Commanding, Hakimpet by letter dated 19-7-91 informed the applicant that there are no instruction available at their station, a copy of the letter dated 2-5-91 was however sent to the applicant. Thereupon the applicant addressed a letter dated 6-8-91 to the Air Headquarters New Delhi requesting them to provide the copy of the relevant instruction referred to by them in their order dated 2-5-91. But they have not sent a copy of the instructions or reply to the letter.

M. Taze Rao

11

6(b) The applicant submits that the action of the respondent is illegal and arbitrary. The applicant was shown as surplus in the L.D.cadre only on the ground that he did not possess the requisite educational qualification. Several of his juniors remained in the L.D.cadre and they were promoted as UDC, Superintendants and they were promoted to C.G.O's also. Had the Government of India passed order relaxing the requirement of educational qualification promptly after he completed 10 years of service he would not have been declared as surplus and he would have enjoyed the promotional avenues open to an L.D.C. When he was declared surplus and absorbed as Telephone Operator they are bound to take the service rendered by him as Lower Divisional Clerk for the purpose of fixation of seniority in the cadre of Telephone Operator, when the Government of India has relaxed the requirement of educational qualification in 1976.

6(c) The applicant submits that he retired from service on 1st September, 1985 and he is knocking at the doors of the authorities for redressal of his grievance. The Air Head Quarter have dealt with the case in a capricious way and rejected the claim stating that the relevant Government instruction prohibit the same. They have not even referred to the alleged instruction of the Government and discussed the subject. They have not given the copy of the instruction inspite of asking for the same. As far as the knowledge of the applicant there are no instruction of the government of India which prohibit the reckoning of the period of the service rendered in L.D.cadre for fixing seniority in Telephone Operator on absorption and even if there are any such instruction

M. Fayz Rao

(12)

the respondent cannot take shelter under them and deny the just claim of the applicant which he would have got but for the lethargy and inaction on the part of the government of India.

6(d) The applicant submits that he has rendered his entire 34 years service in one pay scale without any further promotion. This occurred not due to the latches on the part of the applicant but due to the inaction in the department. The respondent ought to have considered the case of the applicant from all aspects and ought to have granted the relief of treating the period from 18-9-51 to 20-2-68 rendered in the cadre of L.D.C. for fixing the seniority in the cadre of Telephone Operator Grade-II which is in the same scale of pay and given him the consequential promotion and payment of higher scales of pay etc. In as much as the order of the AIR Head Quarters in their letter No. AIR Hq/23046/83/ Tele staff/PC(DPC) dated 2-5-91(Annexure-6) is ex facie, arbitrary and illegal the applicant is constrained to file this O.A. The said order is liable to be declared as illegal, arbitrary and void and consequently direct the respondents to reckon the period of service as L.D.C. from 18-9-51 to 20-2-68 as the service in Telephone Operator grade-II and give all consequential benefits like, promotion, from the date of when his juniors were promoted and pay etc.

7. RELIEF(S) SOUGHT FOR :-

For the reasons stated above the applicant prays that this Hon'ble Tribunal may be pleased to declare the order No. AIR.HQ/23046/83/Tele-staff/PC(DPC) dt.2-5-1991 as illegal, arbitrary and void and consequently direct the respondents to reckon the period of service as L.C.C.

M. Sage Rao

(13)

from 18-9-1951 to 20-2-68 as the service in Telephone Operator Grade-II and give all consequential benefits like promotion from the date when his juniors were promoted and pay in the Higher scale and pass such other order or orders as this Hon'ble Court may deem fit and proper.

8. INTERIM PRAYER

As the applicant is retired from the service and in view of the interest of justice this Hon'ble Tribunal may be pleased to expedite the hearing of the above O.A.

9. DETAILS OF THE REMEDIES EXHAUSTED

The applicant declare that there is no other alternative remedy to redress the grievance of the applicant except to approach this Hon'ble Tribunal.

10. MATTER NOT PENDING WITH ANY OTHER COURT

The applicant further declares that the matter regarding which the application has been made is not pending before any court or any other authority or any other bench of this Hon'ble Tribunal.

11. PARTICULARS OF THE BANK/DRAFT/POST ORDER IN RESPECT OF THE APPLICATION FEE

i. Name of the Bank/Post office

G.P.O.

803 91693

ii. D.D.No.

date 5-2-92

Rs. 50/-

12. DETAILS OF INDEX

Enclosed

I.P.O./B.C./D.D./Removed

13. LIST OF DOCUMENTS

C. Ganeshan Rao
Comm'l on APPU

M. T. Jayarao
A.P.P.U.

(M)

:10 :

VERIFICATION

I, ~~RxxXenkataxRxxXxx~~ M. Jaya Rao, son of late Hanumantha Rao, aged about 65 years, r/o. 116/1, Sreenagar Colony, Secunderabad do hereby verify that the contents in the above O.A. are true to my personal knowledge, belief and information and that I have not suppressed any material facts.

M. Jaya Rao

Signature of the Applicant

To

The Registrar,
C.A.T.

Hyd.

Dated: 3-2-1992.

No. Air HQ/23049/14/PC-5/Vol-IV
2748/S/D (Appts)
Govt. of India, Ministry of Defence,
New Delhi, The 26th July 1976. (B)

O R D E R

Whereas twenty nine educationally unqualified clerks/ Telephone Operators (29) who's names are specified in the Annexure to this Order are/were employed in Air Force Units, and

Whereas they have completed ten years of satisfactory service on or before 27th August 1974 and

Whereas the Central Government is satisfied that it is necessary and expedient to relax the minimum educational qualifications of Matriculation of equivalent prescribed for initial recruitment in respect of the said class of individuals and

Therefore, in exercise of the powers conferred under rules Six of the lower Division Clerks and steno-Typists (Defence Services) Recruitment Rules 1968 (published in SRO No.2 of 4 Jan 69) this Ministry hereby relax the prescribed minimum educational qualification of Matriculation or equivalent in respect of the said class of individuals.

Sd/- (M.A.M.L. VAZ)
Under Secretary to Govt. of India

To

The Chief of Air Staff,

Copy to:-

1. The Controller General of Defence accounts.
2. Deputy Controller of Defence Accounts (AF)
3. Controller of Defence Accounts (Air Force)
4. Director of Audit (Defence Services)
5. Air HQ/PC-6 (50 copies)

P/A No.10871 M.Jaya Rao
Telephone Operator.

Fighter Training Wing
Air Force Station
Hakimpet
Secunderabad-500 014
Dated : 27 Jan 83

The Commandant
Fighter Training Wing
Air Force Station
Hakimpet

APPLICATION FOR REVIEW OF SERVICE,
SENIORITY AND PAY FIXATION

Sir,

I have the honour to refer Air Headquarters letter No. Air HQ/23049/253/1/PC 3(B) dated 21 Sep 81 and submit the following for sympathetic consideration and favourable orders :-

(a) I was informed that the Govt letter was not clear to the effect that the relaxation of Educational qualification would confer the benefit of pay in the higher scale with retrospective effect. I was rendered surplus in the post of Clerk LD in preference to juniors in the post and was absorbed in the alternative post of Telephone Operator w.e.f. 30 Feb 68. My pay was also refixed provisionally in the lower scale of Rs.110-3-131-4-155-EB-4-170-5-180 instead of the higher scale of Rs.110-4-150-5-175-EB-6-205-EB-7-240 by FTW though I was performing the duties of Telephone Operator under the same conditions as are prescribed for those authorised for having higher scale of pay (i.e. 110 to 240).

(b) By virtue of my seniority in the post of Clerk LD and fulfilling all the qualifying conditions prescribed for those (Telephone Operators) drawing the higher scale of pay, I should have been placed in the higher scale on 20 Feb 68.

2 I may recall that the Government of India, Ministry of Defence had relaxed the prescribed minimum Educational qualification vide their letter No. Air HQ/23049/14/PC-5/ Vol.IV/2742-3/B (Appts) dated 26 Jul 76, in respect of 29 Civilian employees who all were Educationally unqualified at the time of their initial appointment to the posts of Clerks. By virtue of each one of them having rendered satisfactory service for not less than Ten years (such as more than Ten years in some cases) on the date of issue of the relaxation order, the prescribed minimum qualification was waived. The Govt. while doing so, followed the criterion of service uniformly in each case.

3 I may further recall that a perusal of the list appended to the Government Relaxation Order would show that excepting me and another mt. Mary Heaton, the other 27 Civilian employees are all of Clerical cadre and who are Non-Matriculates at the time of their initial appointment. Further-more, a detailed analysis of the 27 Civilians (i.e. Clerks) there were 9 permanent Upper Division Clerks of whom again the first 3 were fortunate enough to be promoted as temporary Office superintendents also. Out of

72

the remaining 18, 4 were temporary UDCs, who were permanent in the LDC cadre and the rest of them being temporary and redesignated LDCs in the regular posts on the date of Govt. Order waiving the bar of Educational Qualification. Thus, there are only two isolated cases of Telephone Operators which include me and another Smt. Mary Heaton. It may not be out of place to bring to your kind notice that I and Smt. Mary Heaton were also initially appointed as Clerks on 18-9-1951 and 21-9-1951 respectively (against airmen) but were unfortunately later absorbed as Telephone Operators w.e.f. 20 Feb 68, for having been rendered surplus in the Clerical posts. We too were also on the same footing as those of 27 until 19-2-1968. I may further state that while the 27 Civilians fortunately retained in the same posts in which they were initially appointed on the date of Government Relaxation Order, I and Smt. Mary Heaton, were unfortunately to be absorbed as Telephone Operators when the waiver of Educational Qualification was issued.

4. Smt Mary Heaton's retirement (VR) on 12-6-1978 left me only in service as the lone Telephone Operator claiming the benefit of pay fixation etc., as a sequel to the issue of Government Order of Waiver. The benefit of pay in the higher scale was denied to me on the plea that the Government letter of Waiver was not clear enough in the matter of benefits of pay. This argument is not valid in as much as I am also entitled to be equated with those 27 Civilians on whom all the benefits of seniority, promotion, etc., were conferred in view of the facts brought out in the earlier paragraphs. As I am also entitled to claim natural justice along with the 27 others, I humbly request that my past service, seniority be reviewed and the pay fixation which was inconclusively set aside during 1981, be reopened for early finalisation by counting my previous service as Clerk.

Thanking you,

Yours faithfully,

Sig- x x x x
(K AY RAO)

"TRUE COPY"

STATEMENT OF CASE

INTRODUCTION

1 The subject matter, briefly, relates to the representations dated 27 Jan 83 and 07 Apr 83 of Shri M Jaya Rao, Tel/Opr, P/A No.10871 (Enclosed as Annexure 'A' & 'B') praying for review of the provisional fixation of pay made on 20 Feb 68 and refixation of pay in the appropriate scale as well as for grant of consequential seniority and promotion. This case is submitted in compliance of Air Headquarters letter No. Air HQ/23077/2575/PC 3A dated 28 Jul 83, copy of which is placed at Annexure 'C'.

PROPOSAL

2 It is proposed that the initial pay on absorption of Shri M Jaya Rao against the alternative post of Telephone Operator on 28 Feb 68 be finally refixed under CDs (Revised Pay) Rules 1960 in the scale of Rs.110-4-150-5-175-EB-6-205-7-240 corresponding scale of pay of Rs.60-4-120-EB-5-170 and he be further allowed the consequential benefits in seniority and promotion to Telephone Operator Grade I accordingly in conformity with the Government of India, Ministry of Defence letter No.(1(11)55/14842/D(Civ) dated 08 Dec 55 (Annexure 'D' refers).

3 On becoming surplus to the establishment and absorption against the alternative post of Telephone Operator on 20 Feb 68 at A F station, Hakimpet (Erstwhile F T W AF) the initial pay of Shri M Jaya Rao was provisionally fixed in the scale of Rs.110-3-131-4-155-EB-4-175-5-180 though he aught to have been placed on the scale of Rs.110-4-150-5-175-EB-6-205-EB-7-240 in consonance with the duties assigned to him as per

Contd....2

Government of India, Ministry of Defence O.M. No. 1(11)/5/14842/D(Civ-I) dated 08 Dec 55 (Enclosed as Annexure 'D' refers). Hence the present proposal.

