

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD,

RA No.

196 W.

O.A. NO.

949

of 1990.

G. Appala Naidu & 78t.

Applicant(s)

V E R S U S

C.E. (Navy) 9, & R.S1, Area, Visachapatnam &

30t

Respondent(s)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL

ANNEXURE - I

Form of INDEX

List of papers in ~~MA/CP/RA/NO~~

6. in OA. NO. 949 1996

Serial No. of papers on record part - I	Date of papers or Date of filing	Description of papers	Remark
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1/21/96 Petition
for
Affidavit

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD BENCH
R & V 96 (C.Y.R. 17 of C.A.T.R. 1996)

O.A. No. 969

of 1996

Between:

1. G.Appala Naidu s/o Appalu, Mazdoor, aged about 32 yrs, r/o Vepagunta(P.O) Visakhapatnam.
2. K.Appala Naidu s/o Tatallu, Mazdoor, aged about 34 yrs, r/o Peddanarava, Visakhapatnam
3. R.Appalaswamy, s/o Tattallu, Mazdoor, aged about 32 yrs, r/o Padmanagar, via Vepagunta, Visakhapatnam
4. V.Simhachalam s/o Mahalaxmi, Mazdoor, aged 31 yrs, r/o Chinnagantyada, Gajuwaka, Visakhapatnam
5. G.Venkata Swamy s/o Kondaiah, Mazdoor, aged 33 yrs, r/o Kothakarnodipalem, via vepagunta, Visakhapatnam
6. P.Appa Rao s/o Demudu, aged about 32 yrs, Vepagunta, Visakhapatnam
7. V.Kananaka Rao, s/o Pentaiah, aged 33 yrs, Mazdoor, r/o Kothakarnodipalem, via Vepagunta, Visakhapatnam
8. P.Chandra Rao s/o Samudrudu, Mazor, aged about 31 yrs, r/o Padmanagar, via Vepagunta, Visakhapatnam

.. Appellants

and

1. The Chief Engineer (Navy) 9, IRSD Area, Visakhapatnam-9.
2. C.W.E.(P), Dry Deck, Naval Base Post, Visakhapatnam-14
3. Garrison Engineer (P) E/W, C/o CEW (P) D.D., Naval Base Post, Visakhapatnam-14
4. Engineer-in-Chief, E n C's Branch, AHC, DHQ Post, Kashmeri House, New Delhi.

.. Respondents.

Facts of the case :

1. The petitioners herein are the applicants in O.A.No. of 1993. The said O.A. was filed seeking direction to the respondents to treat them as regular industrial workers from the date of their initial appointment as casual mazdoor, in the existing vacancies with all consequential benefits by providing preferential treatment. The applicants have worked in the Dry Dock during the years 1977 to 1981 and their services were disengaged on the ground that the work was completed. Some of the workers have approached this Hon'ble Tribunal and on a direction by the Tribunal they were continued/absorbed into regular service.
2. Some of the applicants who were similarly situated like these petitioners have filed O.A.No.389 of 1993 and this Hon'ble Tribunal disposed off the O.A. on 16-3-1994 wherein a direction was given to engage the petitioners whenever the vacancies arise on preferential basis. However, this Tribunal observed that the O.A. was dismissed. The same order was passed in this O.A. also as it is covered by the said decision. The petitioners in O.A.No.389 of 1993 have filed review applications and this Hon'ble Tribunal was pleased to review the earlier orders. As the earlier orders were reviewed in O.A.No. 389 of 1993, the petitioners herein are also seeking the same direction on the same grounds in this O.A. also as the applicants herein are similarly situated.
3. As the review application in O.A.No.389 of 1993 was pending consideration of this Hon'ble Tribunal, the applicants herein could not file their review petition as their cases are sparingly covered by the decision of this Hon'ble Tribunal in that O.A. The petitioners have acquired the right to file the review application only after the decision rendered by this

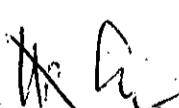
:: 3 ::

Honourable Tribunal in O.A.No.389 of 1993. In the process of waiting for a just decision, there was a delay in filing the present review applications. The petitioners have also filed a separate delay condone petition for condonation of the delay occurred in filing this petition. The delay in filing the review applications is caused only due to the aforesaid reasons and the same is not intentional. Hence, it is just and proper to condone the delay.

4. This Hon'ble Tribunal has already reviewed the order dated 16-3-1994 in O.A.No.389 of 1993 and basing on the above decision our O.A. was disposed off. As the order in O.A.No.389 of 1993 was reviewed, it is prayed that this Hon'ble Tribunal may be pleased to also review the order in O.A.No.949 of 1993 dated 20.6.93 and pass such other order as it deems fit and proper in the circumstances of the case.

