

ANNEXURE - I

List of papers in Original Application No.

95/92

Sl. No. Of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
	22-2-95	part I original Judgement
	5-2-92	O.A. & Material Papers.
	19-8-93.	Counter
		Reply Counter

PART - I

PART - II,

PART - III

Destroyed.

A

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

RECORD SECTION INDEX SHEET

O.A.No.

95

1992

a) Applicant (s) P. Krishnamurthy

Versus

b) Respondent (s) Collector of Central Excise

Sl.No.	Part. I Description of Documents.	Page No.
	Order Sheet	182
	Original Application	3 to 9
	Material Papers	10 to 24
	Order dated 7-2-92	25 to 26
	Counter Affidavit.	27 to 31
	Reply Affidavit	
	Order dated 22-2-95	32 to 37
	Part. II	
	Duplicate Order Sheet.	
	Application	
	Material Papers	
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	Part. III	
	Vakalat	✓
	Notice Papers	✓
	Memo of Appearance.	✓
		5/4/95

(3)

(1)

OA 95/92

Date Office Note

O R D E R

22.2.11

OA is ordered, vide Judgment
on separate sheet. No Costs.

D

HRRN
27(A)✓
HVRN
VC

17.6.91

juvenile

30.6.91

29.11.91

1.5.92

30.5.92

2.7.92

13
1

~~WY/EP~~

↓
LWS 5.02/02

↓ Applying here on refuges.

15/2

G A 207/2

Fields - East Bank

He did not go hunting.

Aug - 1981. Sept.

Fields were in Aug 1982.

Dec 1985: on way to

May 1986: res.

Feb 1987: on way to res.

Aug 1988: on way to res.

(see)

Sept 1989: res.

(see)

10.9.1

1.8.89

30.4.88

Central Administrative Tribunal

HYDERABAD BENCH

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

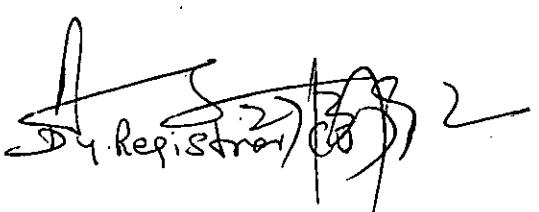
95/ 1992

Applicant (s)

P. Krishna Murthy

Versus

Collector of Central Excise & Customs, Hyd & Zoth Respondent (s)

Date	Office Note	Orders
7.2.92		<p>Mr. N. Narsing Rao, Advocate for the applicant and Mr. M. Jaganmohan Reddy, Advocate for the respondents are present. Heard As this is a fit matter for adjudication admit the OA. The respondents to file their reply to the OA within six weeks with a copy to the Advocate for the applicant. The applicant would be at liberty to file rejoinder if any within one week thereafter. Keep the case before the Registrar for directions after the pleadings are completed.</p> <p>Heard both sides on the question of interim relief. This is not a fit case to grant interim relief hence interim relief is refused. But we make it clear the promotions that are already made overlooking the seniority of the applicant and that are made in the future will be subject to the final outcome of the proceedings of this OA.</p> <p style="text-align: right;">S. R. (HTCSR) M(J)</p> <p>Even after giving 6 weeks time for filing counter, the counter is not filed. Hence Post the case in usual course</p> <p style="text-align: right;"></p>
7.3.92	<p>Service-</p> <p>R. Rs. 1 to 3 Served</p> <p>Before the D.R. (J)</p> <p>for directions</p>	

(P.T.O.)

17/2/92 203 293

2

CA 95192

DR 4

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 95 OF 1992

Shri P. Krishna Murty

Applicant(s)

Versus

Collector of Central Excise, Hyderabad

1/26u.

Respondent(s)

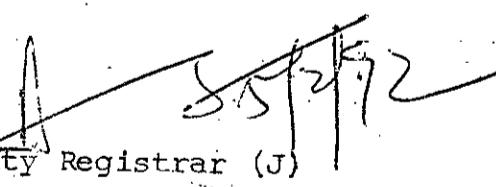
This Application has been submitted to the Tribunal by
Mr. N. Narasingha Rao

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 2/2.


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 ? *Y*

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

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

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

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

(a) Identical with the original *Y*

(b) Defective

(c) Wanting in Annexures

No/Page Nos?

d) Distinctly Typed ?

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

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

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

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

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

(a) Concise ? *Y*

(b) Under Distinct heads ? *Y*

(c) Numbered consecutively ? *Y*

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

18. Have the particulars for interim order prayed for, stated with reasons? *Y*

Ch

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

APPLICANT (S) *R.K. Murty*

RESPONDENT (S) *Collector of C-Esca, Hyd. L. 264.*

Particulars to be examined

Endorsement as to result
of examination

1. Is the application Competent ? *et*
2. (a) Is the application in the prescribed form ? *g*
(b) Is the application in paper book form ? *g*
(c) Have prescribed number complete sets of the application been filed ? *g*

3. Is the application in time ? *g*

If not by how many days is it beyond time ? *g*

His sufficient cause for not making the application in time, stated ? *g*

4. Has the document of authorisation / Vakalat name been filed ? *g*

5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *g*

6. Has the copy/copies of the order (s) against which the application is made, been filed ? *g*

7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? *g*

- (b) Have the documents referred to in (a) above duly attested and numbered accordingly ? *g*

- (c) Are the documents referred to in (a) above neatly typed in double space ? *g*

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH.

INDEX SHEET.

O.A. No.

951 1992

CAUSE TITLE

P. K. Murthy

VERSUS

Collector of C. E. & S. I. B., Hyderabad

Sl. No.	Description of Documents.	Page No
1.	Original Application	1 to 5
2.	Memorial Papers.	1 to 15
3.	Vakalat	1
4.	Objection Sheet	
5.	Speaker Copies 3 (Thru)	
6.	Covers. 3-A	

By a direction to the 1st Regt to Promote the Adjutants as
Lifeguards, or for his seniority. (3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BRANCH
AT HYDERABAD

Bundes

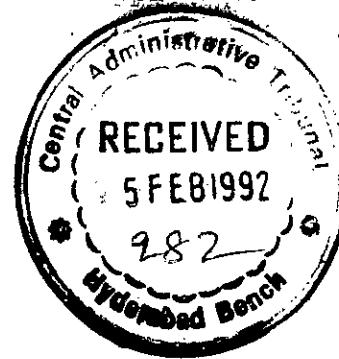
Between:-

P: Krishna Murthy

A N D

1. Collector of Central Excise & Customs, Basheerbagh, Hyderabad.
2. Collector of Central Excise & Customs, Kannavarithota, Guntur-4.
3. S. Sakthivel, Supdt.of Central Excise (Group-B) Collectorate, Central Excise, Hyderabad.

Applicant



Respondents

CHRONOLOGICAL EVENTS AND MATERIAL PAPERS INDEX

Sl.No.	Description	Annexure	Page No.
1.	Copy of Seniority List of Inspectors of Central Excise for the year 1991.	A-1	1-6
2.	Copy of promotion order of Inspector of Central Excise by Collector, Central Excise, vide Esst. Order(G.O) No.132/1991 Dt.26.8.91	A-2	7-11
3.	Copy of representation of the applicant to the Collector, Central Excise, Dt.28-8-1991.	A-3	12-13
4.	Copy of representation of the applicant to the Collector, Central Excise, Dt.29-8-1991.	A-4	14-15

Counsel for Applicant.

Paul com
N ~~Nepe~~ Big Red
H Bunker Red
C GSC
Hofed E M J Healey
Add. C GSC
\$ 12/91

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BRANCH
AT HYDERABAD

O.A. No.

95 of 1992

Between:-

P. Krishna Murthy

----- Applicant

AND

1. Collector of Central Excise & Customs, Basheerbagh, Hyderabad.
2. Collector of Central Excise & Customs, Kannavarithota, Guntur-4.
3. S. Sakthivel, Supdt. of Central Excise (Group-B) Collectorate, Central Excise, Hyderabad.