OUTLINE OF JUSTIFICATION

(Citing reference to relevant rules/orders on the subject).

4 Shri M Jaya Rao was a Non-matriculate at the time of initial appointment as a Civilian Clerk in lieu of Airman Clerk GD. However, the Ministry of Defence relaxed the prescribed minimum Educational qualification of Matriculation or equivalent for initial recruitment both in the posts of Clerk and Telephone Operator in respect of Shri M Jaya Rao along with other 28 Clerks/Tel/Oprs after having completed Ten years of satisfactory service on or before 27 Aug 74 vide Government of India, Ministry of Defence letter No. Air HQ/ 23049/14/PC-5/Vol.IV/2742-D (appts) dated 26 Jul 76 (Enclosed as Annexure 'E'). Shri M Jaya Rao served in the post of Clerk from 18 Sep 51 upto 19 Feb 68 and thereafter from 20 Feb 68 in the post of Telephone Operator till date. Thus Shri M. Jaya Rao is entitled to be treated on par with Matriculates in so far as confirmation, seniority and Promotions are concerned. Due to procedural delays it could not have been possible to issue Waiver sanction immediately after Shri. M Jaya Rao had completed Ten years of satisfactory service in the post of Clerk. Having completed Ten years of satisfactory service in the post of Clerk and after the minimum Education had been relaxed, he is eligible for the scale of Rs.110-4-150-5-175-EB-6-205-EB-7-240 with retrospective effect i.e. on his absorption against the post of Telephone Operator w.e.f 20 Feb 68 in keeping with the duties assigned to and being performed by him from that date in accordance with Annexure 'D'. The grant of the higher scale of pay however does not

Contd.....3

have any bearing on Educational qualification in his case. The provisional fixation of pay has not been reviewed and revised even after the issue of Government letter dated 26 Jul 76 ibid.

OUTLINE OF FINANCIAL EFFECT

(To be furnished by AFCAO as the individual
is on I.R.L.A system).

7.

DETAILED JUSTIFICATION OF THE CASE

8. Shri M Jaya Rao was appointed as Clerk in a temporary capacity on 18 Sep 51. He was a Non-matriculate at the time of initial appointment. After about 16 years and 5 months of continuous satisfactory service, he was rendered surplus and was absorbed against the alternative post of Telephone Operator on 20 Feb 68 in public interest. As the the Recruitment Rules, Matriculation is the minimum Educational Qualification prescribed for the direct entrants. Owing to the procedural delays, the sanction for the Waiver of minimum Educational Qualification for initial appointment in respect of Shri M Jaya Rao was accorded only on 27 Jul 76 along with other 28 Clerks/Tel Oprs vide Ministry of Defence letter No. AirHQ/23049/14/PC-5/Vol.IV/2742-S/D (Appts) dated 26 Jul 76 (Annexure 'E'). However, he had been performing the duties of Telephone Operator as detailed below and Telephone Operators performing duties similarly were to be placed in the scale of Pay of Rs.110-4-150-5-175-EB-6-205-EB-7-240 and other ordinary Telephone Operators in the scale of Rs.110-3-131-4-175-5-180 as per Government of India, Ministry of Defence OM No.1(11)/55)/14842/D. (Civ-I) dated 08 Dec 55 (Annexure 'D' refers). The educational qualification does not have any

Contd....4

bothering in allowing the above-mentioned higher scale of pay in
the case of Shri M. Jayu Rao.

- (a) Performance of 45 hours duty per week.
- (b) forfeiture of entitlement to holidays
- (c) performance of Night duties.

9 On the contrary, he was provisionally authorised to draw pay in the scale of Rs.110-3-131-4-155-EB-4-175-5-180 vide Office Order Sl No.6 dated 20 Mar 68 (placed at annexure 'F') presumably pending decision with regard to his Educational Qualification. While the Civilian Clerks in whose case also the sanction for Waiver of Educational Qualification for initial appointment was accorded along with him on 26 Jul 76 were confirmed and promoted to higher grades of UDC and Office Supdts according to their seniority in the post of Clerks ID, Shri M Jayu Rao, if continued in the Clerical cadre, too would have been raised to the position of Office Superintendent in the scale of Rs.425-15-500-EB-15-20-700. However, the provisional fixation of pay of Shri M Jayu Rao has not been reviewed and revised appropriately after the issue of Govt of India, Ministry of Defence letter No. AIR HQ/23049/14/PC-5/Vol.IV/2742-SWD (Appts) dated 26 Jul 76 ibid if the Educational Qualification is the criterion for higher scale of pay, which is actually not.

10 Furthermore, once an unqualified employee is confirmed on Relaxation of Educational Qualification, he becomes eligible along with the other personnel of the Grade for promotion to higher grades as per para 3 of Govt of India, Ministry of Defence Office Memorandum No.6(5)58/8271/D (Appts) dated 15 Sep 58 (enclosed as Annexure 'G'). Shri M. Jayu Rao was confirmed in the post of Telephone Operator

w.e.f. 01 Jan 79. It is just and fair that the case of Shri M Jaya Rao be reviewed afresh and his pay be fixed in the appropriate scale of pay of Rs.110-4-150-5-175-EB-6-205-EB-7-240 with retrospective effect effective from 20 Feb 68 and he be allowed consequential benefits in pay, interse seniority among those in the pay scale of Rs.110-4-150-5-175-EB-6-205-EB-7-240 and corresponding pay scale under CDS(RP) Rules 1973 and promotions to Telephone Operator Grade I with retrospective effect from the relevant dates.

11. To sum up briefly, by virtue of Shri M Jaya Rao fulfilling the qualifying Conditions stipulated in the Government of India, Ministry of Defence Office Memorandum No.1(11)/5)/14842/D (Civ-1) dated 08 Dec 55 (Annexure 'D'), he is eligible for the pay scale of Rs.110-4-150-5-175-EB-6-205-EB-7-240 effective from 20 Feb 68 and the corresponding pay scale in the CDS (RP) Rules 1973. Secondly, by virtue of the Government Order of Waiver of the Educational qualification Shri M Jaya Rao is entitled to his seniority being reckoned from 18 Sep 51 instead of from 20 Feb 68 for the purpose of further promotions, as considered appropriate, to the post of Telephone Operator Grade I, Telephone supervisor etc., as per A.F.I. 25/51.

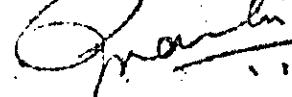
S U M M A R Y

12. The benefits claimed by Shri M Jaya Rao are not of an extraordinary nature and are well within the laid-down rules and pay scales which apparently fall within the competence of Air Headquarters. Air Headquarters are, therefore, requested to review the case and authorise modification of the provisional fixation of pay in the scale of Rs.110-3-131-4-155-EB-4-175-5-180 made earlier on 20 Feb 68 and refixation of pay in the scale of Rs.110-4-150-5-175-EB-6-205-EB-7-240

Contd.....6

9
93

W.e.f 20 Feb 68 and in the corresponding scale of
Rs.260-8-300-EB-8-340-10-360-12-420-EB-12-480 under the
COS (RP) Rules 1973. Air Headquarters are also requested
to allow him inter se seniority among the Telephone
Operators in the scale of Rs.260-8-300-EB-8-340-10-360-
12-420-EB-12-480 and grant further promotions as
considered eligible.



PGN PANIKAR
C G O (A)
O I/C CIVIL ADMIN

Strongly Recommended.



T J REDDY
WG CDR
C A D O

A F Station Hakimpet

16 NOV '83

REMARKS BY STATION COMMANDER

13. The case set forth above is self-contained
and self-explanatory and merits favourable consideration
of Air Headquarters. The benefits sought are justified
and fall within the powers/competence of Air Headquarters.

The case is strongly recommended for :-

- (i) review of the provisional fixation made on
20 Feb 68 and refixation of pay in the scale of

Contd.....

(24) 10

Rs. 110-4-150-5-175-EB-6-205-EB-7-340 with
retrospective effect from 28 Feb 68 and in
the corresponding scale under CEM (RP) Rules 1973.

(ii) Grant of further promotions as
appropriate to the inter se seniority among
the Telephone Operators in the scale of pay of
Rs. 260-8-300-EB-9-340-10-360-12-420-EB-12-480.

A F STATION H K IMPET

16 NOV '83


(S. D. TULLY)
GROUP CAPTAIN
STATION COMMANDER

(23)

Serial No. NE/08
 Page No. 01
 Date : 20 Jun 83

FORCE STATION AAKLEHET

HEADQUARTERS TRAINING COMMAND, IAF

OFFICER ORDER

BY

AIR COMMODORE ERUJI MOGRA, V.M. ADC
AIR FORCE STATION AAKLEHET

Sl. No. Name, Desig., & Number Ty/OPR/Pt. Whether Nature of Casualty/Occurrence, Date of Effect & Authority

**PART II (A) : NON-INDUSTRIAL GROUP 'C' CIVILIANS
NON-EFFECTIVE PERSONNEL**

I. RE-FIXATION OF PAY IN THE HIGHER SCALE ON APPOINTMENT AS TEL/OPTR.

Extn The Pay of Sri M Jaya Rao, Ex-Tel/Optr (Pt), PA No.10871 is re-fixed at Rs.170/-pm wef 20 Feb 83 on his absorption as Tel/Optr under surplus/deficiency scheme in the pay scale of Rs.110-4-150-5-175-RR-6-205-7-240 instead of Rs.167/-pm in the pay scale of Rs.110-3-131-4-155-RR-4-175-5-180. The annual increments/pay fixed under CDS (RP) Rules 1973 are also amended as follows : He is also authorised to draw DA/DP/IR/RA and CCA as applicable from time to time : -

Present Pay	Effective Date	0/0	Pay Re-fixed	Revised	Remarks
			due to re-fixation of pay in Higher Scale	Date due to be Fixed	
1	2	3	4	5	6
Rs. 167/-pm	(20.6.83)	20.8.83	Rs. 170/-pm	20.6.83	Due to re-fixation of pay in higher scale.
171/-pm	18.9.68	04/69(69)	170/-pm	"	
171/-pm	"	"	175/-pm	20.2.69	A/I
175/-pm	18.9.69	36/69	175/-pm	"	
175/-pm	"	"	181/-pm	20.2.70	A/I
180/-pm	18.9.70	40/70	181/-pm	"	
180/-pm	"	"	187/-pm	20.2.71	A/I
180/-pm	"	"	193/-pm	20.2.72	A/I
180/-pm + 13.9.72 5/- Stag Incr.	31/72		193/-pm	20.2.72	

(PE Padma Rao) CGO

Contd'...., 2/-

RESTRICTED

12

26

RESTRICTED

AIR FORCE STATION HAKIMPET

HEADQUARTERS TRAINING COMMAND, IAF

Serial No..... NE/02
Page No..... 02
Date : 20 Jun 89

SI No. Name, Desig., & Number Whether Ty/QP/Pt., Nature of Casualty/Occurrence, Date of Effect & Authority

PART II (A) : NON-INDUSTRIAL GROUP 'C' CIVILIANS
NON-EFFECTIVE PERSONNEL (CONT'D)

I. RE-FIXATION OF PAY IN THE HIGHER SCALE ON APPOINTMENT AS TELEPHONE OPERATOR (CONT'D)

1	2	3	4	5	6
Rs.	Rs.				
358/-pm 01.1.73	17/74	372/-pm 01.1.73	Pay fixed under CDS (EP)		
366/-pm 02.1.73	"	372/-pm "	Rules 1973 in the pay scale		
374/-pm 02.1.73	38/-74	384/-pm 01.2.73	Rs. 260-8-300-EB-8-340-10-360-12-420-EB-12-480.		
382/-pm 01.1.74	"	396/-pm 01.2.74	A/I		
390/-pm 01.1.75	01/75	408/-pm 01.2.75	A/I		
400/-pm 01.1.76	03/76	420/-pm 01.2.76	A/I		
400/-pm "	"	432/-pm 01.2.77	A/I		
400/-pm "	"	444/-pm 01.2.78	A/I		
400/-pm "	"	456/-pm 01.2.79	A/I		
400/-pm "	"	468/-pm 01.2.80	A/I		
400/-pm "	"	480/-pm 01.2.81	A/I		
400/-pm 01.7.83	17/83 & 20/83	480/-pm 01.7.83	stagnation Increment.		
10/-		12/-			

(Individual retired from Service on Supn wef 30 Sep 85 (AF) vide O/O No. NE/11/85.