Verification

I, the above named petitioner/applicant herein, do hereby declare that the facts stated in the above mentioned paras are true to the best of my knowledge, belief and information. Hence, verified on this the 28.th day of ^{Dec} February 1995.


Applicant

Counsel for Applicant.

Rev 886

OA 949/92



Review Petition
(cyr 17 & CAT Rule)

V. V. Ramanan
Dr

Before the Central Administrative Tribunal, Hyderabad Bench,
Hyderabad. (Sly 17 of C.A.T. Roll)

R.A.No. of 1995 in R.A.No. of 95
in
O.A.No. 949 of 1995

Between:

G Appala Nene & ..Petitioners/appellants

and

The Union of India, rep. by its Secretary,
(Defence), New Delhi & others ..respondents/respds.

AFFIDAVIT FILED BY THE PETITIONER

I, G Appala Nene s/o Appala aged
38 years, Occ: Employee r/o. Visakhapatnam, having temporarily come
down to Hyderabad, do hereby solemnly affirm and state on oath as follows:

1. I am the first petitioner herein and as such I am well acquainted with the facts of the case.
2. We have filed the petition for review the order passed by this Hon'ble Tribunal. The contention raised in the petition may be read as part of this affidavit. The petitioner is praying for reviewing the order.

It is therefore prayed that this Hon'ble Court/Tribunal may be pleased to review the order passed by this Hon'ble Tribunal on 22.1.94 in O.A.No. 949 of 1995 and grant such other relief as it deems fit in the circumstances of the case.

Sworn & signed before me on
this the 8th day of April, 1995
at Hyderabad.

W. B. N. N.
Defendant

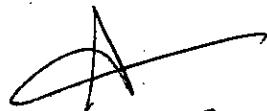
Before me;
Advocate, Hyderabad.

ANNEXURE - I

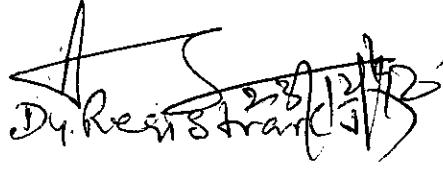
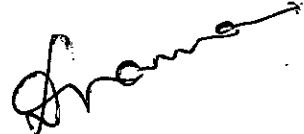
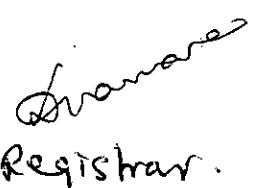
List of Papers in Original Application No.

949/92

Sl.No. Of Papers.	D Date of Papers or Date of Filing.	Description Of Papers.
	22.4.94	b.o.t - Part - I Original Judgement
		O.A. & Material Papers.
		Counter
		Reply Counter.
PART - I,	/	
PART -- II,	/	
PART --- III		
		Destroyed.


21-4-94.

OA 949/92 4 MA 1149/92

Date	Office Note	Orders
		Shri N.R. Devaraj, learned counsel for the respondent has reservations on the MA filed seeking permission to file a single petition. He will cover this point also in the counter. 2A HRBS M(A)
23.12.92	<u>Service</u> RMs-1 to 3 Served. R-4 NSNR <u>Before the D.R.(J)</u> for steps	Await Service of notice at R-4. Call on 6.1.93. 
6.1.93	<u>Before the Registrar</u> for steps Postal Verification on 12/1/93	Verify through RMS for Service of notice at R-4. Call on 4-2-93. 
4.2.93	<u>Before the Registrar</u> for steps	Await reply from RMS for Service of notice at R-4. Call on 4-3-93. 
	R-4 served on 30.11.92 Vide Postal Dept Ltr dt. 10.2.93	

Notice
in OMAN
on 20/12/92

23/12

Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./P.A. No. 949/92 19

Versus

Applicant (s)

Respondent (s)

Date	Office Note	Orders
24-3-93	<u>Before the D.R.(CJ)</u> for counter	Even after granting 6 weeks time for filing counter, the counter is not filed. Hence post before court for orders
8/3/93		<p>At request of the Standing Counsel for the respondents 6 weeks time is granted to the respondents to file their counter. List the OA for final hearing after the pleadings are complete.</p> <p>HTCSR (16)</p>
22/4/94	Counter filed by Mr. M. S. Devaraj, B.A.W.L. on 19/7/93.	<p>OA disposed of vide orders on separate sheets. no case.</p> <p>T.C.L HTCSR M.C.J</p> <p>HASU M.C.J</p>

(P.T.O.)

Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No.