----- Respondents

1. DESCRIPTION OF THE APPLICANT:

- i) Name of the Applicant : P. Krishna Murthy
- ii) Father's Name : P. Subba Reddy
- iii) Designation and Office in which employed : Inspector, Central Excise, Tirupathi Division, at Tirupati, Chittoor District.
- iv) Office Address : Office of Central Excise, Tirupathi Division at Tirupathi, Chittoor District.
- v) Address for service of all notices : That of applicant's Counsel, M/s. N. Narsing Rao, & K. Srirama Murthy, Advocates, 3-4-306/9, Opp: Basant Talkies, Lingampally Hyderabad - 500 027.

2. PARTICULARS OF THE RESPONDENTS:

- i) Designation of the respondents : 1) Collector of Central Excise & Customs, Basheerbagh, Hyderabad.
- 2) Collector of Central Excise & Customs, Kannavarithota, Guntur - 4.
- 3) S. Sakthivel, Supdt., of Central Excise (Group-B) Collectorate, Central Excise, Hyderabad.

3. Particulars of the orders against which the application is made:

The application is made against the following orders:

...2.

P. Krishna Murthy

(B)

i) Orders of the first respondent namely, Collector of Customs & Central Excise, Hyderabad, vide proceedings No. Establishment Order (G.O) No.132/1991
Dated 26th August, 1991.

4. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of this Tribunal under Sec. 14 of Tribunals Act.

5. LIMITATION:

The applicant further declares that the application is within the limitation prescribed under Sec. 21 of the ~~XXX~~ Administrative Tribunals Act, 1986.

6. FACTS OF THE CASE:

i) The applicant submits that he has been appointed as Inspector of Central Excise ~~is~~ directly on 22-5-1974 in the Collectorate of Central Excise at Guntur. The applicant has put in 17 years of service as Inspector of Central Excise at various places under the jurisdiction of the Collectorate of Central Excise, Guntur. The applicant submits that he was awarded punishment for insubordination and was awarded the punishment in the month of December, 1985 of stoppage of one increment without cumulative effect for a period of 2 years. An ~~is~~ appeal was preferred before the Collector of Central Excise, Guntur which was rejected. ~~The~~ ~~xx~~ Since the Deputy Collector, Excise having developed vindictive attitude towards the applicant for extraneous reasons and having bent upon spoiling the career of the applicant ~~has~~ awarded punishment for the second time in February, 1987 on the ground of releasing the passengers ~~xx~~ with customs goods for which an ~~xx~~ enquiry was held against this applicant along with two other Inspectors and the enquiry officer ~~xx~~ in his enquiry report found them not guilty. Inspite of the Inquiry Officers report finding the applicant not guilty the Deputy Collector, Customs has ~~w~~ awarded punishment in February, 1987 stopping one increment for a period of 3 years. Aggrieved by the said orders of punishment the applicant herein and two other Inspectors have filed an O.A. No. 905 of 1989 before this Honourable

Pl. L. M. G. ...3.

6

Plenty ... 4.

from the Superintendent of Central Excise, Guntur Range, Guntur. Therefore, this applicant could not initiate civil proceedings for recovery of the money against the fourth defaulter. But all the while this applicant had been keeping the money in the office only. After receipt of the report from the Superintendent of Central Excise, the applicant addressed a letter to the Collector for further instructions and when no instructions are received from the Collector till 2-5-1988, the applicant has deposited the ~~xxx~~ amount of Rs.25,961-00 with the cashier of Divisional Office of Guntur, Rs.100-00 more than the actual amount by mistake. Therefore, the applicant can neither be charged with the allegation of negligence nor mis-appropriation. The punishment order also is ~~xxx~~ inconsistent. At one place it says negligence and at another place it says mis-appropriation. Either of these charges are baseless. Inspite of the applicant being innocent of the said charge the applicant was again awarded punishment in November, 1988 withholding one increment over a period of 3 years. This punishment is purely of vindictive nature and the applicant has preferred an appeal before the Collector but his appeal was rejected without properly applying the mind to the facts and circumstances of the case.

ii) The applicant submits that this punishment of November, 1988 stopping the increment was over by May, 1991, and after May, 1991 any promotional avenues that may arise, the applicant is entitled to be considered for promotion in keeping with his original seniority, as was done in the case of K. Madhusudan Rao who was given promotion in the month of April, 1991 immediately after his punishment was over. In the month of August, 1991 39 posts of Superintendents of Central Excise fell vacant. The first respondent, Collector Central Excise, Hyderabad, has issued promotion order vide his proceedings No. Establishment Order (G.O) No.132/1991 Dt.26-8-1991 (P-7) to 39 persons but the name of the applicant has been ignored in the said promotion order, the next junior of the applicant Sri.S. Sakthivel and 12 other persons who are juniors to Sakthivel ~~were experienced~~ who are juniors of the junior applicant's junior were promoted overlooking the applicant who stood at Sl.No.13 and all other said promotees are juniors to this (P-6)

applicant according seniority list of 1991.

7. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

xxx) This applicant submits that he has already undergone the punishment of stoppage of increment and which is a minor punishment and the same cannot come in the way of promotion of the applicant to his next higher post. Promoting the juniors of the applicant under the impugned order dt.26.8.1991 and withholding the promotion of the applicant after the period of punishment would amount to denial of promotion to the applicant and this denial of promotion would amount to punishing the person twice for the same offence which would be a double jeopardy and the same is violative of Article 20(2) of Constitution of India. The applicant submits that he is fully eligible to be promoted along with other Inspectors who have already been promoted to the next higher post giving him his due place according to the seniority list of 1991, ~~xxxxxx~~ in the promotion order dated 26-8-1991 of first respondent. Therefore, the said promotion order dt.26-8-1991 of the first respondent and ignoring the applicant's right of promotion is highly arbitrary, illegal and violative of Article 14 & 16 of Constitution of India.

XXXX GROUNDS FOR XXXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX

8. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant has preferred ~~xxxxxx~~ a representation before the first respondent dt.28.8.1991 and another representation dt. 29.8.1991 ^(P-12) ^(P-14) requesting him to give him promotion to the next higher post. Copies of the said representations are enclosed herewith.

9. MATTER NOT PENDING WITH ANY OTHER COURT ETC:

The applicant declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or ~~f~~ of any other bench of the Tribunal.

10. RELIEF SOUGHT:

In view of the facts mentioned in para 6 above the applicant prays that the Honourable Tribunal may be pleased:xx

i) to call for records relating to the promotion order of the first respondent vide his proceedings No. Establishment Order (G.O) No.132/1991 dt.26-8-1991 and such other records connected therewith.

Alhuf ...6.

(9)

(ii) to direct the first respondent to promote the applicant as Superintendent of Excise as per his seniority.

11. INTERIM RELIEF:

To direct the first respondent not to promote any Inspectors to the next higher post of Superintendent of Central Excise pending the disposal of the main O.A. and be pleased to pass such further and necessary orders as the Honourable Tribunal may deem fit and proper in the circumstances of the case.

12. PARTICULARS OF BANK DRAFT IN RESPECT OF APPLICATION:

i) Name of the Post Office on which Postal order is drawn: G.P.O.

ii) No. of the Postal Order: 8 04 435723

13. DETAILS OF INDEX:

i) Vakalat

ii) Postal Order for Rs.50/-

Rs.50/- A

iii) Material Papers

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

14. LIST OF ENCLOSURES:

i) Punishment Order of the applicant ~~fixed~~ by the Assistant Collector, Central Excise, Guntur, Dt.29.11.1988.

ii) Promotion order ~~fixed~~ by the first respondent dt.26-8-1991.

iii) Representation of the applicant dt.28-8-1991.

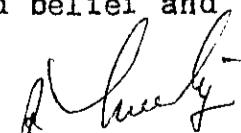
iv) Representation of the applicant dt.28-8-1991.

v) Seniority list for the year 1991.

VERIFICATION

I, P. Krishna Murthy, son of P. Subba Reddy, Hindu, aged Inspector about 53 years, working as Central Excise at Tirupathi, Tirupathi Division, Chittor District, do hereby verify that the contents from paras 1 to 14 are true to my personal knowledge and belief and that I have not suppressed any material facts.

HYDERABAD
Dated: 13th January, 1992.