Authy : Office of CGDA, New Delhi letter No. AT/II/2065/xxIX dt. 31.3.89,
AF Central Accounts Office letter No. CAO/10303/10871/CPW/NE
III dt. 24 May 89, HQ TC letter No. TC/147/1/Cd Accts dt. 08 May
89 and AOC and Air HQ/23049/348/49/PC3(A) dt 7.4.89.

Prepared & Typed by : MK Rao, UDC
Checked by : GNG Rao, UDC

(PS Padma Rao)
CCO (A)
0 i/c Civil Admin
For A O C

Distribution : As laid down

RESTRICTED

M. Jaya Rao, Tel/ptr,
P/A No. 10871

116/1, Srinagar Colony,
Trimulgherry,
Secunderabad-500 015

32
13

Dated: 5 Aug 1990.

To

The Heard Quarters Training Command, IAF,
Bangalore.

Sub: Re-fixation of pay - Group 'C' Civilians
M. Jaya Rao Telephone Operator.

Sir,

I have the honour to draw your kind attention to Air Force Station, Hakimpet letter No.FTW/2436/10871/PC dated 18-9-1983 addressed to your Headquarters on the above subject and subsequent correspondence resulting in the recent payment of arrears to be my AF CAO New Delhi.

2. I have the honour to submit this representation for your Headquarters sympathetic reconsideration and favourable action.

3. I enclose herewith a copy of Govt. of India, Min of ref order No. Air HQ/23049/14/PC-5/Vol-IV/2742/5/D (APPTS) dated 26-7-1976 for ready reference. In this order it will be seen that waiver of educational qualification was granted by the Government to 29 civilians including me. It will be also seen that there are 3 temp office supdts, 6 permanent UDCs, 1 OP LDC, 4 temp LDCs and 9 re-designated LDCs, apart from me and Mrs. Heaton, who were telephone operators at the time of waiver.

4. In this context I submit that I and Mrs. Heaton were also originally employed as LDCs at AF Station Begumpet on 18-9-1951 and we both continued as LDCs until 19-2-1968. Thereafter we were transferred to FTW AF Station Hakimpet and absorbed there as Telephone Operators wef 20-2-1968. I and Mrs. Heaton were not even declared redesignated let alone for the Quasi permanancy. While in the other cases there were instances where the individuals were even granted permanency before waiver of the educational qualification. Mrs. Heaton resigned and left service subsequently during 1978.

5. Therefore in my case I ought to have been restored to clerical cadre consequent upon the grant of waiver of the educational qualification. I ought to have been granted the seniority in the clerical cadre from 1951 which was not done.

6. I enclose herewith statement of case for ready reference which is self explanatory.. I also enclose herewith a copy of FTW, AF Station Office order S1 No.NE/02, Page 1 dated 20-6-1989 wherein refixation of my pay after the govt. sanction was proculgated. In this office Order it will be seen that my pay was fixed in Grade II Tel.Operator in the scale of Rs.260-8-300-EB-8-340-10-360-12-420-EB-1: 480, while refixing my pay, my seniority was not properly counted while my contemporary in the clerical cadre where educational qualification was also waived, retired as office Superintendent and CGOs, the same natural justice has not been done to me as Tel.Operator. If my seniority is properly counted I am eligible for promotion as Tel.Operator Grade I (One) and Supervisor also.

28

14

7. I, therefore request you to direct AF Station Hakimpet to revise the Office Order simultaneously and resubmit the same to the AF Central Accounts Office, New Delhi for Audit and further action on the basis of the Government sanction which was already obtained.

Thanking you

Yours faithfully,

(M JAYA RAO)

Encls: (As stated)

c.c.to:

Air Headquarters (CIV-Personnel) - For information.
New Delhi.

AF CAO, New Delhi - For necessary action.

AF Station Hakimpet - For early action.

23

15

Tele: 3010231/1657

AIR HEADQUARTERS
NEW DELHI- 110 011

Air HQ/23046/83/Tele-Staff/PC(DPC)

02 May 91

IAQ Training Command, IAF

FIXATION OF SENIORITY: SHRI M JAYA RAOPA No 10871: EX TELEPHONE OPERATOR

1. Reference your letter No TG/10049/4/PC dated 11 Mar 91.
2. It has been observed that Shri M Jaya Rao, Ex Telephone operator Grade- II had worked as a UD Clerk against Airmen vacancy from 18 Sep 51 at Air Force Station, Begumpet. Shri M Jaya Rao was then absorbed in Air Force as Telephone Operator Grade-II wef 20 Feb 68 under surplus and deficiency scheme. The seniority of Shri M Jaya Rao had correctly been fixed wef 20 Feb 68 i.e from the date he joined the appointment of Telephone Operator Grade-II. As per relevant Government instructions on the subject service rendered by Shri M Jaya Rao as Clerk UD (Against Airmen Vacany) can in no case counted towards his seniority in the grade of Telephone Operator Grade-II, Shri M Jaya Rao has therefore no genuine grievance. He may be informed suitably.
3. The service documents received vide your letter under reference are returned herewith.
4. Please acknowledge receipt.

sd/-
(A Banarjee)
CSO
ADPC
for AIR OFFICER ic,
Personnel.

Encl: as above.

(30)

16

Tele: 862232/438

Air Force Station Hakimpet
Secunderabad- 500 014

HAK/2436/10871/PC

06 Jan 91

Shri M. Jaya Rao, Tel/Optr
PA No. 10871
116/1, Srinagar Colony
Trimulgherry,
Secunderabad- 500 015.

FIXATION OF SENIORITY - SHRI M. JAYA RAO

PA No. 1037: EX TELEPHONE Optr

1. Reference your application dated 05 Aug 90 addressed to this station with copies to Hqrs Training Command, IAF and Air HQrs (PC/DPC) New Delhi.

2. Air HQrs vide their letter No. Air HQ/23046/83/Tele-Staff/ PC(DPC) dated 02 May 91 has informed that as per relevant Government Instructions on the subject, service rendered by you, as Clerk GD (against airmen vacancy) cannot be counted towards seniority in the grade of Telephone Operator Gde-II, which may please be noted.

(UR DAS)
Flt Lt
O i/c Civil Admin
for AOC

M. JAYA RAO
TEL/DPTR
P/A No. 1071

17
31
116/1, Srinagar Colony
Trimulgherry
Secunderabad - 500 033, A/S

Dt: 11th July, 1991.

To
Air Officer Commanding
Airforce Station
HAK IMPET
SECUNDERABAD - 500 014.

Sir,

Sub:- MY APPLICATION DT. 05-08-90 FOR FIXATION
OF SENIORITY ETC.,

Ref:- YOUR LETTER HAK/2436/1071/PC, DT.06-06-91.

....

I am in receipt of your letter referred above wherein it is mentioned that the Air Hqrs in their letter No. AIR HQ/ 23046/93/Tele - Staff/PC (D.P.C), dt. 02-05-91 has informed you that as per relevant Government instructions on the subject the service rendered by me as clerk GD can't be counted towards my seniority in the Grade of Telephone Operator Grade-II.

2. I submit that inspite of my best efforts I could not lay my hands on the instructions referred by the Air Hqrs. I therefore, request your goodself to provide me a copy of the said instructions on payment of any charges incurred by you. I also request for a copy of the Hqrs. letters dated 02-05-91.

3. I submit that both the above said documents are necessary for me to know where I stand in my case. I will be obliged much if the said documents are supplied at an early date.

Yours faithfully,

M. Jaya Rao

(M. JAYA RAO)

Copy to:

Air Hqrs, Vayu Bhawan
New Delhi.

Hq. Training Command I.A.F. Bangalore.

I For an early action.

I

I

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

OA NO 92 OF 1992

Between

M Jaya Rae

.. Applicant

and

1. Chief of Air Staff
Air Headquarters, New Delhi - 11
2. Air Officer Personnel
Air Headquarters, New Delhi - 11
3. Air Officer Commanding-in-Chief
HQs Training Command, I A F
Bangalore - 6
4. The Station Commander
Air Force Station, Hakimpet
Secunderabad - 14



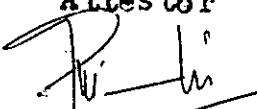
COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT

...

I, A M Ganapathy S/O Shri A M Mudapa, aged about 48 years
Occupation : Station Commander of Air Force Station, Hakimpet
Secunderabad - 14, do hereby solemnly affirm and state on oath
as follows :

1. I am the 4th respondent herein and as such well acquainted with the facts of the case. I am filing this reply statement on behalf of all the respondents as I am authorised to do so.
2. I submit that I have read over the contents of the application and I deny each and every allegation made therein except those which are specifically admitted thereunder.

Attestor


A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Deponent

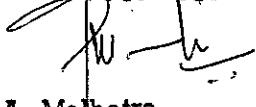

(A M Ganapathy)
Gp Capt
Station Commander
A F Stn Hakimpet

3. It is submitted that a brief history of the case is that individual initially appointed as IDC against airman vacancy at No.1 AFA, IAF, Begumpet w.e.f. 18 Sept. 51. Subsequently he was declared surplus and posted to this Station as Telephone Operator w.e.f. 20 Feb. '68 and his pay has been fixed in the scale of Rs.110-180 w.e.f. 20 Feb. '68 in the lower grade and not in the higher grade of pay of Rs.110-240, since the individual was non-matriculate. Thereafter Govt. has accorded sanction to waive the minimum Educational qualification prescribed for initial recruitment vide Air HQs letter No Air HQ/23049/14/P C.5/Vol.IV/2742-S/D (Appts) dated 26 Jul. 76.

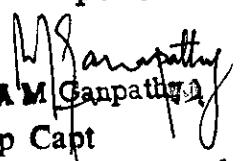
4. On receipt of sanction for relaxation of minimum Educational qualification for appointment he had submitted his first application dated 23 Dec.76 for fixation of pay in the higher scale of Rs.110-240 prior to 01 Jan 73 and Rs.260-480 w.e.f. 01 Jan.73 under CDS(RP) Rules, 1973 instead of in the pay scales of Rs.110-180 and Rs.260-400. Thereafter he had submitted another application dated 15 Mar.79 with a request to absorb him back to clerical cadre against regular vacancy or the benefits applicable to Telephone Operator for higher grade of pay be given to him without any discrimination of himself being a matriculate or not.

5. Even after prolonged correspondence with higher authorities on the subject nothing has been materialised and the individual

Attester


A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Dependent


A. M. Ganpathy
Gp Capt
Station Commander
A.F. Stn Hakimpet

individual finally retired from service on superannuation w.e.f. 30 Sep.85. After his retirement from service the individual has submitted applications dated 25 Oct.88 and Nov.89 with a request to refixation of pay in the higher scale and he never claimed for any promotion taking into consideration of his clerical service in the post of telephone operator.

6. Finally authorities agreed to fix his pay in the higher scale. Accordingly his pay has been fixed and arrears paid to him. Subsequently his pension/Gratuity and Commutation of pension have also been revised and paid to him taking into consideration of higher pay scale fixed to him, during May 90.

7. Subsequent to his refixation of pay in the higher pay scale in the Telephone Operator grade and revision of non-effective benefits, the individual submitted another application dt. 5 Aug 90, with a request to revise Office Order wherein the refixation of pay in higher scale had been done on his own request with numerous applications submitted by him during the years 1976 to 1990.