929

19.9.2

G. Appala Raju & others

Versus

Ten Chief Engineers (Name) & I.R.S.D. Respondent (s)

Versatoshan - 8th Oct 3000

Date	Office Note	Orders
30-10-92		<p>Mr. V. Venkata Ramana, for the applicant and Mr. M.R. Devraj, for the respondents are present.</p> <p>Mr. Venkata Ramana represents that the applicants herein are stand on identical footing to the applicants in the OA. 1194/91, that is said to have been disposed of by Division Bench of the Tribunal on 16-10-92. In view of the contention of Mr. Venkata Ramana, list this OA for admission hearing on 3-11-92. The office shall put up OA. 1194/91, which was disposed of on 16-10-92 along with OA. 1195/92. OA. 1195/92 is filed for permission to file a single OA for orders on 3-11-92.</p>
3-11-92		<p>T. C. Ramamurthy Hress H.C.</p> <p>It is stated that similar OA. 1194/91 is decided by Division Bench consisting of HRBS, M(6) and HCJR. M(7). It is the argument of the learned Counsel for the applicant that similar orders as in OA. 1194/91 are liable to be passed in this OA also. In view</p>

2
OA 949/92

Date	Office Note	Orders
3/11/92 Contd....		<p>of this position list this OA before the same Bench on 4.11.92. Mr. Devraj, for the respondents <u>present</u>.</p> <p>List OA. 1194/92 ^{also} for orders on the same day ⁽⁴⁻¹¹⁻⁹²⁾ before the same Bench.</p> <p>T - C. on HCSR M(J)</p>
4.11.92		<p>At the request of applicant's counsel list it on 11-11-92.</p> <p><u>T</u> ^{notary} HRRB M(A) ^{HCSR} M(J)</p>
11-11-92		<p>When the case was called, while Shri Vedula Venkataramana contended that this is a covered case by the decision dated 16-10-92 in OA No. 1194/91 with the only difference that the applicants therein had <u>undergone</u> through the interview while the appli- cants in this OA had not gone through the interview. It was the case of Shri N.R. Devaraj, learned counsel for the respondent that the case is not covered by the decision referred above. Under these circumstances, we would like to have a detailed counter.</p> <p>Admit. 6 weeks notice ^{may be} given to the respondents file a counter with an advance copy to the respondents.</p>

Rsm/-

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

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

ORIGINAL APPLICATION NO.

949 OF 199

TRANSFERR APPLICATION NO.

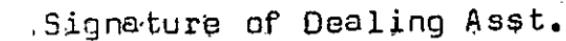
OLD PETN. NO.

.F 11

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

Dated: 21/5/94. AD 10. 10.

Counter Signed:  Signature of Dealing Asst.

Section Officer/Court Officer,

Rsm/-

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 949/92

Dt. of Decision : 22.4.1994.

1. G. Appala Naidu
2. K. Appala Naidu
3. R. Appalaswamy
4. V. Simhachalam
5. G. Venkata Swamy
6. P. Appa Rao
7. V. Kannaka Rao
8. P. Chandra Rao

.. Applicants

Vs

1. The Chief Engineer (Navy)
9, IRSD Area,
Visakhapatnam - 8.
2. C.W.E. (P), Dry Dock,
Naval Base Post,
Visakhapatnam - 530 014.
3. Garrision Engineer,
(P) E/W, C/o. CWE (P) D.D.,
Naval Base Post,
Visakhapatnam - 14.
4. Engineer-in-Chief,
ENC's Branch,
AHQ., DHQ. POST,
Kashmeri House,
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. V. Venkataramana

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

..2

ORDER

(As per Hon'ble Shri T. Chandrasekhara Reddy, Member(Judl.))

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents herein to treat the applicants as Industrial Employees and absorb them in the existing vacancies with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. OA 389/93 had been filed by persons similarly placed to the applicants herein. The facts in this OA and in OA389/93 are one and the same. After hearing both sides, OA 389/93 was disposed of by the Bench of this Tribunal as per its Judgement dated 16.3.94 by giving certain directions to the respondents. After hearing both sides in this OA, this OA is also liable to be disposed by giving the very same directions as given in OA 389/93. Hence this OA is disposed of by giving the very same directions that had been given in OA 389/93 which are as under:

"In the result, the claim of the applicants is rejected and the OA is dismissed. As and when it becomes necessary for the respondents to engage labour on casual basis, the respondents shall give preference in engaging the applicants herein if there is work; provided, the applicant(s) produce any material that is acceptable to the respondents that the applicant(s) had worked during the period 1978 to 1980. Even if the applicant(s) fail to produce any such acceptable material and if the respondents have in their possession any such acceptable material to show that the applicant(s) had worked during the period 1978-80 on casual basis, then also the respondents shall give preference to the applicants herein for engaging them. If the applicant(s) are engaged, it should be construed for all purposes, as if freshers are engaged. As and when vacancies become available, the applicant(s) shall be absorbed in the said vacancies in accordance with the relevant instructions/rules/regulations. Once again, we make

18
..3..

it clear that the past service of the applicant(s) during the period 1978-80 will not be of any avail to them either for the purpose of regularisation or for the purpose of seniority."