Signature of Applicant

Annexure V/1

OFFICE OF THE COLLECTOR OF CUSTOMS AND CENTRAL EXCISE
LAL BAHADUR STADIUM ROAD, BASHEERBAGH, HYDERABAD - 500 029.

C.No.II/34/6/91-E.7

Dated: 28.6.91.

Sub: Estt. - Seniority - Seniority List of Inspectors in
Hyderabad/Guntur/Visakhapatnam Collectorates as on
1.1.91 - Reg.

Please find enclosed a copy of the Seniority List of Inspectors of
Central Excise of Hyderabad, Guntur and Vizag Collectorates as on 1.1.91.

In case you notice any emissions, factual errors the same may immediately be brought to the notice of this office before 31.7.91 through proper channel. If you have any objections on the seniority the same will have to be sent through proper channel to this office before the stipulated date i.e 31.7.91. Objections etc., which are received after the due date and which are not received through proper channel will summarily be rejected.

The Inspectors working in Headquarters Office, Hyderabad will receive the seniority list personally.

Encl: As above.

Goem
(LALITHA JOHN)
ADDITIONAL COLLECTOR (P&V).

To

The Individuals (Through the officers concerned)

1. All the Assistant Collectors of Central Excise incharge of Divisions, Hyderabad, Central Excise Collectorate with the following number of copies.

Hyderabad - I - 40/Hyd.II-40/Hyd.III -40/Hyd.IV-40 /Hyd.VI 25/
Warangal...30/Nizamabad - 30/Ananthapur ...30/ Kurnool...25/N

2. The Collector of Central Excise, Guntur with 2 copies of the Seniority list

3. The Collector of Central Excise, Vizag with 350 copies of the Seniority list

The above officers are requested to hand over a copy each of the seniority list to the Inspectors working in their control. Their dated acknowledgements may be obtained and filed.

Copy to :

1. The Dy. Office Superintendent, Confidential Sectn., Hqrs. Hyderabad.

2. The Section Head, A-3/A-4/A.5/A.8/CIU Sections, Hqrs. Hyderabad

3. The Secretary, Executive Officers' (Group 'C') Association
Hyderabad/Guntur/Visakhapatnam

4. All the Dealing Assistants, Establishment Section, Hqrs. Hyderabad.

C NO. II/34/6/91-E.7 *COLLECTOR OF CENTRAL EXCISE* *dt 28.6.91*

Forwarded.

To
The individual concerned

Copy to the vigilance Secy/
Confidential Secy

Concierge

*Administrative Officer,
(HEADQUARTERS)*
OFFICE OF THE COLLECTOR OF
CENTRAL EXCISE, GUNTUR.

578/91

ENIORITY LIST OF INSPECTORS OF CENTRAL EXCISE OF HYDERABAD, GUNTUR & VIZAG CENTRAL EXCISE COLLECTORATES AS ON 1-1-91.

Scale of Pay : Rs. 1640-60-2600-EB-75-2900.

Sanctioned Strength :

Sl. No.	Name & Educational qualifications of the officer	Date of birth	Date of appointment in Govt. Service	present grade	Date of confirmation	Whether DR or Promotee	Pay as on 1-1-91	Remarks
1	2	3	4	5	6	7	8	
S/Shri/Smt./Name								
1.	N.Narayana, HSC	17-11-35	6-4-56	28-7-70	12-8-71	—	2180/-	Since proted as Supdt.
2.	Nooruddin Mohammed, BA	13-10-37	7-4-56	7-8-70	1-8-72	—	2300/-	
3.	J.S.Vidyasagar, B.Sc	5-9-35	30-4-56	18-8-71DD 30-3-73	1-8-72	—	2000/-	Since proted as Supdt.
4.	D.V.Subramanyasastray, MA	23-8-35	15-3-56	10-8-71AN	1-8-72	—	2180/-	—dc
5.	M.Karamchand Reddy, B.Sc	9-10-48	20-3-72	20-3-72	1-8-72	—	—	— OD to Sahar Airport, B
6.	P.M.Saleha Saheb, BA	1-6-46	25-8-65	16-12-72	1-8-72	—	2180/-	Since proted as Supdt.
7.	D.Parthasarathy, B.Sc	10-12-48	25-3-72	25-3-72	1-8-72	—	2180/-	
8.	R.Subramanyam, PUC	10-4-46	5-11-56	4-2-72	1-8-72	—	2180/-	
9.	Mohd.Qamar Rasheed, B.Com	24-3-50	20-3-72	20-3-72	1-8-72	—	2180/-	
10.	T.Pathabiram, B.Sc	25-12-44	17-10-65	4-2-72	1-8-72	—	2180/-	
11.	Varaprasada Rao, BA	15-1-40	15-4-72	15-4-72	1-8-72	—	2180/-	
12.	Khan Saheb Shaik,	25-11-48	26-11-70	12-2-72	1-8-72	—	—	
13.	E.Appa Rao, SSLC	11-6-33	30-4-56	28-8-71	1-8-72	—	2240/-	
14.	O.Surendranath Reddy, PUC	15-9-42	10-3-72	10-3-72	1-12-72	—	2180/-	
15.	M.Ch.Narasinha Rao, SSLC	13-8-33	1-5-56	28-8-71	1-9-73	—	2240/-	
16.	Teeda Rama Rao, MA	26-1-50	1-6-72	1-6-72	1-9-73	—	2180/-	
17.	G.Damodara Rao, B.Com	23-3-34	13-4-56	27-8-71	1-10-73	—	2240/-	
18.	P.Narasinha Rao, HSC	15-5-34	30-4-56	3-8-71	1-10-73	—	2240/-	

2	3	4	5	6	7	8	9
1) B.Pandarimath, B.Sc	10-1-49	26-6-72	26-6-72	1-8-75	—	2180/-	Since promoted as Supdt.
Mabd.Azmatullah, Inter	8-7-34	30-4-56	14-10-71AN	1-8-75	—	2240/-	—do—
N.V.T.D.Prasad, B.Com	26-8-52	16-6-73	16-6-73	1-8-75	—	2120/-	—do—
B.Krishna Rao, SSLC S/C Venkataramaiah	5-7-35	30-4-56	20-10-71	1-8-75	—	2240/-	—do—
B.Gopi, BE	10-6-51	31-7-73	31-7-73	1-8-75	—		—do—
K.Purushothama Rao, SSLC	12-4-36	5-5-56	6-10-71AN	1-8-75	—	2240/-	OD to Sahar Airport, Bombay Since promoted as Supdt.
G.V.Nagabhushanam, HSC	17-7-36	28-4-56	29-10-71	1-8-75	—	2240/-	—do—
Syed Nazeeruddin, MA	13-12-47	6-3-74AN	6-3-74 AN	1-8-75	—		—do—
J.Srinivasa Rao, HSC	10-2-37	30-4-56	22-10-71	1-8-75	—	2240/-	—do—
Mohd.Ali Iqbal, B.Com	11-3-52	7-1-74	7-1-74	1-8-75	—	2120/-	—do—
R.Redhakrishnamurthy, Inter	5-12-37	19-8-56	16-2-72	1-8-75	—	2180/-	—do—
X.Raja Reddy, Matric	15-7-38	27-4-56	24-2-72	1-8-75	—	2120/-	—do—
Ajit Indumkar, B.Sc	15-6-52	15-4-74	15-4-74	1-8-75	—		OD to Sahara Airport, Bomba
Bishnaiam, HSC	9-12-38	27-4-56	10-2-72	1-8-75	—	2120/-	—do—
M.Lankamraju, SSLC	1-6-36	1-5-56	20-3-72	1-8-75	—	2180/-	—do—
M.Md.Saheb, BA	1-7-47	11-2-71	14-2-74	1-8-75	—	2060/-	—do—
K.Madhusudhana Rao, SSLC	9-2-34	7-6-56	17-3-72	1-8-75	—	2180/-	—do—
M.Kamachandra Rao S/C Rangamadhan	25-12-34	13-6-56	10-2-72	1-8-75	—	2180/-	—do—
Mussain Kashani Salar	15-6-51	30-4-71	16-2-74	1-8-75	—	2120/-	—do—
X.Bhanumurthy, Matric	8-3-37	30-4-56	1-8-72	1-8-75	—	2180/-	—do—
M.Mamdevsingh, SSLC	18-2-34	14-6-56	1-8-72	1-8-75	—	2160/-	—do—
S.R.Raghavendra Rao, SSLC	20-9-34	16-6-56	1-8-72	1-8-75	—	2180/-	—do—
M.Venkatachari, SSLC	15-7-35	28-6-56	1-8-72	1-8-75	—	2180/-	—do—
G.Bhimaraju, Inter	1-7-36	30-11-57	1-8-72	1-8-75	—	2180/-	—do—