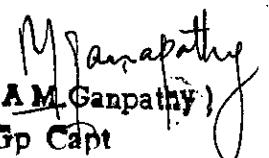
8. It can be seen from the personal applications submitted by the individual that he had requested either for fixation of pay in the higher scale as Telephone Operator or reversion to Clerical cadre. After prolonged correspondence with higher authorities his pay was fixed in higher scale and his pension/Gratuity etc. was regulated accordingly. At the time of his case for higher pay scale was being progressed he did not claim

Attester



A. Malhotra
Wing Commander
Chief Administrative Officer
A.F. Station Hakimpet.

Deponent

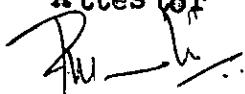

(A.M. Ganpathy)
Gp Capt
Station Commander
A.F. Stn Hakimpet

(25)

for promotion after taking into LDC seniority nor at the time while he sought for arrears on account of refixation of pay and refixing his pension this point not claimed by him. The individual has put forth point by point and tried to get the benefits sanctioned by the Govt. Lastly he has brought out the seniority point which he had once requested during 1979 but he had given an option he mainly stressed this point only on 5 Aug. 90 and thereafter which clearly shewn his ulterior motives.

9. With regards to the averments made in para 3 of the application it is submitted that the applicant was rendered surplus at Air Force Station Begumpet and posted to Air Force Station, Hakimpet as Telephone Operator (against airmen vacancy) w.e.f. 20th February, 1968. On reporting to Air Force Station Hakimpet he was absorbed as Telephone Operator and his pay was fixed at Rs.167/- in the scale of Rs.110-180 duly protecting his pay drawn by him as LDC. It is agreed that the educational qualifications of the applicant was relaxed during July 1976 and he was given higher pay scale from 20 Feb. 68 (Date of absorption as Telephone Operator) during May.89, i.e. after 4 years of his retirement from service. Regarding counting of his clerical service towards Telephone Operator service, it is submitted that as per Ministry of Home Affairs O.M.No.3/27/65-CS-II, dated 25 Feb. 66 and OM No.9/22/68-Estt(D) dated 6 Feb. 69, (Annexure I) the surplus employees are not entitled for the benefit of past service rendered in the previous organisation for the purpose of seniority in the new organisation. Such employees are to be treated as fresh entrants in the matter of

Attestor



A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Dependent

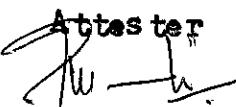
M. Ganapathy
(A. M. Ganapathy)
Gp Capt
Station Commander
A.F. Stn Hakimpet

(36)

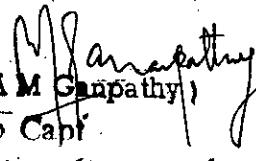
their seniority, promotion etc. These orders have been consolidated in Govt of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) OM No. 22011/7/86-Estt(D) dated 03 Jul.86 (Annexure II) a copy of which has already been supplied to the applicant vide this Station's letter No. HAK/2436/10871/PC dated 08 Feb.92 (Annexure - III) on his personal request.

10. It is further stated that the applicant on his being declared surplus and absorbed as a Telephone operator at AF Station, Hakimpet, readily accepted the said post in the lower scale of pay and did not apply for reversion to the Clerical Cadre. Thereafter the issuance of Govt. orders relaxing the minimum educational qualification vide Min. of Defence letter No. Air HQ/23049/14/PC-5/Vol.IV/2742/S/D (Appts) dt. 26 Jul.76, (Annexure-IV) he submitted his first application dt. 23 Dec. 76 (Annexure-V) requesting for fixation of pay in higher scale of pay as Telephone Operator and not for his reversion to the clerical cadre or for counting his former service towards Telephone operator post, except on 15 Mar.79 (Annexure-VI) the applicant had submitted an application requesting absorption back to the clerical cadre in regular vacancy with confirmation, promotion benefits or to give him the benefits applicable to Civ. Tel. Opt. for higher grade of pay, promotion, confirmation etc. without any discrimination of his being a matriculate or not. Accordingly his case for fixation of pay in higher scale effective from date of his absorption as Telephone operator i.e. 20 Feb. 88, was taken up with higher authorities and finally accepted during 1989 and resulting arrears paid to him.

Attestor


A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Dependent


(A. M. Ganpathy)
Gp Capt
Station Commander
A. F. Stn Hakimpet

37

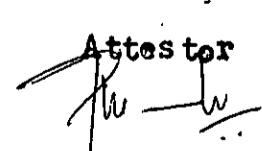
Subsequently the applicant prayed for early payment of arrears of pension consequent of change in basic pay, without mention of counting his clerical service, seniority and promotion thereon. Before applicant's request was received, his case was initiated for revision of pension and other non-effective benefits, which was paid to him later on.

11. It is further stated that unless an individual resumes higher duties with higher pay scale, which will be possible only during in service he cannot be promoted. The individual ought to have claimed for promotion while in service instead of for fixation of pay in the higher scale, which has been sanctioned. This also clearly shows the ulterior motives of the individual knowingly.

12. With regards to averments made in para 5 it is submitted that the period of limitations prescribed under Section-21 of Administrative Tribunals Act, 1985 has been exceeded since the applicant retired on superannuation from service w.e.f. 30.9.85 (A/N). Hence the O.A. is highly belated, and on this ground alone the O.A. is liable to be dismissed inlimine.

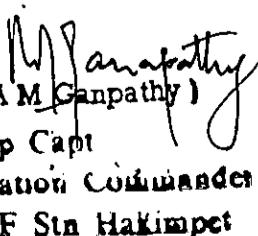
13. With regard to averment made in para 6(a) of the application, it is submitted that the applicant was appointed as LDC against airman vacancy and continued in the post till he was declared surplus in the post of LDC and absorbed as Telephone Operator w.e.f. 20 Feb. 68 and subsequently the applicant's pay provisionally fixed at Rs.167/- p.m. in the lower scale of Rs.110-180 duly protected his pay drawn as LDC. After protracted correspondence finally the authorities agreed

Attestor



A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Deponent

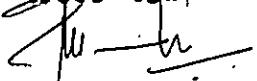


A. M. Ganpathy
Gp Capt
Station Commander
A.F. Stn Hakimpet

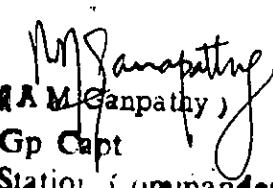
to fix the pay of applicant in higher pay scale of Rs.110-240 from the date of the applicants absorption as Telephone Operator during 1989. Accordingly the pay had been fixed and resulting arrears were paid to him. Thereafter the applicant prayed for early payment of pension arrears consequent on change of basic pay due to fixation of pay in the higher pay scale as requested by him. Before the applicants request, was received, his case was initiated for revision of pension and other non-effective benefits, which were paid to him later on.

14. It is further submitted that the applicant on his being rendered surplus and absorbed as Telephone Operator at Air Force Station Hakimpet, readily accepted the said post without any hesitation/protest in the lower scale of pay and did not apply for reversion to the clerical trade for almost 9 years till such time the Govt. issued orders relaxing the minimum educational qualification vide Ministry of Defence letter No.Air HQ/23049/14/P C-5/Vol.IV/2742/S/D (Appts) dated 26 Jul.76 (Annexure-IV). Only thereafter he had submitted his first application dated 23 Dec.76 (Annexure-V) requesting for fixation of pay in the higher pay scale as Tele/Optr and his reversion to clerical cadre or for counting his former service as LDC towards telephone operator's post except on 15 Mar.79 (Annexure-VI) where the applicant had submitted another application requesting for absorption back to clerical cadre in regular vacancy of LDC with confirmation, promotion benefits or to give him the benefits applicable to telephone operator

Attester


A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

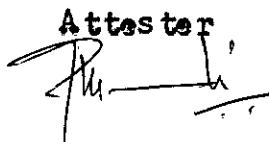
Deponent


M. Ganpathy
Gp Capt
Station Commander
A.F. Sta Hakimpet

like higher grade of pay, promotion and confirmation without any discrimination of whether matriculate or not.

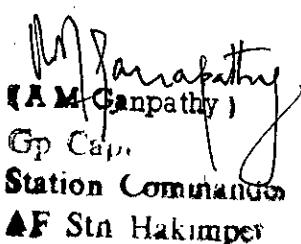
15. Though it was agreed that the educational qualifications of the applicant was relaxed and he was given higher pay scale from the date of his absorption during May, 89 i.e. after a lapse of 4 years of retirement of service, the applicant's seniority as IDC has not been taken into consideration in the post of Telephone Operator since the employee rendered surplus is to be treated as fresh entrant vide Ministry of Home Affairs, OM No. 3/27/65-CS-II dated 25 Feb 66 and OM No. 9/22/68-Estt(D) dated 6 Feb. 69 (Annexure-I). The applicant's contention that the grievance regarding reckoning of service rendered as IDC for fixation of seniority and promotion were not considered and disputed of, is totally baseless in view of the directive from the Ministry of Home Affairs as stated above. It is further mere submitted that the seniority list circulated by Air Headquarters vide their letter No Air HQ/23046/83/Tele Staff/1985/PC(DPC) dated 28 Feb. 85 (Annexure-VII) received at this Station 6 months prior to his retirement on superannuation from service was also circulated to the applicant for checking the correctness or otherwise and signature obtained. This has also not been disputed by the applicant while signing the seniority list, though the applicant should have raised objection, if any, in view of his fast approaching retirement date, to ratify the date of his seniority to claim his promotion in time while in service itself as IDC towards telephone operator post. The applicant ought to have claimed his seniority atleast at the last leg of his service or immediately after his retirement. Instead of claiming seniority,

Attester



A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Dependent



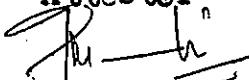
M. Ganpathy
(A. M. Ganpathy)
Gp Capt.
Station Commander
A.F. Stn Hakimpet

the applicant started insisting more on fixation of pay in higher pay scale which at last has been considered favourably. After fixation of pay and revision of pension in the higher pay scale and after drawal of arrears of pay and pension, the applicant has brought out the seniority point vide his application dated 5 Aug. 80 i.e. after a lapse of almost 5 years of his retirement, which is considered time barred as per Section-21 of Administrative Tribunal Act, 1985.

16. The relevant orders on fixation of seniority have also been supplied to the applicant on 8 Feb. 92 immediately on receipt of the same from the higher authorities. Hence the contention of the individual that the relevant orders were not supplied to him is baseless.

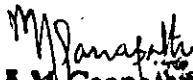
17. With regard to the applicant's averments in para 6(d) it is submitted that the contention of the applicant that he had drawn only one pay scale for his entire service of 34 years is baseless. He had drawn two pay scales i.e. 110-180 (as LDC) and 110-240 (as Telephone Operator) with resultant revision of pay scales under CDS (RP) Rules, 1973. It is further submitted that Rule prohibits to take his clerical seniority in the telephone operator post vide Ministry of Home Affairs OM No.3/27/65/CS-II dated 26 Feb. 66 and OM No.9/22/68/Estt(D) dt 6 Feb 69 (Annexure-I) which specifically lays down that employees rendered surplus are to be treated as fresh entrants. The order of Air HQ is quite legal and not arbitrary as contended by the applicant.

Attestor



A. Malhotra
Wing Commander
Administrative Officer
A. F. Station Hakimpet.

Dependent


A.M. Ganpathi
Gp Capt
Station Commander
AF Stn Hakimpet

(ll)

18. With regard to averments in para 7, it is submitted that at the time, of his case for higher pay scale being progressed, he did not make a mention for claiming his seniority as LDC towards Telephone Operator's post or at the time while he sought for arrears of payment on account of fixation of pay in the higher pay scale and revision of pension.

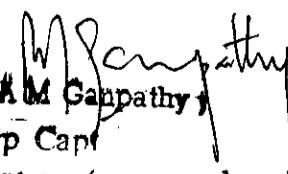
19. It is further brought out that after enjoying the benefits on account of fixation of pay in the higher pay scale and revision of pension, the applicant brought out the seniority point which he had requested once during 1979, but he had given an option to the effect that either he should be reverted to LDC or he may be given higher pay scale as a Telephone Operator, in his application during 1979. He mainly stressed the point of seniority on 5 Aug. 90 i.e. after a lapse of 5 years of his retirement from service on superannuation which he ought to have claimed before retirement or atleast immediately after retirement.

20. It is further submitted that unless the applicant resumes higher duties on promotion with higher pay scale which will only be possible during service time and not after retirement. The applicant ought to have claimed for promotion while in service, instead of fixation of pay in higher pay scale, which has been considered during the May. 89, and which has become final, and the applicant retired.