3. Parties shall bear their own costs.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member(Jud1.)

A.B. Gorthi
(A.B. GORTHI)
Member(Admn)

Dated: 22.4.94

mvl

Jyoti
Deputy Registrar(Jud1.)

Copy to:-

1. The Chief Engineer(Navy) 9, IRSO Area, Visakhapatnam-8.
2. C.W.E.(P), Dry Dock, Naval Base Post, Visakhapatnam-14.
3. Garrison Engineer(P) E/W, C/o CWE(P) D.O., Naval Base Post, Visakhapatnam-14.
4. Engineer-in-Chief, ENC'S Branch, AHQ., DHQ, Post, Kashmeri House, New Delhi.
5. One copy to Sri. V.Venkataratnam, advocate, 62/2RT, Saidabad Colony, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

OA-949/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

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

Dated: 22/4/1994

ORDER/JUDGMENT

O.A./R.A./C.A./NO.

O.A.NO.

in
949/92

T.A.NO. (w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

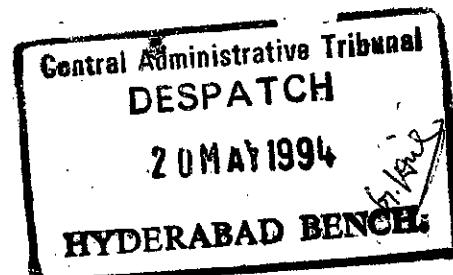
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



ORDER

[As per Hon'ble Shri T. Chandrasekhara Reddy, Member(Judl.)]

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents herein to treat the applicants as Industrial Employees and absorb them in the existing vacancies with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. OA 389/93 had been filed by persons similarly placed to the applicants herein. The facts in this OA and in OA 389/93 are one and the same. After hearing both sides, OA 389/93 was disposed of by the Bench of this Tribunal as per its Judgement dated 16.3.94 by giving certain directions to the respondents. After hearing both sides in this OA, this OA is also liable to be disposed by giving the very same directions as given in OA 389/93. Hence this OA is disposed of by giving the very same directions that had been given in OA 389/93 which are as under:

"In the result, the claim of the applicants is rejected and the OA is dismissed. As and when it becomes necessary for the respondents to engage labour on casual basis, the respondents shall give preference in engaging the applicants herein if there is work; provided, the applicant(s) produce any material that is acceptable to the respondents that the applicant(s) had worked during the period 1978 to 1980. Even if the applicant(s) fail to produce any such acceptable material and if the respondents have in their possession any such acceptable material to show that the applicant(s) had worked during the period 1978-80 on casual basis, then also the respondents shall give preference to the applicants herein for engaging them. If the applicant(s) are engaged, it should be construed for all purposes, as if freshers are engaged. As and when vacancies become available, the applicant(s) shall be absorbed in the said vacancies in accordance with the relevant instructions/rules/regulations. Once again, we make

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

O.A. 949/92

Dt. of Decision : 22.4.1994.

1. G. Appala Naidu
2. K. Appala Naidu
3. R. Appalaswamy
4. V. Simhachalam
5. G. Venkata Swamy
6. P. Appa Rao
7. V. Kannaka Rao
8. P. Chandra Rao

.. Applicants



Vs

1. The Chief Engineer (Navy)
9, IRSD Area,
Visakhapatnam - 8.
2. C.W.E.(P), Dry Dock,
Naval Base Post,
Visakhapatnam - 530 014.
3. Garrission Engineer,
(P) E/W, C/o. CWE(P) D.D.,
Naval Base Post,
Visakhapatnam - 14.
4. Engineer-in-Chief,
ENC's Branch,
AHQ., DHQ. POST,
Kashmeri House,
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. V. Venkataramana

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

it clear that the past service of the applicant(s) during the period 1978-80 will not be of any avail to them either for the purpose of regularisation or for the purpose of seniority."