1	2	3	4	5	6	7	8	9
43.	P. Ramachandra Rao, Inter	16-2-33	2-3-58	1-8-72	1-8-75	—	2180/-	Since Retired
44.	V. Mukunda Rao, MA	1-10-36	22-3-58	1-8-72	1-8-75	—	2180/-	Since promoted as Supdt
45.	G. Sadasiva Rao, BA	15-10-33	27-3-58	1-8-72	1-8-75	—	2180/-	—do—
46.	A. S. R. Joga Rao, Inter	15-7-33	28-5-58	1-8-72	1-8-75	—	2180/-	—do—
47.	A. Kanakaraju, BA	17-3-35	15-7-58	1-8-72	1-8-75	—	2180/-	—do—
48.	K. Venkata Rao, Inter	5-10-36	15-7-58	1-8-72	1-8-75	—	2180/-	—do—
49.	K. Ramakrishna Rao, Matric.	15-11-33	13-7-58	1-8-72	1-8-75	—	2180/-	—do—
50.	Mohd. Ismail, B.Sc	15-7-34	15-7-58	1-8-72	1-8-75	—	2180/-	—do—
51.	Kolla Narasimha Rao, SSLC	1-7-33	14-7-58	1-8-72	1-8-75	—	2180/-	—do—
52.	K. Koteshwara Rao, SSLC	23-5-35	15-7-58	1-8-72	1-8-75	—	2180/-	—do—
53.	Md. Ziauddin Ansari, Inter	19-1-33	14-7-58	1-8-72	1-8-75	—	2180/-	—do—
54.	V. Pitchaiah, BA	1-7-33	14-7-58	1-8-72	1-8-75	—	2180/-	Since Retired
55.	I. Narasimhamurthy, BA	10-1-33	19-7-58	1-8-72	1-8-75	—	2180/-	Since promoted as Supdt
56.	P. Venkatarama Rao, BA	1-7-33	15-7-58	1-8-72	1-8-75	—	2180/-	Since Retired
57.	G. Balaramaiah, BA	1-10-35	14-7-58	1-8-72	1-8-75	—	2180/-	—
58.	A. Sreeramamurthy, Inter	15-6-35	24-12-58	1-8-72	1-8-75	—	2180/-	—
59.	C. Narayana Rao, BA	14-7-36	24-12-58	1-8-72	1-8-75	—	2180/-	—
60.	S. Ramaiah, BA	3-5-35	23-12-58	1-8-72	1-8-75	—	2180/-	—
61.	V. Radhakrishnamurthy, BA	21-4-38	24-12-58	1-8-72	1-8-75	—	2180/-	—
62.	P. Venkateshwarulu, BA	15-10-34	24-12-58	1-8-72	1-8-75	—	2180/-	—
63.	A. Hanumantha Rao, BA	12-1-37	20-12-58	1-8-72	1-8-75	—	2180/-	—
64.	I. Raghavachary, BA	6-5-33	24-12-58	1-8-72	1-8-75	—	2180/-	—
65.	G. Purnachandra Rao, Inter	23-8-33	29-12-58	1-8-72	1-8-75	—	2180/-	—
66.	K. Appalareju, BA	15-11-34	15-1-59	1-8-72	1-8-75	—	2180/-	—
67.	Kolli Hanumantha Rao, BA	2-5-36	2-1-59	1-8-72	1-8-75	—	2180/-	—
68.	K. Venkataratnam, SSLC	22-1-34	2-1-59	1-8-72	1-8-75	—	2180/-	—
69.	P. V. S. R. Anjaneyulu, SSLC	12-10-34	2-1-59	1-8-72	1-8-75	—	2180/-	—
70.	P. Ch. Nageshwara Rao, BA	12-2-33	2-1-59	1-8-72	1-8-75	—	2180/-	—

1	2	3	4	5	6	7	8	9
71	K. V. G. V. Krishna Rao, Inter	15-2-34	2-1-59	1-8-72	1-8-75	—	2180/-	—
72	Md. Abdul Basheer, Matric	1-7-33	2-1-59	1-8-72	1-8-75	—	2180/-	—
73	S. Veeraswamy, BA	1-7-35	2-1-59	1-8-72	1-8-75	—	2180/-	—
74	C. Damodar Reddy, HSC	15-8-35	2-1-59	1-8-72	1-8-75	—	2180/-	—
75	P. Radhakrishna, Inter	10-5-36	2-1-59	1-8-72	1-8-75	—	2180/-	—
76	D. Bapa Rao, BA	1-7-37	2-1-59	1-8-72	1-8-75	—	2180/-	—
77	S. Madhusudhana Rao, BA	1-7-33	2-1-59	1-8-72	1-8-75	—	2180/-	Retired on Voluntary w.e.f
78	D. Narayana Reddy, BA	18-7-33	19-1-59	1-8-72	1-8-75	—	2120/-	—
79	Ahmed Shajuddin, HSC	9-3-33	20-4-56	1-8-72	1-8-75	—	2180/-	—
80	Andrew Anthony, HSC	24-12-37	30-3-59	1-8-72	1-8-75	—	2180/-	—
81	R. Sudhakar Reddy, SSLC	15-10-35	31-3-59	1-8-72	1-8-75	—	2180/-	—
82	D. R. K. Paramahansa, SSLC	15-7-35	24-4-56	1-8-72	1-8-75	—	2180/-	—
83	Khaja Qutubuddin, Inter	8-6-37	23-4-56	1-8-72	1-8-75	—	2180/-	—
84	J. Ezra, SSLC	1-6-35	4-7-56AN	1-8-72	1-8-75	—	2180/-	—
85	M. Prabhakar Reddy, Inter	20-6-36	14-9-59AN	1-8-72	1-8-75	—	2180/-	—
86	A. N. Satyanarayana,	4-6-37	8-9-59	1-8-72	1-8-75	—	2180/-	—
87	K. V. S. S. Kameswara Rao, BA	18-6-36	14-9-59AN	1-8-72	1-8-75	—	2180/-	—
88	S. Penduranganath, B. Com	15-9-35	21-9-59	1-8-72	1-8-75	—	2180/-	—
89	S. Remaiah, BA	15-7-34	16-9-59	1-8-72	1-8-75	—	2180/-	—
90	K. S. Radhakrishnaiah, BA	1-7-36	23-9-59	1-8-72	1-8-75	—	2180/-	—
91	T. Krishnamurthy, Inter	1-7-36	24-11-55	1-8-72	1-8-75	—	2180/-	—
92	R. Anjanan, BA, SSLC	18-6-38	15-3-56	1-8-72	1-8-75	—	2180/-	—
93	V. Venkateshwarlu, SSLC	18-3-34	20-4-56	1-8-72	1-8-75	—	2180/-	—
94	N. Krishnaswamy, SSLC	1-2-33	20-4-56	1-8-72	1-8-75	—	2180/-	—
95	B. Ramdasraju, Intermediate	1-7-34	24-5-56	1-8-72	1-8-75	—	2180/-	Since relieved.
96	V. Subbarao, BA, LL.B	12-1-34	31-3-50	1-8-72	1-8-75	—	2180/-	—
97	C. C. Vijayan, SSLC	8-6-35	19-9-50	1-8-72	1-8-75	—	2180/-	—
98	J. Baburajendraprasad, SSLC	4-10-36	1-10-58	1-8-72	1-8-75	—	2180/-	—