Attestor


A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

Dependent


A. M. Ganpathy
Gp Capt
Station Commander
A.F. Stn Hakimpet

In the Central Administration Tribunal
Hyderabad Bench Hyderabad

OA 92 of 1992



Central Affidavit

Filed on 27-4-92

E
2814

Filed

NARAYANA BHASHER RAO
Advocate, High Court of A. P.
Additional Standing Counsel of Central Govt.
H. No. 39/3 RT, Vijayanagar Colony,
HYDERABAD-500 467

42

21. In view of the foregoing submissions, the application is devoid of merits and liable to be dismissed. Therefore, it is prayed that this Hon'ble Tribunal may kindly be pleased to dismiss the application with costs.

M Ganpathy
Deponent (A M Ganpathy)
Gp Capt

Station Commander

▲F Stn Hakimpet

Sworn on this, the Twentieth day of April, 1992,
and signed his name before me, in my presence.

A. Malhotra
Attestor
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

VERIFICATION

I, the above named respondent No. FOUR herein do hereby state that what all stated in the Counter Affidavit is true to the best of my knowledge, belief and information. Hence verified on this, the Twentieth day of APRIL 1992
at

M Ganpathy
Deponent (A M Ganpathy)
Gp Capt
Station Commander
▲F Stn Hakimpet

P. J. H.
Attestor

A. Malhotra
Wing Commander
Chief Administrative Officer
A. F. Station Hakimpet.

(43)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 92/92

Date of Order: 13-9-95

Between:

M.Jaya Rao.

Applicant

and

1. The Chief of Air Staff,
AIR Head Quarters,
New Delhi-11.
2. Air Officer, Personnel
AIR Head Quarters, New Delhi-11.
3. Chief Officer, The Headquarters Training,
Command-IAF, Bangalore-6.
4. The Air Officer Commanding,
Air Force Station, Hakimpet, Hyderabad.

Respondents.

For the Applicant :- Mr. M.P.Chandramouli, Advocate.

For the Respondents: Mr. N.V.Ramana,
xSr./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI, RAO : VICE-CHAIRMAN

THE HON'BLE MR. A.B.GORTHI : MEMBER(ADMN)

44

OA.92/92

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri P. Chandra Mouli, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant, late Jayarao, joined as LDC on 18-9-1951 in R-4 Organisation as against Airmen vacancy and he continued in the said post till 1968. He was absorbed as Telephone Operator on 20-2-1968 in the pay scale of Rs.110-180, and he retired in the said post in 1985.

3. As late Jayarao was not a matriculate and as matriculation is the minimum educational qualification for the post of LDC/Telephone Operator, it is stated that he was not given pay scale of Rs.110-240 which was applicable to the Telephone Operators. But Government of India by order dated 26-7-1986 vide Annexure-I passed orders relaxing the prescribed minimum educational qualifications of the applicant and 28 others. But when they were not given the benefit of the pay scale of Rs.110-240 from the date of their respective appointment as Telephone Operators, representation was made, and ultimately the Station Commander and CGO Officer incharge of Civil Administration recommended on 16-11-1985 for the fixation of pay of the applicant in pay scale Rs.110-240 with effect from 20-2-1968, and that the service rendered by the applicant from 18-9-1951 to 20-2-1968 shall be reckoned for the purpose of seniority and promotion in the cadre of Telephone Operator and hence it is prayed that he should be promoted to the post of Telephone Operator Gr.I and he should be further promoted as Telephone Supervisor.

✓

45

4. The Government of India had given sanction for re-fixation of the pay of the applicant with effect from 20-6-1968 in the pay scale of Rs.110-240 and in the pay scale of Rs.260-480 from 1-1-1971 and stagnation increment was given on 1-7-1983 vide order dated 20-6-1989 (vide annexure-4) and accordingly the applicant was paid all arrears.

5. But as the recommendations for reckoning the service of the applicant from 1951 for fixation of seniority and consequential promotion to the post of Telephone Operator Gr.I and Telephone Supervisor were not accepted by the Government, this OA was filed for declaration that the order No.AIR/HQ/23046/83/Tele staff/PC/DPC dated 2-6-1991 whereby his request for the above was not acceded to, is illegal, arbitrary and void and for a consequential direction to the respondents to reckon the period of service as LDC from 18-9-1951 to 20-2-1968 as the service in the Telephone Operator Gr.II and for all consequential benefits like promotion from the date when his juniors were promoted and for pay in the higher pay-scales.

6. It was pleaded for the respondents that as the relaxation was ~~not~~ made only in 1976, the applicant is not entitled to the reliefs claimed in this OA. The further contention for the respondents is that as the applicant had retired from ^{and} service in 1985 thus long prior to the filing of this OA (it was presented on 5-2-1992), the applicant will not be entitled to pay in the promotional post even if it can be held that the period of service from 18-9-1951 had to be reckoned for fixation of seniority, and thereby his case ^{has to} be considered for promotion to the post of Telephone Operator Gr.I and also to Telephone Supervisor. The further submission for the respondents is that as the applicant retired from

Y

To

1. The Chief of Air Staff,
AIR Head Quarters, New Delhi-11.
2. The Air Officer, Personnel,
AIR Head Quarters, New Delhi-11,
3. The Chief Officer, The Headquarters Training,
Command-IAF, Bangalore-6.
4. The Air Officer Commanding, Air Force Station,
Hakimpet, Hyderabad
5. One copy to Mr.M.P.Chandramouli, Advocate; CAT.Hyd.
6. One copy to Mr.N.V.Ramana, Addk.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

1. The Chief of Air Staff,
AIR Head Quarters, New Delhi-11.
2. The Air Officer, Personnel,
AIR Head Quarters, New Delhi-11.
3. The Chief Officer, The Headquarters Training,
Command-IAF, Bangalore-6.
4. The Air Officer, Commanding, Air Force Station,
Hakimpet, Hyderabad
5. One copy to Mr. M. P. Chandramouli, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Ramana, Addk. CGSC, CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm

46

service long before the filing of the OA, the question of fixing the notional pay in the higher post in which he never worked does not arise.

7. There is force in the contentions for the respondents. This is a case where the Principle of 'No pay no work' has to be applied as the applicant never worked in the promotional does not arise. As such we are not advertting to the plea as to whether in view of the relaxation that was made in 1976, the period of service from 18-9-1951 has to be reckoned for fixation of seniority.

8. It is not known as to whether the period of service from 18-9-1951 till 20-2-1968 the date on which the late Jayarao (Jayarao died during the pendency of this OA and his LRs have come on records as per orders in the MA.803/95) was absorbed as Telephone Operator on 20-2-1968 was included in qualifying service for fixation of pension. If the same was not reckoned for qualifying service, the LRs of Jayarao, if so advised are free to make a representation to R-4 in regard to the same and if such a representation is going to be made, the same has to be disposed of in accordance with law.

9. Subject to the above, the OA is dismissed. No costs. //

A. B. Gorathi
(A. B. Gorathi)
Member (Admn)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated : September 13, 95
Dictated in Open Court

Amrit
Deputy Registrar (S)cc

sk

TYPED BY

CHECKED BY

COMPLETED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

and

A. B. Gorathi

THE HON'BLE MR. R. RANGARAJAN : M(ADMN)

DATED:- 13-9-1995.

ORDER/JUDGMENT.

M.A./R.A/C.A.No.

in

O.A.No. 9292

T.A.No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

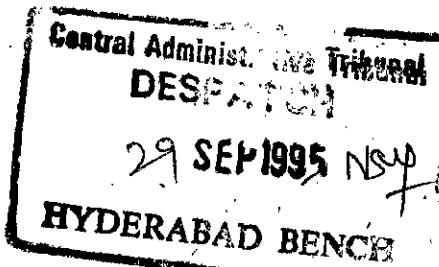
Dismissed for default

Ordered/Rejected.

No order as to costs.

pvm.

No Space Copy



SECUNDERABAD CANTONMENT BOARD

EXTRACT FROM THE DAILY REGISTER OF DEATHS IN THE CANTONMENT OF SECUNDERABAD

Trimulgherry

DURING THE MONTH OF April 1993

Sl.No.	Date of Entry	Date of Death	Name of person whose death is reported and father's name	Class	Cause of death	Age at time of death	Remarks and initial of the Registration Officer
27	25-4-93	20-4-93	H. Jayarao ^{S/o} H. Arunachala Rao	Hindu	cardiac failure	Sixty years and upward	Asstt Surgeon Trimulgherry D/S

Copied By : M. Ananthakumar

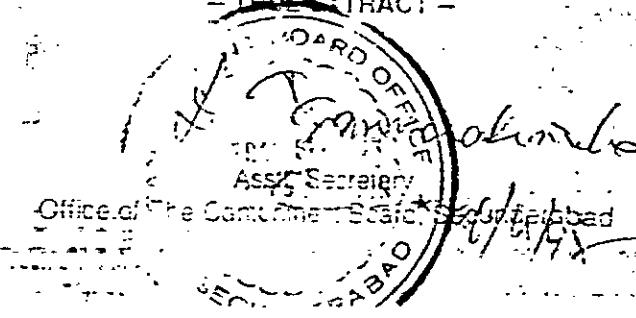
Copying Fee Rs. 10/- (Rupees

Ten

Compared By :

only) Paid Vide Canit.4-B Receipt No. K-583646 Dated 24-4-93

- TRUE EXTRACT -



Office of the Comptroller & Surveyor, Secunderabad

SECUNDERABAD CANTONMENT BOARD

EXTRACT FROM THE DAILY REGISTER OF DEATHS IN THE CANTONMENT OF SECUNDERABAD

Trimulgherry

DURING THE MONTH OF April 1993

Sl.No.	Date of Birth	Date of Death	Name of person whose death is reported and father's name	Class	Cause of death	Age at time of death	Remarks and initial of the Registration Officer
27	25-4-93	20-4-93	H. Jayalalao - Hannumathalao	Hindu	cardiac failure	Sixty years and upwards	Asst Surgeon Trimulgherry Dk

Copied By: M. S. A. M. T. S.

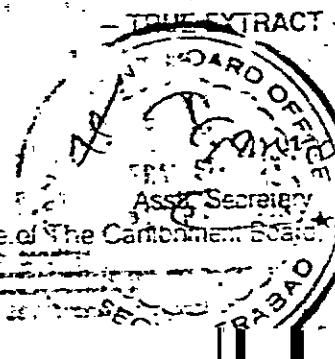
Copying Fee Rs. 10/- (Rupees

Tee

Compared By:

Trimulgherry

only) Paid Vice Cantt. 4-B Receipt No. K-583646 Dated 24-4-95



Office of The Cantonment Board, Secunderabad

Asst. Secretary

22 R 381(w.151)epc
Application filed Under or. ~~10~~ CPC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. 863 /95.

in

O.A.NO. 92 /92.

Between:-

1. M.Jaya Rao (died) .. Applicant.

2. M.Sakku Bai, w/c.late M.Jaya Rao,
Ocm:Nil, Aged about 56 years,
R/o.H.N. 116/1, Srinagar colony,
Tirumalgiri, Secunderabad-3. .. Proposed Applicant

(Sole L.R. of the deceased Applicant)

And

1. Chief of Air Staff,
Air Headquarters, New Delhi-11.

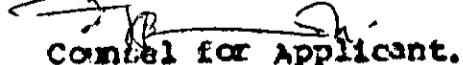
2. Air Officer, Personnel
Air Headquarters, New Delhi-11.

3. Chief Officer
the Head quarters Training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
Air Force Station, Hakimpet, Hyderabad. .. Respondents.

for all the reasons stated in the affidavit filed
in support of the Applicant (to condone the delay)
the Applicant herein prays that this Hon'ble Court
applicant
may be pleased to add the ~~applicant~~ herein as legal
representative of the deceased applicant Sri M.Jaya Rao
in the above O.A., as otherwise the applicant herein
will be put to serious and irreparable loss and hardship.
and pass such order(s) as this Hon'ble Tribunal may deem
fit and proper.

Hyderabad.
Dt: 20-2-1995.


Counsel for Applicant.

COUNSEL FOR APPLICANT.
SRI M. P. CHANDRAMOULI.

.....
D.K. of the deceased applicant,
H.A. to add the applicant as



O.A. No. 92 of 1992.