3. Parties shall bear their own costs.

CERTIFIED TO BE TRUE COPY

D.S. V. Amandeep
Date..... 5/1/94

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

Copy to:-

1. The Chief Engineer(Navy) 9, IRSO Area, Visakhapatnam-8.
2. C.W.E.(P), Dry Dock, Naval Base Post, Visakhapatnam-14.
3. Garrison Engineer(P) E/W, C/o CWE(P) D.O., Naval Base Post, Visakhapatnam-14.
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6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. ~~One spare copy.~~

Rsm/-

ANNEXURE

FORM OF INDEX

RA 88. 978/96.
List of papers in MA/GR/RA/NO. 261 | 96/in OA. NO. 949/1992

Serial No. of papers on record part-I	Date of papers or Date of filing	Description of papers	Remark
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1/2/96. Petition
&
Affidavit



Condone delay
days 5th instant Ad

V. V. Rama Rao

Before the Central Administrative Tribunal, Hyderabad Bench,
Hyderabad.

R.A.No.0.

261

of 1996 in R.A.No. ⁸⁷

278 of 96

in

R.A.No.

949 of 1995

Between:

Gopala Naidu ..petitioner/appellts.

and

C.S.(Navy) 9, 2820 Area

The Union of India, rep. by its ~~Secretary~~
(Defence), New Delhi & others ..respondents/respdts.
Visakhapatnam

BRIEF FACTS OF THE CASE:

1. We have filed an affidavit explaining the reasons for the delaying in the filing of the review petition. The contents of the affidavit may be read as part of this Petition. The delay in filing of the petition is neither wilful nor wanton.

It is therefore prayed that this Hon'ble Court/tribunal may be pleased to condone the delay ~~of~~ ^{one year} 10 months in filing the review application, and grant such other relief as it deems fit and proper in the circumstances of the case.

VERIFICATION

I, the above named first petitioner, do hereby declare that the facts stated above are true to the best of our knowledge and belief and hence verified on this 14th day of ~~March~~ ^{Feb}, 1995 at Hyderabad.

Georgew
Petitioner
Counsel for Petitioners

Hyderabad

28-3-1995

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BRANCH

(u/s 5 of Constitution Act)

M.A.No. 261 of 96 in R.A.No. 278 of 96

in
O.A.No. 949 of 1993

Between :

G A Pala Naidu ... Petitioners/
Appellants
And C & (Neary) 9380 Area

The Union of India, rep. by its Secretary, ... Respondents/
(Defence), New Delhi and others. Respondents
Visakhapatnam.

AFFIDAVIT FILED BY THE PETITIONER

I, G A Pala Naidu, s/o A. P. N. ... aged about 35 years, Occu : employee, r/o Visakhapatnam, having temporarily come down to Hyderabad, do hereby solemnly affirm and state on oath as follows :-

1. I am the first petitioner herein and as such I am well acquainted with the facts of the case.
2. We have filed the above O.A. for direction to the respondents to regularise our services in the category of mazdoor. This Hon'ble Tribunal by its order dated 26-3-1994 issued directions to the respondents to engage the petitioners on preferential basis whenever the vacancies arises and according to the Rule. However, this Hon'ble Tribunal has stated that the O.A. is rejected/dismissed. The entire discussion in the order is in favour of the petitioners. When the matter was taken for implementation the authorities have not implemented the order and on seeing the word "dismissed". We filed a review petition and there was a delay in filing the review petition. The grounds of review may be read as part of this petition.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the review application in O.A.No. 949 of 1993 and grant such other relief as it deems fit in the circumstances of the case.

Deponent

Sworn and signed before me on
this the 28 day of Dec 95, at
Hyderabad.

Before me,
D. S. S.
Advocate, Hyderabad.

DEFENCE

ORIGINAL

MA 261/96 in RASR 278/96

in OA 949/92

6-9-96

MA dismissed vide orders. No costs.

Ch 61A
(HHRP)
M(A)

hmk
(HMGCC)
VC

THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

MA NO. *261/96* in

P.A. NO. *278* /96.

IN

O.A. NO. *949* /92.

To condon the delay of 1 year
to monty in filing EA

Mr. V.N. Ramaia

COUNSEL FOR THE APPLICANTS

AND

MR. N.R. Deva Raj

Sr. Addl. Standing counsel
for C.G. Rlys.

Oral (Orders per Hon'ble Justice Sri M.G.Chaudhari,
Vice-Chairman).

— — —
Counsel for the applicant Sri V.V.Ramana is absent.

Sri N.R.Devaraj for the Respondents heard. There is no satisfactory ground to condone the delay of nearly one year 10 months in filing the review application. Simply because in some other case some order on review was passed, that does not mean that the applicant could not have on his own applied for review earlier. Sri N.R.Devaraj strongly opposed the condonation of delay. As we are not satisfied with the reasons stated in the accompanying affidavit of delay condonation petition, the M.A. dismissed. No costs.