1	2	3	4	5	6	7	8	9
99.	S.Moulali, BA	25-6-34	21-12-59	1-8-72	1-8-75	—	2180/-	—
100.	V.Ramachandra Rao, SSLC	19-4-35	18-8-60AN	1-8-72	1-8-75	—	2180/-	—
101.	Gulam Mahboob Khan, Inter	15-6-36	12-9-60	1-8-72	1-8-75	—	2180/-	—
102.	Khaja Mhd.Samiullah, BA	12-5-35	31-10-60	1-8-72	1-8-75	—	—	—
103.	M.Venkataratnam, Inter	10-3-37	6-3-61	1-8-72	1-8-75	—	—	—
104.	G.Subramanyam, HSC	15-12-33	7-11-50	1-8-72	1-8-75	—	—	—
105.	R.Kesavan, SSLC	23-8-34	15-4-54AN	1-8-72	1-8-75	—	—	OD to DRI, Madras
106.	N.Sreenivasa Rao, SSLC	10-6-34	25-5-60	28-1-72DD 9-4-73	1-8-75	—	2240/-	—
107.	R.V.L.Narasimha Rao, B.Sc	21-9-51	24-5-74	24-5-74	1-8-75	—	2120/-	—
108.	R.Sivarami Reddy, BA	1-10-44	17-4-74	17-4-74	1-8-75	—	2120/-	—
109.	K.S.Venkatesh, B.Com	10-1-51	11-4-74	11-4-74	1-8-75	—	2120/-	—
110.	Age Maqbul Hussain, B.Com	9-12-45	30-9-65	18-2-74AN	1-8-75	—	2120/-	—
111.	B.Penchalaiah, M.Sc	12-3-51	25-4-74	25-4-74	1-8-75	—	2120/-	—
112.	A.Ranga Rao, B.Sc	28-9-50	24-5-74	25-4-74	1-8-75	—	2120/-	—
113.	P.Krishnamurthy, BA	2-9-38	6-1-56	22-5-74	1-8-75	—	1820/-	—
114.	S.Sakthivel, B.Com	16-3-50	31-8-74AN	31-8-74AN	1-8-75	—	2120/-	—
115.	B.Balya(ST), M.Com, LL.B	4-4-45	4-11-65	4-2-72	27-7-77	—	2480/- Since promoted as S	—
116.	S.Veeranna, SSLC	10-8-35	30-4-56	9-11-71	15-12-78	—	2240/-	—
117.	Aizazunnisa, B.Sc, LL.B	13-8-51	10-10-73	10-10-73	15-12-78	—	2120/-	—
118.	V.Anjaneyulu, SSLC	20-4-33	7-3-56	1-8-72	15-12-78	—	2180/-	—
119.	P.Subba Rao, BA	15-6-38	29-9-58	21-9-74	15-12-78	—	2120/-	—
120.	G.Sudhakar, MA	11-4-53	15-7-75/N	15-7-75/N	15-12-78	—	2120/-	—
121.	T.Audinarayana Rao(ST), SSLC	1-6-38	19-10-58/N	2-4-74	15-12-78	—	2180/-	—
122.	P.Dhananjaya, B.Com	26-9-50	31-10-73	8-11-74/N	15-12-78	—	2120/-	—
123.	D.Anthony, SSLC	11-7-33	27-2-53	9-6-75	15-12-78	—	—	—
124.	Syed Masizuzaman Khan, B.Com	15-6-51	10-10-73	8-11-74/N	15-12-78	—	2120/-	—

61 (S) No. 76 Annex 2 (16)

CENTRAL EXCISE COLLECTORATE :: HYDERABAD - 500029.

Establishment Order (G.O) No. 132 / 1991
Dated the 26th August, 1991.

6 Number 1991
Establishment Appointments, postings and transfers in
the grade of Superintendent of C. Ex, Gr. 'B' (D.G.)-Ordered.

The Collector of Central Excise, Hyderabad, has ordered the promotion of the following Inspectors of Central Excise, Hyderabad/Guntur/Visakhapatnam Collectorate, purely on temporary basis to officiate in the grade of Superintendent of Central Excise, Group 'B' (Gazetted) in the scale of pay of Rs.2000-60-2300-EB-75-3200-100-3500 and such other allowances as admissible from time to time, with effect from the date they take over charge of the higher post.

Sl.No.	Name of the officer.	Place of present posting.
1	S/Sri. R.	3
1.	A.N. Satyanarayana,	Hyderabad Coll'te.
2.	N.V.S.S. Kameswara Rao,	-do-
3.	S. Panduranganath,	-do-
4.	G. Rumaith,	Visakhapatnam Coll'te.
5.	K.S. Radhakrishnaiah,	Hyderabad Coll'te.
6.	T. Krishna Murthy,	-do-
7.	R. Anjananandam,	-do-
8.	V. Venkateswarlu,	-do-
9.	B. Ramadas Raju,	-do-
10.	V. Subba Rao,	Hyderabad Coll'te.
11.	C.C. Vijayan,	-do-
12.	K. Babu Rajendra Prasad,	-do-
13.	S. Moulali,	-do-
14.	V. Ramachandra Rao,	-do-
15.	Chulam Mahaboob Khan,	-do-
16.	Khaaja Mhd. Samiullah,	-do-
17.	M. Venkataratnam,	O.D. to Directorate of Anti-Evasion, at Hyderabad.
18.	G. Subrahmanyam,	Hyderabad Coll'te.
19.	R. Kesavan,	Guntur Coll'te.
20.	M. Sreenivasa Rao,	-do-
21.	R. V. L. Narasimha Rao,	-do-
22.	R. Sivarami Reddy,	Hyderabad Coll'te.
23.	K.S. Venkatesh,	-do-
24.	Aga Maqbool Hussain,	Guntur Coll'te.
25.	B. Puncchalaiah,	Hyderabad Coll'te.
26.	H. Ranga Rao,	Guntur Coll'te.
27.	S. Sakthivel,	-do-
28.	S. Veerappa,	Hyderabad Coll'te.
29.	Kum. Aizaz Unnisa,	-do-
30.	Pullela Subba Rao,	-do-
31.	G. Sudhakar,	Guntur Coll'te.
32.	P. Dhanunjaya,	Hyderabad Coll'te.
33.	Syed Masizuzaman Khan,	-do-
34.	Mir Hyder Ali,	-do-
35.	Y. Lakshminarayana Rao,	-do-
36.	K. Annam Raju,	-do-
37.	T. Vijayagopala Chetty,	Guntur Coll'te.
38.	L. S. Ramachandra Murthy,	Hyderabad Coll'te.
39.	K. R. Narasimhan,	Guntur Coll'te.
40.	P. M. Mohana Rao (S.C)	Visakhapatnam Coll'te.

(Contd..2..)

41.	R.Kanakadri (S.C)	Hyderabad Coll'te.
42.	M.Ratna Kumar (S.C)	-do-
43.	C.Simeon, (S.C)	-do-
44.	S.Sreenath (S.C)	-do-
45.	D.Premasundaram (S.C)	-do-
46.	D.P.C.Ramesh Joshi (S.C)	Visakhapatnam Coll'te.
47.	P.Lakshmaiah, (S.C)	Hyderabad Coll'te.

2. This promotion order is subject to the final decision of the C...T. in C.A. No. 114/91 filed by Sri R.Anjananandam and other Inspectors before the C.A.T., Hyderabad Bench.

3. They are informed that they will be kept on probation for a period of TWO years from the date of their assumption of charge in the grade of Superintendent of Central Excise. Their retention / confirmation in the grade of Superintendent of Central Excise, Group 'B' (Gaz.) will depend upon their successful completion of the probation period or other appropriate administrative considerations.

4. They are also informed that they may exercise their option within one month from the date on which they take over charge of the post of Superintendent of Central Excise, for fixation of pay under F.R.22(a)(1) and F.No.4.26014/1/82-Ad.II... dated 15.1.1982 read with Ministry's letter F.No.4.26015/17/84-Ad.II... dt. 31.5.1984.

POSTINGS:

5. Consequent on the above promotions, the following postings and transfers are also ordered by the Collector of Central Excise, Hyderabad.