In

H.A. No. /95.

at Hyderabad.
In the Central Accts. Division, Hyderabad

Hyderabad District.

Hyderabad District.

In the Central Admin. Tribunal
at Hyderabad.

M.A. NO.

/95.

in

Q.A. NO. 92 of 1992.



M.A. to add the applicant as
L.R. of the deceased applicant.

SHRI M.P.CHANDRAMOULI.

COUNSEL FOR APPLICANT.

22 Q-3 & low. 157 CPC

Application filed Under or. ~~Rule 10 CPC~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A. NO. 863 /95.

in

O.A. NO. 32 /92.

Between:-

1. M.Jaya Rao (died) .. Applicant.

2. M.Sakku Bai, w/o. late M.Jaya Rao,
Occ: Nil, Aged about 56 years,
R/o. H.N. 116/1, Srinagar colony,
Tirumalgiri, Secunderabad-3. .. Proposed Applicant
(Sole L.R. of the deceased Applicant)

And

1. Chief of Air Staff,
Air Head Quarters, New Delhi-11.

2. Air Officer, Personnel
Air Head quarters, New Delhi-11.

3. Chief Officer
the Head (quarters) Training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
Air Force Station, Hohimpet, Hyderabad. .. Respondents.

For all the reasons stated in the affidavit filed
in support of the Applicant (to condone the delay)

the Applicant herein prays that this Hon'ble Court
may be pleased to add the ~~applicant~~ herein as legal
representative of the deceased applicant Sri M.Jaya Rao
in the above O.A., as otherwise the applicant herein
will be put to serious and irreparable loss and hardship.
and pass such order(s) as this Hon'ble Tribunal may deem
fit and proper.

Hyderabad.
Dt: 20-2-1995.

 Counsel for Applicant.

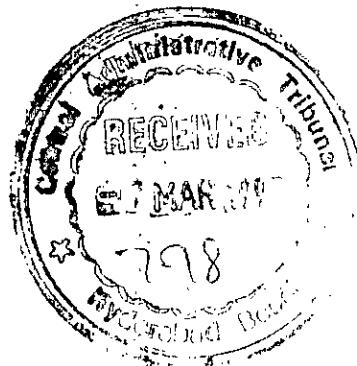
Hyderabad District.

In the Central Admn. Tribunal
at Hyderabad.

M.A. NO. /95.

in

O.A. NO. 92 of 1992.



M.A. to add the applicant as
L.R. of the deceased applicant.

SHRI M.P.CHANDRAMOULI.

COUNSEL FOR APPLICANT.

22 R 281w.151 CPC &
Application filed under or. ~~Rule 10 CPC~~
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. 803 /95.

in

O.A.NO. 92 /92.

Between:-

1. M.Jaya Rao (deceased) .. Applicant.

2. M.Sakku Bai, w/o late M.Jaya Rao,
occ:Nil, Aged about 56 years,
R/o.H.N. 116/1, Srinagar colony,
Tirumalgiri, Secunderabad-3. .. Proposed Applicant

(Sole L.R. of the deceased Applicant)

And

1. Chief of Air Staff,
Air Head Quarters, New Delhi-11.

2. Air Officer, Personnel
Air Head quarters, New Delhi-11.

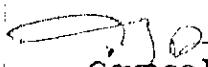
3. Chief Officer
The Head Quarters Training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
Air Force Station, Hohimpet, Hyderabad. .. Respondents.

for all the reasons stated in the affidavit filed
in support of the Applicant (to condone the delay)

the applicant herein prays that this Hon'ble Court
applicant
may be pleased to add the ~~applicant~~ herein as legal
representative of the deceased applicant Sri M.Jaya Rao
in the above O.A., as otherwise the applicant herein
will be put to serious and irreparable loss and hardship.
and pass such order(s) as this Hon'ble Tribunal may deem
fit and proper.

Hyderabad.
Dt: 20-2-1995.

 Counsel for Applicant.

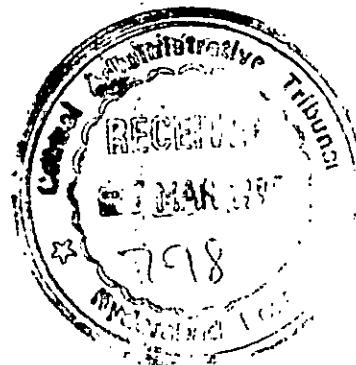
Hyderabad District.

In the Central Admn. Tribunal
at Hyderabad.

M.A. NO. /95.

in

O.A. NO. 92 of 1992.



M.A. to add the applicant as
L.R. of the deceased applicant.

SHRI M.P.CHANDRAMOULI.

COUNSEL FOR APPLICANT.

22 Q3 & 1514pc 1
Application filed Under or. ~~Rule 10 CPC~~
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. 803 /95.

in

O.A.NO. 32 /92.

Between:-

1. M.Jaya Rao (died) .. Applicant.

2. M.Sakku Bai, W/o.late M.Jaya Rao,
occ: Nil, Aged about 56 years,
R/o.H.N. 116/1, Srinagar Colony,
Tirumalgiri, Secunderabad-3. .. Proposed Applicant

(sole L.R. of the deceased Applicant)

And

1. Chief of Air Staff,
Air Head Quarters, New Delhi-11.

2. Air Officer, Personnel
Air Head Quarters, New Delhi-11.

3. Chief Officer
the Head quarters Training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
Air Force Station, Hilmipet, Hyderabad. .. Respondents.

for all the reasons stated in the affidavit filed
in support of the Applicant (to condone the delay)
the Applicant herein prays that this Hon'ble Court
may be pleased to add the ~~Applicant~~ herein as legal
representative of the deceased applicant Sri M.Jaya Rao
in the above O.A., as otherwise the applicant herein
will be put to serious and irreparable loss and hardship.
and pass such order(s) as this Hon'ble Tribunal may deem
fit and proper.

Hyderabad.
Dt: 20-02-1995.

 Counsel for Applicant.

Hyderabad District,

In the Central Admin. Tribunal
at Hyderabad,

M.A. NO. /95.

in

O.A. NO. 92 OF 1992.



M.A. to add the applicant as
L.R. of the deceased applicant.

SHRI M.P.CHANDRAMOULI.

COUNSEL FOR APPLICANT.

22 P 38/W. 151 CPC

Application filed Under Or. ~~Rule 10 CPC~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. 803 /95.

in

O.A.NO. 92 /92.

Between:-

1. M.Jaya Rao (died.) ... Applicant.

2. M.Sakku Bai, W/o.late M.Jaya Rao,
Occ:Nil, Aged about 56 years,
R/o.H.N. 116/1, Srinagar Colony,
Tirumalgiri, Secunderabad-3. ... Proposed Applicant

(Sole L.R. of the deceased Applicant)

And

1. Chief of Air Staff,
Air Head Quarters, New Delhi-11.

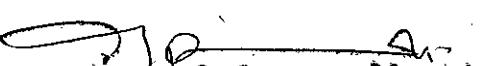
2. Air Officer, Personnel
Air Head quarters, New Delhi-11.

3. Chief Officer
the Head quarters Training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
Air Force Station, Hahimpet, Hyderabad. ... Respondents.

for all the reasons stated in the affidavit filed
in support of the Applicant (to condone the delay)
the Applicant herein prays that this Hon'ble Court
may be pleased to add the ~~applicant~~ herein as legal
representative of the deceased applicant Sri M.Jaya Rao
in the above O.A., as otherwise the applicant herein
will be put to serious and irreparable loss and hardship.
and pass such order(s) as this Hon'ble Tribunal may deem
fit and proper.

Hyderabad.
Dt: 20-02-1995.


Counsel for Applicant.

Copies of
9 Health certificates
are
coupled with one
granted.
13/9/95

Hyderabad District.

In the Central Admn. Tribunal
at Hyderabad.

M.A. NO. 863 195.

in

O.A. NO. 92 of 1992.

20.4.93 to 7.3.95

10 April
31 May
30 June
31 July
31 Aug
30 Sept
31 Oct
30 Nov
31 Dec
31 Jan
28 Feb
26 March

320

90

230

1 ASR 798/95 in OA 92/92

13-9-95

In the circumstances referred
to this MA where the widow of the
applicant seeks permission to
be on record as LR is allowed.



M.A. to add the applicant as
L.R. of the deceased applicant.

Ric
28/2/95
of N.V. Ram

J
H A B G
M(A)

X
H R N R J
V C

SHRI M.P.CHANDRAMOULI.

COUNSEL FOR APPLICANT.

B2W

Application filed Under or. ~~Section 10(1)(a)~~ 22 R 32/W, 151 CPC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

COMPLAINT AND REPLY

M.A.NO. 803 /95.

in

Complaint and Reply O.A.NO. 92 /92.

Between:-

1. M.Jaya Rao (died)

.. Applicant.

2. M.Sakku Bai, W/o. latee M.Jaya Rao,
Occ: Nil, Aged about 56 years,
R/o. H.N. 116/1, Srinagar Colony,
Tirumalgiri, Secunderabad-3.

.. Proposed Applicant

(Sole L.R. of the deceased Applicant)

And

1. Chief of Air Staff,
Air Head Quarters, New Delhi-11.

2. Air Officer, Personnel
Air Head quarters, New Delhi-11.

3. Chief Officer
The Head quarters Training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
Air Force Station, Hafimpet, Hyderabad. .. Respondents.

for all the reasons stated in the affidavit filed

in support of the Applicant (to condone the delay)

the applicant herein prays that this Hon'ble Court
applicant

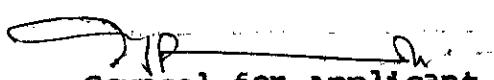
may be pleased to add the ~~applicant~~ herein as legal
representative of the deceased applicant Sri M.Jaya Rao

in the above O.A., as otherwise the applicant herein

will be put to serious and irreparable loss and hardship.

and pass such order(s) as this Hon'ble Tribunal may deem
fit and proper.

Hyderabad.
Dt: 20-2-1995.


Counsel for Applicant.

After receipt of the letter from my husband's Advocate only I came to know about the pendency of the O.A., Immediately I contacted my husband's Advocate on 20-C2-1993 and enquired about the case. After ascertaining the pendency of the case I am filing this Miscellaneous Application to implead me as Applicant as the legal representative of the Applicant. Except myself there are no L.Rs. to my husband as our only daughter is married. I submit that the delay in filing the L.R. Petition is neither wilful nor wanton except due to the circumstances stated above. I submit that the relief prayed in the O.A. is also for consequential benefits. It is therefore prayed that this Hon'ble Tribunal may be pleased to add the Applicant herein as legal representative of the deceased Applicant as otherwise I will be put to serious and loss and hardship, and further it is prayed that this Hon'ble Court may be pleased to condone the delay ~~23~~ of days in filing the L.R. Petition as the same is neither wilful nor wanton and non-receipt of letter from my house owner. Immediately on receipt of letter I approached my counsel.

solemnly affirmed and
signed her name on this
the 19th day of Feb' 1993
at Hyderabad.

(Smt. Sakku Rei)

Before me,

Advocate : HYCerabec.

(M. SAKKURAI)

In the Central Administrative Tribunal at Hyderabad,

M.A.NO. 802 /95. C.A.T. 223.

in

O.A.NO. 92 of 1992.

Between :-

M.Jaya Rao (died) his wife and sole
legal representative Smt.M.Sakku Bai,

.. Applicant/
Proposed Applicant

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
and 3 others.

.. Respondents

Affidavit of Smt.Sakku Bai.

I, M.Sakku Bai W/o.Jaya Rao, aged about 56 years,
R/o.Secunderabad do hereby solemnly affirm and state as
follows :-

1. I am the proposed applicant in the above O.A.
The applicant in the C.A. was my husband.
2. I submit that my husband was filed O.A.No.92/92
before this Hon'ble tribunal for a direction to the
respondents to reckon the period of his service as L.C.C.
from 18-9-1951 to 20-2-68 as the service in Telephone
operator Grade-II and give all consequential benefits
like promotion from the date when his juniors were
promoted and pay in the Higher scale. The said O.A.
was admitted during Feb'92 and it is pending before
this Hon'ble Court/tribunal. I submit that during the
pendency of this O.A., my husband died on 20-4-1993. I am
not aware of the pendency of the case before this
Hon'ble Court. During December, 1994 my husband Advocate
has written a letter to my old address about the listing
of the case for final hearing. My previous house owner
has handed-over that letter to me on 17-2-1995.