प्राप्तिकरण
CE. COPY TO BE TRUE COPY

Surendra
जायत्रा निकारी
COURT OFFICER
केंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद वायरेंस
HYDERABAD BENCH
8/10/96

MA 261/96-000
केस नंबर
CASE NUMBER A 949/92
दिनांक
Date of : 6-9-96
प्राप्ति
COPY : 10-96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 261/96 in RASR 278/96 in DA 949/92

DATE OF ORDER : 6-9-96

Between :-

1. G.Appala Naidu	6.P.Appa Rao
2. K.Appala Naidu	7.V.Kananaka Rao
3. R.Appalaswamy	8.P.Chandra Rao
4. V.Simhachalam	... Appellants
5. G.Venkata Swamy	

And

1. The Chief Engineer (Navy) 9, IRSO Area, Visakhapatnam-9.
2. C.W.E.(P), Dry Dock, Naval Base Post, Visakhapatnam-14
3. Garrison Engineer (P) E/W, C/o CEW (P) D.O., Naval Base Post, Visakhapatnam-14.
4. Engineer-in-Chief, E n C's Branch, AHC, DHQ Post, Kashmeri House, New Delhi.

... Respondents

-- -- --

Counsel for the Applicants : Sri V.V.Ramana

Counsel for the Respondents : Sri N.R.Devaraj, Sr.CGSC

CORAM:

THE HON'BLE JUSTICE SRI M.G.CHAUDHARI : VICE-CHAIRMAN *hcl*

THE HON'BLE SRI H.RAJENDRA PRASAD : MEMBER (A) *8/15*

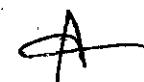
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.... 2.

ANNEXUPE - I

List of Papers in Original Application No. 949/91

MA 261/96 W.R.A. 278/96

Sl. No. of Papers.	Date of Papers or Date of Filing.	Description Of Papers.
	6-9-96	Part - I Original Judgement
	1-2-96	O.R. & Material Papers. Counter
		Reply Counter.
PART - I	PART -- II, PART --- III Destroyed.	 21-4-99.

M A 261/96
RAEBR 278196
in CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

RECORD SECTION INDEX SHEET
O.A.No. 949/1992

a) Applicant(s) G. Appala Naidu & Ors.
versus

b) Respondent(s) The Chief Engineer (Navy) & I.R.S.D Area
W/Salebar fatman - 9 2 3 m.

Sl. No. Description of Documents. page No.

Part I

Order Sheet	1
Original Application	1. 296
Material Papers	2-5
Order dt.	6. 9. 96
Counter Affidavit.	
Reply Affidavit.	
Order dated.	6-9.

Part II

Duplicate Order Sheet.
" Application.
" Material Papers
" Order dt.
" Counter Affidavit.
" Reply Affidavit.
" Order dated.

Part III

Vakalat
Notice Papers.
Memo of Appearance.

29/11/96

27

CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH: AT HYDERABAD.

~~THE HON'BLE MR. JUSTICE V. NEELEADRI RAO, VICE-CHAIRMAN.~~

AND

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

AND

~~THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMN.)~~

THE HON'BLE MR. T. CHANDRASEKHARA REDDY: MEMBER (ADM.)

(Retired)

MA. 261/96 in (Condone delay)

REVIEW APPLICATION NO. 278 OF 1996

in

ORIGINAL APPLICATION NO. 949 OF 1992

The above Review Application has been filed for review of the Judgement of the Bench dated 20.4.93 of the Tribunal consisting of Hon'ble Mr. Justice V. Neeladri Rao, Vice-Chairman and Hon'ble Mr. T. Chandrasekhara Reddy (I) Hon'ble Mr. A. B. Gorthi, Member (A) and Hon'ble Mr. R. Rangarajan, Member (A) in Original Application No. 949 of 1992.

Circulated as per Rule 49 of the Central Administrative Tribunal Rules of practice, 1996.

Submitted.