No.	Name of the offices.	Present posting.	Coll'te to which allotted.	Remarks.
1	S/Sri	2	3	4
1.	A.N.Satyanarayana, (on promotion)	U.B.Unit, Hyderabad.	Hyderabad.	
2.	N.V.S.S.Kameswara Rao, (on promotion)	Bheemgal Sector, Nizamabad Divn.	-do-	
3.	S.Panduranganath, (on promotion)	Cherlapalli Range-II, Hyd. III Divn.	Visakhapatnam.	
4.	B.Komalaiah, (on promotion)	Visakhapatnam Coll'te	-do-	
5.	K.S.Radhakrishnaiah, (on promotion)	Kurnool Range-III, Kurnool Divn.	Hyderabad.	
6.	T.Krishna Murthy, (on promotion)	C.P.B.W., Range, Hyd. II Divn.	-do-	
7.	R.Anjananandam, (on promotion)	P&I, Hyd. VI Divn.	Visakhapatnam.	
8.	V.Venkateswarlu, (on promotion)	Cherlapalli Range-I, Hyd. III Divn.	Hyderabad.	
9.	B.Komadus Raju, (on promotion)	P&I, Nizamabad Dm.	Hyderabad.	

(Contd..3..)

1	2	3	4	5
10.	V. Subba Rao, (on promotion)	Stt. Sec., Hqrs. Office, Hyd.	Hyderabad.	8
11.	C.C. Vijayan, (on promotion)	Sanathnagar Range- III, Hyd. IV Divn.	-do-	1
12.	K. Babu Rajendra Prasad,	Azamabad Range-II, Hyd. V Divn.	-do-	
13.	S. Moulaii, (on promotion)	Adoni Range, Anantapur Divn.	-do-	
14.	V. Ramachandra Rao, (on promotion)	Cus. Prev., Hqrs., Office, Hyd.	-do-	
15.	Chulam Mahaboob Khan, (on promotion)	-do-	-do-	
16.	Khaja Mohd. Samiullah, (on promotion)	Azamabad Range-II Hyd. V Divn.	-do-	
17.	M. Venkataratnam, (on promotion)	O.D. to Directorate of Anti-Evasion, Hyderabad.	Directorate of Anti-Evasion, at Hyderabad.	
18.	G. Subrahmanyam, (on promotion)	Azamabad Range-II, Hyd. V Divn.	Hyderabad	
19.	R. Kesavan, (on promotion)	Guntur Coll'te.	Guntur.	
20.	M. Sreenivasa Rao, (on promotion)	-do-	-do-	
21.	R.V.L. Narasimha Rao, (on promotion)	-do-	-do-	
22.	R. Sivarami Reddy, (on promotion)	Kodur Sector, Cuddapah Divn.	Hyderabad	
23.	K.S. Venkatesh, (on promotion)	Isnapur Range, Hyd. I Divn.	Visakhapatnam	
24.	Aga Maqbool Hussain, (on promotion)	Guntur Coll'te.	Guntur.	
25.	B. Penchalaiah, (on promotion)	Int. Audit, Hqrs. Office, Hyd.	Hyderabad.	
26.	R. Ranga Rao, (on promotion)	Guntur Coll'te.	Guntur.	
27.	S. Sakthivel, (on promotion)	-do-	-do-	
28.	S. Veeranna, (on promotion)	Kurnool Range-IV, Kurnool Divn.	Hyderabad.	
29.	Kum. Izzaz Unnisa, (on promotion)	Moulali Range, Hyd. V Divn.	-do-	
30.	Pullela Subba Rao, (on promotion)	Int. Audit, Hqrs. Office, Hyd.	-do-	

(Contd. 4...)

1	2	3	4	5
31.	G.Sudhakar, (on promotion)	Guntur Coll'te.	Guntur.	
32.	P.Dhanunjaya, (on promotion)	Balanagar Range-I Hyd. IV Divn.	Visakhapatnam.	
33.	Syed Masizuzaman Khan, (on promotion)	Banathnagar Range- Iff, Hyd. IV Divn.	Hyderabad	
34.	Mir Hyder Ali (on promotion)	Cus. Prev., Hqrs. Office, Hyd.	Visakhapatnam.	
35.	Y.Lakshminarayana Rao, (on promotion)	Atmakur Sector, Hyd. II Divn.	Hyderabad.	
36.	Kannam Raju, (on promotion)	Int. Audit, Hqrs. Office, Hyd.	-do-	
37.	T.Vijayagopala Chetty, (on promotion)	Guntur Coll'te.	Guntur.	
38.	D.S.Ramachandra Murty, (on promotion)	Khammam Range, Warangal Divn.	Hyderabad,	
39.	K.R.Narasimhan, (on promotion)	Guntur Coll'te.	Guntur.	
40.	P.M.Mohana Rao, (S.C) (on promotion)	Visakhapatnam Coll'te.	Visakhapatnam.	
41.	R.Kanakadri, (S.C) (on promotion)	C.C.I.Yerraguntla, Cuddapah Divn.	-do-	
42.	M.Ratna Kumar (S.C) (on promotion)	Bhadrachalam Range, Warangal Divn.	-do-	
43.	C.Simeon, (S.C) (on promotion)	Ramachandrapuram, Rungo, Hyd. I Divn.	-do-	
44.	S.Sreenath, (S.C) (on promotion)	Pulivendla Sector, Cuddapah Divn.	-do-	
45.	D.Premasundaram (SC) (on promotion)	Hyd. VIII Divl. Office.	-do-	
46.	D.P.C.Ramesh Joshi (SC) (on promotion)	Visakhapatnam Coll'te.	-do-	
47.	P.Lakshmaiah, (S.C) (on promotion)	Mancherial Sector Nizamabad Divn.	Hyderabad	
48.	P.Gauthamalaih, Tirupati	Visakhapatnam Coll'te.	Guntur, Gopalpur.	
49.	S.Pallepogu,	-do-	-do-	
50.	M.Kesavan,	-do-	-do-	
51.	P.Veerdas,	-do-	-do-	

(Contd..5..)

2
52. D. Ramaprasad,

3
Visakhapatnam
Coll'te.

Hyderabad.

53. K. Devendar Rao,

-do-

54. Y.C. Victor Babu,

-do-

-do-

-do-

6. Orders regarding their subsequent postings will be issued
by the respective Collectors.

7. Nos. 48 to 54 are not entitled to transfer T.A. and joining
line as the transfers are ordered at their request.

Michael
(M.I.J. Michael) 26/8
Deputy Collector (P&V)
Hyderabad

(C.No. II/3/4/91-Estt)

To The Individuals, through the concerned officers.

Copy to the Collectors of C.E., Guntur and Visakhapatnam.
(5 copies each).

Copy to the Collector of C.E (J) Hyderabad.

Copy to the Collector of C.E Appeals) Hyderabad.

Copy to the Principal Collector of C&C. E., Hyderabad.

Copy to all Addl. Collectors and Dy. Collectors, Hyderabad.

Copy to all Asst. Collectors in-charge of Divisions in Hyderabad
Collectorate.

Copy to all Asst. Collectors, Hqrs. Office, Hyderabad.

Copy to concerned Superintendents in-charge of Ranges.

Copy to Asst. Director, Directorate of Anti-Evasion, Hyderabad.

Copy to Asst. Director, Directorate of Anti-Evasion, Madras.

Copy to Dy. Director, Directorate of Anti-Evasion, Hyderabad.

Copy to C.A.O., CE, Hyderabad. / Copy to P.A.O., CE, Hyderabad.

Copy to A.3/1.4/A.5/h.8/Confld./C.I.U./Seniority/Training/Hindi/
Sanctioned strength.

Copy to all Senior P.A.s.

Copy to General Secretary, Executive Officers' Association (Gr. 'C')
Hyderabad / Guntur.

Copy to General Secretary, Gr. 'B' Officers' Association,
Hyderabad/Guntur.

Copy to stock file.

(21)

12

Annexure 3,,

From:

P. Krishna Murthy,
Inspector of Central Excise,
Central Excise Divisional Office,
TIRUPATHI.

To

The Collector of Central Excise,
Cadre Controlling Authority,
H Y D E R A B A D.

Date: 28-8-1991

Respected Sir,

Sub: Estt. - Promotion to the Cadre of Superintendent of Central Excise (Group B) - Case of P. Krishna Murthy, Inspector of C.E., Tirupathi, not considered - Representation submitted.