Hyderabad District.

In the Central Admin. Tribunal
at Hyderabad.

M.A.NO. /95.

in

O.A.NO. 72 of 1992.

M.A. to condone the delay in
filling the L.F. Application.



SRI M.P. CHANDRMOULI.

Counsel for Applicant.

Application filed under Sec. 5 of the Limitation Act.

IN THE HIGH COURT CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. /95.

in

O.A.NO. 92 /1992.

Between :-

1. M.Jaya Rao (died) .. Applicant.

2. M.Sakku Bai W/o M.Jaya Rao,
aged about 56 years, H.No.116/1,
Srinagar Colony, Tirumalgiri,
Secunderabad-3.

Proposed 2nd Applicant
in the above O.A. as
sole L.R. of deceased
Applicant.

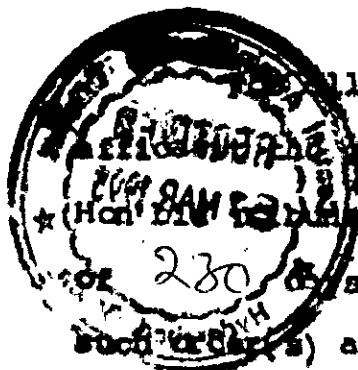
and

1. Chief of Air Staff
AIR Head Quarters, New Delhi-11.

2. Air Officer, Personnel
AIR Head Quarters, New Delhi-11.

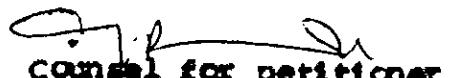
3. Chief Officer,
The Head Quarters training Command-IAF
Bangalore-6.

4. The Air Officer Commanding
AIR FORCE Station, Hakimpet, Hyderabad. .. Respondents.



In view of all the reasons stated in the accompanying
affidavit, the petitioner/applicant herein prays that this
Hon'ble Tribunal may be pleased to condone the delay
of 280 days in filing the L.R. Application and pass
such order(s) as this Hon'ble Court/Tribunal may deem
fit and proper as otherwise the applicant will be put to
serious and irreparable loss and hardship.

Hyderabad.
Dt: 20-2-1993.


counsel for petitioner.

After receipt of the letter from my husband's Advocate only I came to know about the pendency of the O.A., Immediately I contacted my husband's Advocate on 20-02-1995 and enquired about the case. After ascertaining the pendency of the case I am filing this Miscellaneous Application to implead me as Applicant as the legal representative of the Applicant. Except myself there are no L.Rs. to my husband as our only daughter is married. I submit that the delay in filing the L.R.Petition is neither wilful nor wanton except due to the circumstances stated above. I submit that the relief prayed in the O.A. is also for consequential benefits. It is therefore prayed that this Hon'ble Tribunal may be pleased to add the Applicant herein as legal representative of the deceased Applicant as otherwise I will be put to serious and loss and hardship, and further it is prayed that this Hon'ble Court may be pleased to condone the delay 230 of days in filing the L.R.Petition as the same is neither wilful nor wanton and non-receipt of letter from my house owner. Immediately on receipt of letter I approached my counsel.

solemnly affirmed and
signed her name on this
the 19thday of Feb' 1995
at Hyderabad.

(Smt. sakku bai)

Before me,

Advocate : Hyderabad.

(M. SAKKUBAI)

In the Central Administrative Tribunal at Hyderabad.

M.A. No. 802/95.

in

O.A. No. 92 of 1992.

Between :-

M.Jaya Rao (died) his wife and sole
legal representative Smt.M.Sakku Bai,

.. Applicant/
Proposed Applicant.

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
and 3 others.

.. Respondents

affidavit of Smt.Sakku Bai.

I, M.Sakku Bai w/o.Jaya Rao, aged about 56 years,
p/o.Secunderabad do hereby solemnly affirm and state as
follows :-

1. I am the proposed applicant in the above O.A.
The applicant in the O.A. was my husband.

2. I submit that my husband was filed O.A. No.92/92
before this Hon'ble tribunal for a direction to the
respondents to reckon the period of his service as L.C.C.
from 18-9-1951 to 20-2-68 as the service in Telephone
operator grade-II and give all consequential benefits
like promotion from the date when his juniors were
promoted and pay in the Higher scale. The said O.A.
was admitted during Feb'92 and it is pending before
this Hon'ble Court/tribunal. I submit that during the
pendency of this O.A., my husband died on 20-4-1993. I am
not aware of the pendency of the case before this
Hon'ble Court. During December, 1994 my husband Advocate
has written a letter to my old address about the listing
of the case for final hearing. My previous house owner
has handed-over that letter to me on 19-2-1995.

Hyderabad District.

In the Central Admin. Tribunal
at Hyderabad.

M.A. NO.

/95.

in

O.A. NO. 92 of 1992.

M.A. to condone the delay in
filing the L.R. Application.



SHRI M.P.CHANDRAMOULI.

Counsel for Applicant.

Application filed under Sec. 5 of the Limitation Act.

IN THE MYSORENARAYAN CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A. NO. 802/95.

in

O.A. NO. 92 /1992.

Between :-

1. M.Jaya Rao (died)

.. Applicant.

2. M.Sakku Bai w/o M.Jaya Rao,
aged about 56 years, H.No. 116/1,
Srinagar Colony, Tirumalagiri,
Secunderabad-3.

proposed 2nd Applicant
in the above O.A. as
sole L.R. of deceased
Applicant.

and

1. Chief of Air Staff
AIR Head Quarters, New Delhi-11

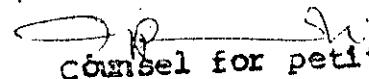
2. Air Officer, Personnel
Air Head Quarters, New Delhi-11.

3. Chief Officer,
The Head Quarters Training Command IAF
Bangalore-6.

4. The Air Officer Commanding
AIR Force Station, Hakimpet, Hyderabad. .. Respondents.

for all the reasons stated in the accompanying
affidavit the petitioner/applicant herein prays that this
Hon'ble tribunal may be pleased to condone the delay
of 230 days in filing the L.R. Application and pass
such order(s) as this Hon'ble Court/Tribunal may deem
fit and proper as otherwise the applicant will be put to
serious and irreparable loss and hardship.

Hyderabad.
Dt: 20-2-1995.


Counsel for petitioner.

After receipt of the letter from my husband's Advocate only I came to know about the pendency of the O.A., Immediately I contacted my husband's Advocate on 20-02-1995 and enquired about the case. After ascertaining the pendency of the case I am filing this Miscellaneous Application to implead me as Applicant as the legal representative of the Applicant. Except myself there are no L.Rs. to my husband as our only daughter is married. I submit that the delay in filing the L.R.Petition is neither wilful nor wanton except due to the circumstances stated above. I submit that the relief prayed in the O.A. is also for consequential benefits. It is therefore prayed that this Hon'ble Tribunal may be pleased to add the Applicant herein as legal representative of the deceased Applicant as otherwise I will be put to serious and loss and hardship, and further it is prayed that this Hon'ble Court may be pleased to condone the delay of 230 of days in filing the L.R.Petition as the same is neither wilful nor wanton and non-receipt of letter from my house owner. Immediately on receipt of letter I approached my counsel.

solemnly affirmed and
signed her name on this (smt. SAKKUBAI)
the 19th day of Feb' 1995
at Hyderabad.

Before me,

Advocate : Hyderabad.

(M. SAKKUBAI)

In the Central Administrative Tribunal at Hyderabad.

M.A. NO. 802 /95.

in

O.A. NO. 92 of 1992.

Between :-

M.Jaya Rao (died) his wife and sole
legal representative Smt.M.Sakku Bai,

.. Applicant/
Proposed Applicant.

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
and 3 others.

.. Respondents

Affidavit of Smt.Sakku Bai.

I, M.Sakku Bai W/o.Jaya Rao, aged about 56 years,
p/o, Secunderabad do hereby solemnly affirm and state as
follows :-

1. I am the proposed applicant in the above O.A.
The applicant in the O.A. was my husband.

2. I submit that my husband was filed O.A. No.92/92
before this Hon'ble Tribunal for a direction to the
respondents to reckon the period of his service as L.C.C.
from 18-3-1951 to 20-2-68 as the service in Telephone
operator Grade-II and give all consequential benefits
like promotion from the date when his juniors were
promoted and pay in the Higher scale. The said O.A.
was admitted during Feb'92 and it is pending before
this Hon'ble Court/tribunal. I submit that during the
pendency of this O.A., my husband died on 20-4-1993. I am
not aware of the pendency of the case before this
Hon'ble Court. During December, 1994 my husband Advocate
has written a letter to my old address about the listing
of the case for final hearing. My previous house owner
has handed-over that letter to me on 19-2-1995.

Hyderabad District.

In the Central Admin. tribunal
at Hyderabad.

M.A. NO.

/95.

in

O.A. NO. 92 of 1992.

M.A. to condone the delay in
filing the L.R. Application.



SHRI M.P.CHANDRAMOULI.

Counsel for Applicant.

Application filed under Sec. 5 of the Limitation Act.

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. 802/195.

in

O.A.NO. 92/1992.

Between :-

1. M.Jaya Rao (died)

.. Applicant.

2. M.Sakku Bai w/o M.Jaya Rao,
aged about 56 years, H.No. 116/1,
Srinagar Colony, Tirumalagiri,
Secunderabad-3.

Proposed 2nd Applicant
in the above O.A. as
some L.R. of deceased
Applicant.

And

1. Chief of Air Staff
AIR Head quarters, New Delhi-11

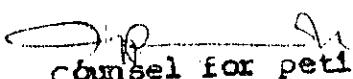
2. Air Officer, Personnel
Air Head quarters, New Delhi-11.

3. Chief Officer,
The Head Quarters Training Command-IAF
Bangalore-6.

4. the Air Officer Commanding
AIR Force Station, Hakimpet, Hyderabad. .. Respondents.

for all the reasons stated in the accompanying
affidavit the petitioner/applicant herein prays that this
Hon'ble tribunal may be pleased to condone the delay
of 236 days in filing the L.R. Application and pass
such order(s) as this Hon'ble Court/Tribunal may deem
fit and proper as otherwise the applicant will be put to
serious and irreparable loss and hardship.

Hyderabad.
Dts: 20-2-1995.


counsel for petitioner.

-: 2 :-

After receipt of the letter from my husband's Advocate only I came to know about the pendency of the O.A., Immediately I contacted my husband's Advocate on 20-02-1995 and enquired about the case. After ascertaining the pendency of the case I am filing this Miscellaneous Application to implead me as Applicant as the legal representative of the Applicant. Except myself there are no L.Rs. to my husband as our only daughter is married. I submit that the delay in filing the L.R.Petition is neither wilful nor wanton except due to the circumstances stated above. I submit that the relief prayed in the O.A. is also for consequential benefits. It is therefore prayed that this Hon'ble Tribunal may be pleased to add the Applicant herein as legal representative of the deceased Applicant as otherwise I will be put to serious and loss and hardship, and further it is prayed that this Hon'ble Court may be pleased to condone the delay of 2-3rd of days in filing the L.R.Petition as the same is neither wilful nor wanton and non-receipt of letter from my house owner. Immediately on receipt of letter I approached my counsel.

solemnly affirmed and
signed her name on this (smt. sakku bai)
the 19thday of Feb' 1995
at Hyderabad.

Before me,

Advocate : HYderabau.

(M. SAKKUBAI)

In the Central Administrative Tribunal at Hyderabad.

M.A. NO. 802/95.

in

O.A. NO. 92 of 1992.

Between :-

M.Jaya Rao (died) his wife and sole
legal representative Smt. M.Sakku Bai,

.. Applicant/
Proposed Applicant.

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
and 3 others.

.. Respondents

Affidavit of Smt. Sakku Bai.