29/3

27/6/96
gorthi

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

RA NO. 196

O.A. NO. 949 of 1992

G. Appala Naidu & 7th

Applicant(s)

V E R S U S

C.E. (Navy) 9, 28th, Axis, Visakhapatnam

30th

Respondent(s)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL

ANNEXURE

FORM OF INDEX

List of papers in ~~MA/CP/RA/NO.~~ 96/in OA.NO. 949/1992

Serial No. of papers on record part-I	Date of papers or Date of filing	Description of papers	Remark
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12/96. Petition

A
Affidavit

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD BENCH
Ref. No. 96 of 1996 (CAT 26)

O.A. No. 949 of 1996

Between:

1. G.Appala Naidu s/o Appalu, Mazdoor, aged about 32 yrs, r/o Vepagunta(P.O) Visakhapatnam
2. K.Appala Naidu s/o Tatallu, Mazdoor, aged about 34 yrs, r/o Peddanarava, Visakhapatnam
3. R.Appalaswamy, s/o Tattallu, Mazdoor, aged about 32 yrs, r/o Padmanagar, via Vepagunta, Visakhapatnam
4. V.Simhachalam s/o Mahalaxmi, Mazdoor, aged 31 yrs, r/o Chinnagantyada, Gajuwaka, Visakhapatnam
5. G.Venkata Swamy s/o Kondaiah, Mazdoor, aged 33 yrs, r/o Kothakarnodipalem, via vepagunta, Visakhapatnam
6. P.Appa Rao s/o Demudu, aged about 32 yrs, Vepagunta, Visakhapatnam
7. V.Kananaka Rao, s/o Pentaiah, aged 33 yrs, Mazdoor, r/o Kothakarnodipalem, via Vepagunta, Visakhapatnam
8. P.Chandra Rao s/o Samudrudu, Mazor, aged about 31 yrs, r/o Padmanagar, via Veppagunta, Visakhapatnam

.. Appellants

and

1. The Chief Engineer (Navy) 9, IRSD Area, Visakhapatnam-9.
2. C.W.E.(P), Dry Deck, Naval Base Post, Visakhapatnam-14
3. Garrison Engineer (P) E/W, C/o CEW (P) D.D., Naval Base Post, Visakhapatnam-14
4. Engineer-in-Chief, E n C's Branch, AHC, DHQ Post, Kashmeri H_ouse, New Delhi.

.. Respondents.

(2)

Facts of the case :

1. The petitioners herein are the applicants in O.A.No. of 1993. The said O.A. was filed seeking direction to the respondents to treat them as regular industrial workers from the date of their initial appointment as casual mazdoor, in the existing vacancies with all consequential benefits by providing preferential treatment. The applicants have worked in the Dry Dock during the years 1977 to 1981 and their services were disengaged on the ground that the work was completed. Some of the workers have approached this Hon'ble Tribunal and on a direction by the Tribunal they were continued/absorbed into regular service.
2. Some of the applicants who were similarly situated like these petitioners have filed O.A.No.389 of 1993 and this Hon'ble Tribunal disposed off the O.A. on 16-3-1994 wherein a direction was given to engage the petitioners whenever the vacancies arise on preferential basis. However, this Tribunal observed that the O.A. was dismissed. The same order was passed in this O.A. also as it is covered by the said decision. The petitioners in O.A.No.389 of 1993 have filed review applications and this Hon'ble Tribunal was pleased to review the earlier orders. As the earlier orders were reviewed in O.A.No. 389 of 1993, the petitioners herein are also seeking the same direction on the same grounds in this O.A. also as the applicants herein are similarly situated.
3. As the review application in O.A.No.389 of 1993 was pending consideration of this Hon'ble Tribunal, the applicants herein could not file their review petition as their cases are sparingly covered by the decision of this Hon'ble Tribunal in that O.A. The petitioners have acquired the right to file the review application only after the decision rendered by this

Honourable Tribunal in O.A.No.389 of 1993. In the process of waiting for a just decision, there was a delay in filing the present review applications. The petitioners have also filed a separate delay condone petition for condonation of the delay occurred in filing this petition. The delay in filing the review applications is caused only due to the aforesaid reasons and the same is not intentional. Hence, it is just and proper to condone the delay.

4. This Hon'ble Tribunal has already reviewed the order dated 16-3-1994 in O.A.No.389 of 1993 and basing on the above decision our O.A. was disposed off. As the order in O.A.No.389 of 1993 was reviewed, it is prayed that this Hon'ble Tribunal may be pleased to also review the order in O.A.No.949 of 1992 dated 20-4-93. and pass such other order as it deems fit and proper in the circumstances of the case.

Verification

I, the above named petitioner/applicant herein, do hereby declare that the facts stated in the above mentioned paras are true to the best of my knowledge, belief and information. Hence, verified on this the 28th day of ^{Dec} February 1995.

W.G. Law
Applicant

Counsel for Applicant.

Review Petn

Review P 0296

in

O.A. Pp 9/92

Review Petn

Ex/R 17 CAT 10



Regd
S. M. A. B.
1.2.96
N. R. D.
22

V. V. Ramana

Advocate

Regd
22/2/96

Before the Central Administrative Tribunal, Hyderabad Bench,
Hyderabad.