I humbly submit the following few lines for sympathetic consideration and favourable orders by my benign Collector.

I submit that on 26-8-91 orders have been passed promoting 51 Inspectors as Superintendents of Central Excise (Group-B). As per seniority, among these Inspectors I am at serial No.28. My immediate Junior Sri Sakthivel has been promoted and 23 Inspectors who are my Juniors have superceeded me.

3. I humbly submit that this injustice has been done to me presumably due to a wrong interpretation of the order passed by the Assistant Collector of Central Excise, Guntur Division (Disciplinary Authority) in his C.No.II/10A/5/88-Steno dated 29-11-88 awarding me the punishment of stoppage of my next increment for a period of 3 years. My increment is due every year during the month of May. As per the above orders my increment was not drawn for 3 years as shown hereunder.

During May, 1989	...	My increment was not drawn
During May, 1990	...	-do-
During May, 1991	...	-do-

I therefore respectfully submit that the period of 3 years (i.e., stopping drawal of increments successively for 3 times) is over by 1-5-91 and the order of the Disciplinary

22

13

: 2 :

Authority has been carried out in full. Under the circumstances, my case should have been considered for promotion as Superintendent which has not been done.

4. I therefore humbly request my benign Collector to consider my case sympathetically and pass orders promoting me as Superintendent of Central Excise, restoring my seniority in the cadre of Superintendent with full benefits of all emoluments payable to me from the date ~~xxm~~ on which my Juniors have been promoted to the date of my being promoted as Superintendent, in the interest of justice, equity, fairplay and good conscience, for which act of kindness I shall ever be grateful to my benign Collector.

I beg to remain Sir,

Yours faithfully,

Sd/-

(P. KRISHNA MURTHY)
Inspector of Central Excise
Central Excise Divisional Officer,
Tirupathi.

Copy submitted to the Collector of Central Excise, Guntur.
for favourable consideration.

// True Copy //

Annexe '4'

From

P. Krishna Murthy,
Inspector of Central Excise,
Central Excise Divisional Office,
TIRUPATHI.

To

The Collector of Central Excise,
Cadre Controlling Authority,
HYDERABAD.

Date: 29-8-1991

Respected Sir,

Sub : Estt. - Promotion to the Cadre of
Superintendent of Central Excise
(Group-B) - Case of P. Krishna Murthy,
Inspector of C.E., Tirupathi, not
considered - Representation submitted

In continuation of my Representation dated
28-8-1991, I respectfully submit the following few lines
for consideration, the same may kindly be taken as part
of my representation dated 28-8-1991.

I humbly state that it has been held by the CAT,
Chandigarh Bench that denial of promotion to an official
during the currency of minor penalty of with-holding of an
increment as well as withholding of promotion which is
totally unwarranted by the rules. It is further held that
in any case if it is intended the promotion of delinquent
officer be withheld, it is certainly open to the competent
authority to impose such a penalty in a given case but the
competent authority cannot introduce the penalty of with-
holding of promotion indirectly from the delinquent official
who is already undergoing punishment of withholding of
increment. It is also held that it will amount colourable
exercise of power to and it is and to be struck down as
being violative of Article 14 and 16 of constitution of

Contd....2.

India apart from being contrary to the letter and spirit of the provisions contained in the rules which contemplate imposing of one penalty at one time.

I therefore humbly request that my representation may be considered fairly and justly and my case may be considered objectively and I may be given promotion from the date my next junior promoted to uphold the justice and fair play and good conscience for which act of kindness I shall ever grateful to my benign Collector.

I beg to remain,
Yours faithfully,

(P. KRISHNA MURTHY)
Inspector of Central Excise
Tirupathi-517 501

Copy submitted to: The Collector of Central Excise,
Guntur for favourable consideration.

// True Copy //

Central Administrative Tribunal
HYDERABAD BENCH

6th Floor, Insurance Building
Tilak Road, Abids,
Hyderabad.

Date : 5-2-92

O.A. Regd. No. 282/92

To
Mr. N. Narsing Rao,
Advocate

Sir,

I am to request you to remove the defects mentioned below in your application, within 14 days from the date of issue of this letter; failing which your application will not be registered and action U/R 5 (4) will follow.

1. Copy of OA should be signed by the Counsel.
2. copy of the impugned Order should be attached to the Application.

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Deputy Registrar (Judl)

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO. 95/92.

Date of Order: 7.2.92.

Between:

P.Krishna Murthy.

.. ~~dates of xx & xx~~ Applicant.

and

1. Collector of Central Excise & Customs, Basheerbagh, Hyderabad.
2. Collector of Central Excise & Customs, Kannavarithota, Guntur-4.
3. S.Sakthivel, Supdt. of Central Excise (Group-B) Collectorate, Central Excise, Hyderabad.

.. Respondents.

For the Applicant: Mr. N.Narsing Rao, Advocate

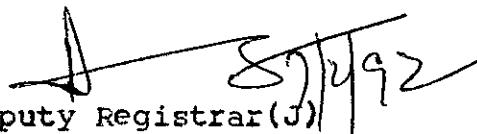
For the Respondents: Mr.M.Jaganmohan Reddy, Addl.CGSC.

CORA M:

THE HON'BLE MR.T.CHANDRASEKHAR REDDY : MEMBER (JUDL)

The Tribunal made the following Order:-

Admit: Heard both sides on the question of interim relief. This is not a fit case to grant interim relief hence interim relief is refused. But we make it clear, the promotions that are ^{already made overlooking the} seniority of the applicant and that are made in the future will be subject to the final outcome of the proceedings of this O.A.


Deputy Registrar (J)

To

1. The Collector of Central Excise & Customs, Basheerbagh, Hyderabad.
2. The Collector of Central Excise & Customs, Kannavarithota, Guntur-4.
3. S.Sakthivel, Supdt. of Central Excise (Group-B) / Collectorate, Central Excise, Hyderabad.
4. One copy to Mr.N.Narsing Rao, Advocate, 3-4-306/9
Opp: Basant Talkies, Lingampally, Hyderabad-27.
5. One copy to Mr.M.Jaganmohan Reddy, Addl.CGSC.CAT.Hyd.
6. One spare copy.

ent
D.P.D.
7/2/92

ASR
2/2/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR. I. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

DATED: 7 - 2 - 1992

ORDER/JUDGMENT:

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

in

O.A.No. 95/92 ✓

T.A.No.

(W.P.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

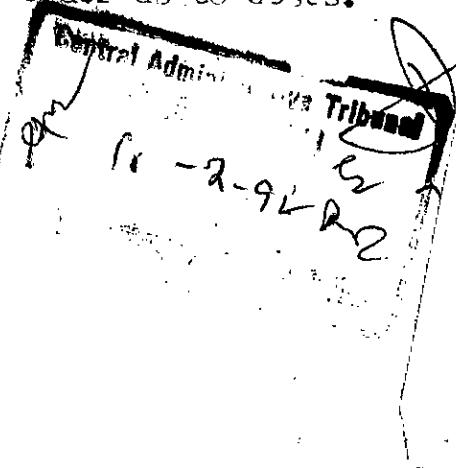
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

PVM



(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No. 95 of 1992

Between

P.Krishna Murthy

... Applicant

And

1. Collector of Central Excise
and Customs, Basheerbagh,
Hyderabad.

2. Collector of Central Excise
and Customs, Kannavarithota,
Guntur-4.

3. S.Sakthivel, Superintendent of
Central Excise(Group-B)Collectorate,
Central Excise,
Hyderabad.

... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS

I, S Somashekar Padmanabha
S/o S Somashekar aged 56 years
13/8/93

Occupation: Assistant Collector of Central Excise, Hqrs. Office,
Hyderabad do hereby affirm and state as follows:

1. I am working in the office of the 1st Respondent and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of all the Respondents as I have been authorised to do so. The material averments in the O.A. are denied, save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder;

The brief facts of the case are submitted as under:

The applicant, Sri P.Krishna Murthy, was appointed as Inspector of Central Excise on 22.5.74 in the Collectorate of Central Excise, Hyderabad/Guntur. His case for promotion as Superintendent, first came up for consideration in the departmental promotion committee held on 1.6.1991. While his performance

1st page
Corres.