I, M.Sakku Bai w/o Jaya Rao, aged about 56 years,
P/o. Secunderabad do hereby solemnly affirm and state as
follows :-

1. I am the proposed applicant in the above O.A.
The applicant in the O.A. was my husband.

2. I submit that my husband was filed O.A. No. 92/92
before this Hon'ble Tribunal for a direction to the
respondents to reckon the period of his service as L.C.C.
from 18-3-1951 to 20-2-68 as the service in Telephone
operator Grade-II and give all consequential benefits
like promotion from the date when his juniors were
promoted and pay in the Higher scale. The said O.A.
was admitted during Feb'92 and it is pending before
this Hon'ble Court/tribunal. I submit that during the
pendency of this O.A., my husband died on 20-4-1993. I am
not aware of the pendency of the case before this
Hon'ble Court. During December, 1994 my husband Advocate
has written a letter to my old address about the listing
of the case for final hearing. My previous house owner
has handed-over that letter to me on 19-2-1995.

Hyderabad Districts.

In the Central Admin. Tribunal
at Hyderabad.

M.A. NO.

195.

in

O.A. NO. 32 of 1992.

M.A. to condone the delay in
filing the L.R. Application.



SHRI M. P. CHANDRAMOULI.

Counsel for Applicant.

Application filed under Sec. 5 of the Limitation Act.

IN THE MACHENKON CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A.NO. 802/195.

in

O.A.NO. 92/1992.

Between :-

1. M.Jaya Rao (died)

.. Applicant.

2. M.Sakku Bai W/o M.Jaya Rao,
aged about 56 years, H.No. 116/1,
Srinagar Colony, Tirumalagiri,
Secunderabad-3.

proposed 2nd Applicant
in the above O.A. as
some L.R. of deceased
Applicant.

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11

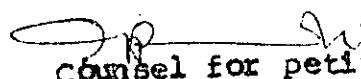
2. Air Officer, Personnel
Air Head Quarters, New Delhi-11

3. Chief Officer,
The Head Quarters Training Command-IAF
Bangalore-6.

4. the Air Officer Commanding
AIR Force Station, Hakimpet, Hyderabad, .. Respondents.

for all the reasons stated in the accompanying
affidavit the petitioner/applicant herein prays that this
Hon'ble Tribunal may be pleased to condone the delay
of 230 days in filing the L.R. Application and pass
such order(s) as this Hon'ble Court/Tribunal may deem
fit and proper as otherwise the applicant will be put to
serious and irreparable loss and hardship.

Hyderabad.
Dte: 20-2-1993.


Counsel for petitioner.

In the Central Administrative Tribunal at Hyderabad.

M.A.NO. 802/95.

in

O.A.NO. 92 of 1992.

Between :-

M.Jaya Rao (died) his wife and sole legal representative Smt.M.Sakku Bai,

.. Applicant/
Proposed Applicant.

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
and 3 others.

.. Respondents.

Affidavit of Smt.Sakku Bai.

I, M.Sakku Bai w/o.Jaya Rao, aged about 56 years, R/o.Secunderabad do hereby solemnly affirm and state as follows :-

1. I am the proposed applicant in the above O.A. The applicant in the O.A. was my husband.

2. I submit that my husband was filed O.A.No.92/92 before this Hon'ble Tribunal for a direction to the respondents to reckon the period of his service as L.C.C. from 18-9-1951 to 20-2-68 as the service in Telephone operator grade-II and give all consequential benefits like promotion from the date when his juniors were promoted and pay in the Higher scale. The said O.A. was admitted during Feb'92 and it is pending before this Hon'ble Court/tribunal. I submit that during the pendency of this O.A., my husband died on 20-4-1993. I am not aware of the pendency of the case before this Hon'ble Court. During December, 1994 my husband Advocate has written a letter to my old address about the listing of the case for final hearing. My previous house owner has handed over that letter to me on 19-2-1995.

-: 2 :-

After receipt of the letter from my husband's Advocate only I came to know about the pendency of the O.A., Immediately I contacted my husband's Advocate on 20-02-1995 and enquired about the case. After ascertaining the pendency of the case I am filing this Miscellaneous Application to implead me as Applicant as the legal representative of the Applicant. Except myself there are no L.Rs. to my husband as our only daughter is married. I submit that the delay in filing the L.R. Petition is neither wilful nor wanton except due to the circumstances stated above. I submit that the relief prayed in the O.A. is also for consequential benefits. It is therefore prayed that this Hon'ble Tribunal may be pleased to add the Applicant herein as legal representative of the deceased Applicant as otherwise I will be put to serious and loss and hardship. and further it is prayed that this Hon'ble Court may be pleased to condone the delay 230 of days in filing the L.R. Petition as the same is neither wilful nor wanton and non-receipt of letter from my house owner. Immediately on receipt of letter I approached my counsel.

solemnly affirmed and
signed her name on this
the 19th day of Feb' 1995
at Hyderabad.

(Smt. Sakku Bai)

Before me,

Advocate : Hyderabad.

(M. SAKKUBAI)

Hyderabad District.

In the Central Admin. Tribunal
at Hyderabad.

M.A. NO. /95.

in

O.A. NO. 32 of 1992.

M.A. to condone the delay in
filling the L.R. Application.



SHRI M.P.CHANDRAMOULI.

Counsel for Applicant.

Application filed under Sec. 5 of the Limitation Act,

IN THE MACHENDEKAL CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A. NO. 802 /95.

in

O.A. NO. 92 /1992.

Between :-

1. M.Jaya Rao (died) .. Applicant.

2. M.Sakku Bai W/o M.Jaya Rao,
aged about 56 years, H.No.116/1,
Srinagar Colony, Tirumalagiri,
Secunderabad-3.

Proposed 2nd Applicant
in the above O.A. as
s/o L.R. of deceased
Applicant.

And

1. Chief of Air Staff
AIR Head quarters, New Delhi-11

2. Air Officer, Personnel
Air Head Quarters, New Delhi-11.

3. Chief Officer,
The Head Quarters training Command-IAF
Bangalore-6.

4. the Air Officer Commanding
AIR force Station, Hakimpet, Hyderabad. .. Respondents.

For all the reasons stated in the accompanying
affidavit the petitioner/applicant herein prays that this
Hon'ble tribunal may be pleased to condone the delay
of 230 days in filing the L.R. Application and pass
such order(s) as this Hon'ble Court/Tribunal may deem
fit and proper as otherwise the applicant will be put to
serious and irreparable loss and hardship.

Hyderabad.
Dt: 20-2-1995.


Counsel for petitioner.

In the Central Administrative Tribunal at Hyderabad.

M.A.NO. 802/195.

in

O.A.NO. 92 of 1992.

Between :-

M.Jaya Rao (died) his wife and sole legal representative Smt.N.Sakku Bai,

.. Applicant/
Proposed Applicant.

and

1. Chief of Air Staff
AIR Head quarters, New Delhi-11
and 3 others.

.. Respondents

Affidavit of Smt.Sakku Bai.

I, M.Sakku Bai w/o.Jaya Rao, aged about 56 years, R/o.Secunderabad do hereby solemnly affirm and state as follows :-

1. I am the proposed applicant in the above O.A. The applicant in the O.A. was my husband.
2. I submit that my husband was filed O.A.No.92/92 before this Hon'ble tribunal for a direction to the respondents to reckon the period of his service as L.C.C. from 18-9-1951 to 20-2-68 as the service in Telephone operator Grade-II and give all consequential benefits like promotion from the date when his juniors were promoted and pay in the Higher scale. The said O.A. was admitted during Feb'92 and it is pending before this Hon'ble Court/tribunal. I submit that during the pendency of this O.A., my husband died on 20-4-1993. I am not aware of the pendency of the case before this Hon'ble Court. During December, 1994 my husband Advocate has written a letter to my old address about the listing of the case for final hearing. My previous house owner has handed over that letter to me on 19-2-1995.

W

1/2 2nd au
x NSU

-: 2 :-

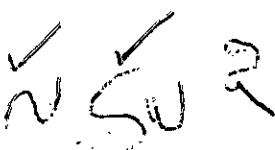
After receipt of the letter from my husband's Advocate only I came to know about the pendency of the O.A., Immediately I contacted my husband's Advocate on 20-02-1995 and enquired about the case. After ascertaining the pendency of the case I am filing this Miscellaneous Application to implead me as Applicant as the legal representative of the Applicant. Except myself there are no L.Rs. to my husband as our only daughter is married. I submit that the delay in filing the L.R.Petition is neither wilful nor wanton except due to the circumstances stated above. I submit that the relief prayed in the O.A. is also for consequential benefits. It is therefore prayed that this Hon'ble Tribunal may be pleased to add the Applicant herein as legal representative of the deceased Applicant as otherwise I will be put to serious and loss and hardship. and further it is prayed that this Hon'ble Court may be pleased to condone the delay of 230 of days in filing the L.R.Petition as the same is neither wilful nor wanton and non-receipt of letter from my house owner. Immediately on receipt of letter I approached my counsel.

solemnly affirmed and
signed her name on this
the 19thday of Feb' 1995
at Hyderabad.

(smt. Sakku Bai)

Before me,


Advocate : HYDERABAD


(M. SAKKUBAI)

Returned MASR 798/95 and 799/95

① Provision of rule should be furnished, in L.R. petition
② 3 more copies of LR and condone delay petitions to be filed.
3. 2 copies of death certificate of deceased applicant to be filed.
④ Number of days should be furnished in condone delay petition.

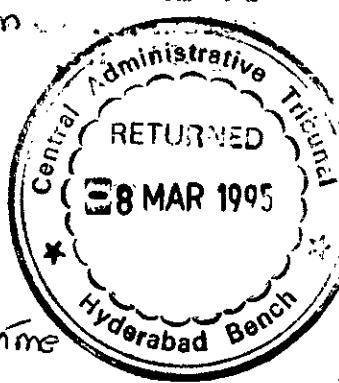
Hyderabad Districts.

In the Central Admin. tribunal at Hyderabad.

M.A. NO. 802/95.

in

O.A. NO. 92 of 1992.



M.A. to condone the delay in filing the L.R. Application.

Directions 1, 2 and 4 confirmed
with

With regard to direction no. 3,
it is represented that, the proposed
applicant is taking steps to obtain
the death certificate. Therefore,
the same is filed as and when
available or before dispensed by
the Court.

Recd 26/3/95 Ramam
f N.V. Ramam
A

SHRI M.P.CHANDRAMOULI.

Counsel for Applicant.



A dispense with filing in Hyderabad be filed for not filing death certificate.

Application filed under Sec. 5 of the Limitation Act.

IN THE ~~MAXIMUM~~ CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

M.A. NO. 862/1995.

in

O.A. NO. 92 /1992.

Between :-

1. M.Jaya Rao (died)

.. Applicant.

2. M.Sakku Bai W/o M.Jaya Rao,
aged about 56 years, H.No.116/1,
Srinagar Colony, Tirumalagiri,
Secunderabad-3.

Proposed 2nd Applicant
in the above O.A. as
some L.R. of deceased
Applicant.

And

1. Chief of Air Staff
AIR Head quarters, New Delhi-11

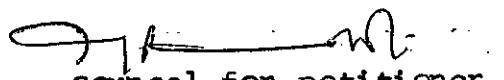
2. Air Officer, Personnel
Air Head quarters, New Delhi-11.

3. Chief Officer,
The Head Quarters training Command-IAF
Bangalore-6.

4. the Air Officer Commanding
AIR Force Station, Hakimpet, Hyderabad. .. Respondents.

For all the reasons stated in the accompanying
affidavit the petitioner/applicant herein prays that this
Hon'ble Tribunal may be pleased to condone the delay
of 230 days in filing the L.R. Application and pass
such order(s) as this Hon'ble Court/Tribunal may deem
fit and proper as otherwise the applicant will be put to
serious and irreparable loss and hardship.

Hyderabad.
Dt: 20-2-1995.


Counsel for petitioner.

MA 799/95 in MA 92/52

Date : Office Note

ORDER

13-9-95

In the circumstances referred to
the delay of 213 days in filing the
LR application (MA SR 798/95)
is condoned.

Register the MA SR 798/95.

MA is ordered accordingly.

2
HABG
M(A)

X
HVN RJ
VC