M.A.No.

of 1995 in R.A.No.

of 95

in

O.A.No.

949

of 1995

Between:

G Appala Naik ..Petitioners/appellants

and

by its Ct, (Navy)

The Union of India, rep. by its Secretary,
(Defence), New Delhi & others. respondents/resptds.

9280 dated 23rd October 1994

AFFIDAVIT FILED BY THE PETITIONER

I, G Appala Naik s/o Appala aged
35 years, Occ: Employee r/o. Visakhapatnam, having temporarily come
down to Hyderabad, do hereby solemnly affirm and state on oath as follows:

1. I am the 1st petitioner herein and as such I am well
acquainted with the facts of the case.

2. We have filed the petition for review the order passed
by this Hon'ble Tribunal. The contention raised in the petition
may be read as part of this affidavit. The petitioner is
praying for reviewing the order.

It is therefore prayed that this Hon'ble Court/
Tribunal may be pleased to review the order passed by this
Hon'ble Tribunal on 23.10.94 in O.A.No. 949 of 1995 and
grant such other relief as it deems fit in the circumstances
of the case.

Sworn & signed before me on
this the 23rd day of October 1995
at Hyderabad.

Re: Appala Naik
Defendant

Before me;
Advocate, Hyderabad.

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 261/96 in RASR 278/96 in OA 949/92

DATE OF ORDER : 6-9-96

Between :-

1. G.Appala Naidu	6.P.Appa Rao
2. K.Appala Naidu	7.V.Kananaka Rao
3. R.Appalaswamy	8.P.Chandra Rao
4. V.Simhachalam	
5. G.Venkata Swamy	... Appellants

And

1. The Chief Engineer (Navy) 9, IRSD Area, Visakhapatnam-9.
2. C.W.E.(P), Dry Dock, Naval Base Post, Visakhapatnam-14
3. Garrision Engineer (P) E/W, C/o CEW (P) D.O., Naval Bass Post, Visakhapatnam-14.
4. Engineer-in-Chief, E n C's Branch, AHC, DHQ Post, Kashmeri House, New Delhi.

... Respondents

--- --- ---

Counsel for the Applicants : Sri V.V.Ramana

Counsel for the Respondents : Sri N.R.Devaraj, Sr.EGSC

--- --- ---

CORAM:

THE HON'BLE JUSTICE SRI M.G.CHAUDHARI : VICE-CHAIRMAN *hsl*

THE HON'BLE SRI H.RAJENDRA PRASAD : MEMBER (A) *Q* *45*

--- --- ---

Oral (Orders per Hon'ble Justice Sri M.G.Chaudhari,
Vice-Chairman).

-- -- --

Counsel for the applicant Sri V.V.Ramana is absent.

Sri N.R.Devaraj for the Respondents heard. There is no satisfactory ground to condone the delay of nearly one year 10 months in filing the review application. Simply because in some other case some order on review was passed, that does not mean that the applicant could not have on his own applied for review earlier. Sri N.R.Devaraj strongly opposed the condonation of delay. As we are not satisfied with the reasons stated in the accompanying affidavit of delay condonation petition, the M.A. dismissed. No costs.

H.R.P.
(H.RAJENDRA PRASAD)
Member (A)

M.G.C.
(M.G.CHAUDHARI)
Vice-Chairman

Dated: 6th September, 1996.
Dictated in Open Court.

H. A. M. 17/9/96
Deputy Registrar

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ANSWER TO A QUESTION

AMERICAN SOUTHERN
AMERICAN HOME TOWNS EAST TEXAS

ANALYSIS OF THE

THE UNIVERSITY LIBRARIES OF THE STATE OF TEXAS

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(8)

0.A.949/92

To

1. The Chief Engineer(Navy)9, IRSD Area,
Visakhapatnam-9.
2. The C.W.E.(P) Dry Dock, Naval Base Post,
Visakhapatnam14
3. The Garrison Engineer(P) E/W,
C/o CEW (P) D.D.Naval Base Post,
Visakhapatnam-14.
4. The Engineer-in-Chief, E n C's Branch,
AHC, DHQ, Post, Kashmeri House,
New Delhi.
5. One copy to Mr.Sri V.V.Ramana, Advocate, CAT, Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

9/10/96
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 6 - 9 - 1996

ORDER / JUDGMENT

M.A/R.A./C.A. No. 261/96, RPSR. 278/96,
in

O.A.No.

949/92

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

Central Administrative Tribunal
HYDERABAD DESPATCH

30 OCT 1996

Hyderabad
HYDERABAD