Attestor

Deponent

S. Somashekar
Superintendent of
Central Excise & Customs
Central Admin. Tribunal
Head Ofs. Office, Hyderabad
VALUATION,
Head Quarters,
HYDERABAD - 500 001.

Asst. Collector of Central Excise,
VALUATION,
Head Quarters,
HYDERABAD - 500 001.

(K. SOMASHEKAR)
Asst. Collector of Central Excise,
VALUATION,
Head Quarters,
HYDERABAD - 500 001.

as Inspector was reviewed and it was found that the following punishments were awarded to him. The period of punishment was not yet over at the time of consideration by the D.P.C.

(i) The Deputy Collector (P&V), Guntur, in his order No.C.II/10A/1/85-VIG dated 9.12.85 awarded a punishment of withholding the next increment for a period of 2 years without cumulative effect for misbehaviour with Superintendent by raising loud voice, uttering abuses and expressing intention to manhandle.

(ii) The Deputy Collector (P&V), Guntur in his order C.No.II/10-A/16/85-Vig. dated 6.2.87, awarded the punishment of stoppage of next increment for three years with cumulative effect for doing overnight checks at Ongole Railway Station, intercepting 7 passengers with valid baggage receipts and trying to collect Rs.700/- from each passenger unlawfully against the orders of the Superintendent.

(iii) The Assistant Collector, Guntur Division, has awarded the punishment of stoppage of next increment for a period of three years with cumulative effect in his order C.No.II/10-A/5/88-A.1 dated 29.11.88 for retaining an amount of Rs.26,800/- for a period of 21 months meant for stamp duty, thereby not filing the Civil Suit, misappropriating Rs.939/- and returning only Rs.25,961/-.

The order at Sl.No.(i) took effect from 9.12.85 and his next increment which was due on 1.5.86 had to be postponed for 2 years i.e. upto 30-4-1988.

The second order took effect from 6.2.87. As per this order his next increment which would have been earned in the normal circumstances on 1.5.87 would have to be stopped. However the petition

2nd page
Corres.

Attestor

Deponent

S. K. Somashekara 13/8/93
Superintendent of
Central Excise & Customs
Central Adminn. Tribunal
Head Qrs. Office, Hyderabad

(K. SOMASHEKARA)
Asst. Collector of Central Excise
VALUATION,
Head Office,
HYDERABAD - 400 031

was not allowed to draw his increment on 1.5.87 because of the order at Sl.No.(i). His next increment was due only on 1.5.88. Therefore, the order at Sl.No.(ii) was given effect from 1.5.88. This order will be in force for 3 years i.e. upto 30.4.1991.

As on the date of D.P.C.(17.6.1991), a review of his performance and the effect of the orders of punishment revealed that he cannot be promoted till 1.5.1994. Therefore he was not promoted as Superintendent. However his immediate junior Sri S.Sakthivel was promoted as Superintendent of Central Excise on 26.08.1991 afternoon on the basis of the finding of the D.P.C. held on 17.06.1991.

The Departmental Promotion Committee held on 16.6.1992 considered the case of the applicant for promotion to the grade of Superintendent. By this date the order of the D.C.(P&V) C.No.II/10-16/85-Vig. dated 6.2.1987 wherein the applicant was awarded the punishment of stoppage of next increment for 3 years with cumulative effect was set aside by the Central Administrative Tribunal, Hyderabad. Therefore the periods of punishments mentioned in the orders mentioned above have been reviewed. The third order took effect from 1.5.1989 and it expired by 30.4.1992. Since his period of punishment has expired by 30.4.1992, the applicant has been promoted as Superintendent in the month of July, 1992 as per finding of the D.P.C. held on 16.6.1992.

In reply to para 6 it is submitted that:

(i) The date of appointment of the applicant as Inspector and his service in the department and also his eligibility for promotion to the post of Superintendent of Central Excise in the year 1991 is not denied. The applicant has discussed the order of punishment dated 6.2.1987 of the Deputy Collector(P&V), Guntur. According to the applicant, the period of punishment for this order

3rd page
Corres.

Attestor

Deponent

S. Somashekar
Superintendent of Central Excise & Customs
Central Admin. Tribunal
Head Quarters, Hyderabad

26/8/93
(R. SOMASHEKAR)
Asst. Collector of Central Excise,
VALUATION,
Head Quarters,
HYDERABAD - 500 001.

was over by 30.4.1991 and he should have been promoted alongwith his immediate junior Sri S.Sakthivel. Now that the order of the D.C.(P&V) has been set aside by the C.A.T., any discussion on this order would neither be relevant nor necessary. However, there is another order dated 29.11.1988 of the A.C.,Guntur in which he was awarded the punishment of stoppage of his next increment for a period of 3 years with cumulative effect. This order has been implemented from 1.5.1989 and the period of punishment ended by 30.4.1992. In the D.P.C. held immediately after the expiry of the punishment period, the applicant was found fit and was promoted as Superintendent of Central Excise. He joined on 2.7.1992. The applicant has made some allegations against the Deputy Collector and the Assistant Collector who have passed the orders of punishment against him. These allegations are baseless.. It is submitted that Hon'ble C.A.T. is not the proper forum for airing such views. The normal channels of appeal would have been pursued for redressal. Therefore it is respectfully submitted that the applicant has been given promotion when it was due and no injustice has been done to him as seen from the period of punishments

(ii) The contention of the applicant that he should have been promoted alongwith Sri K.Madhusudhana Rao in the month of April, 1991 is not correct. Sri Madhusudhana Rao is senior to the applicant. His case was considered in the D.P.C. held in March, 1991. Whereas in this case the applicant was not permitted to be promoted by D.P.C held in 1991. It is true that Sri S.Sakthivel, the immediate junior to the applicant and 12 other Inspectors were promoted in August, 1991. It may be seen from the periods of punishments awarded to him, that the applicant's case can be considered only after 30.4.92 by which time his punishment ended. It is submitted that no injustice was done to the applicant and every thing was done strictly as per

4th page
Corres.

attestor

Report on

Superintendent of
Central Excise & Customs
Central Admin. Tribunal
Head Qrs Office, Hyderabad

(E. SUNDARARAMA I
Asst. Collector of Central Excise.
VALUATION,
Head Quarter,
HYDERABAD - 400 001.

In the C. A. T.
Hyd. Bench

OA 95/92

Recd. Copy of Counter
Affidavit
19/8/93
by [unclear]

Counter Affidavit

RECEIVED
Central Administrative Tribunal
Hyderabad Bench
19 AUG 1993
697



filed by:-
N. R. Devary
Sr. Cse

the Rules and regulations that govern the promotions to the grade of Superintendent of Central Excise.

In reply to para 7 it is submitted that the applicant averred that the promotion order dated 26.8.1991 ignore the applicant's right of promotion and it is highly arbitrary, illegal and violative of article 14 and 16 of constitution of India.

It is respectfully submitted that the said order is not arbitrary and it is legal and is not violative of applicant's constitutional rights. It is submitted by the applicant that undergoing punishment of stoppage of increment and denial of promotion in the natural course would be double jeopardy. It is submitted that stoppage of increment is a punishment given to the officer for certain lapses in his duties which are violative of conduct rules. Promotion to the higher grade is considered based on the performance of the officer. It is neither double punishment nor double jeopardy.

1st page
Corres.

Attestor

S. K. Narayana 13/8/93
Superintendent
Central Excise & Customs
Central Admn. Tribunal
Head Qrs. Office, Hyderabad

Deponent

(K. SOMASHEKAR)
Asst. Collector of Central Excise,
VALUATION,
Head Quarters,
HYDERABAD - 600 001.

VERIFICATION

I, *K. Somashekhar* s/o *K. S. Padukkayya* do hereby verify that the contents of the above statement are true and correct to the best of my knowledge, belief and information based on official records and hence verified the same at on the day of *13th August* 1993.

Place: Hyderabad.

Date:

Attestors

S. K. Narayana
Superintendent of 13/8/93
Central Excise & Customs
Central Admn. Tribunal
Head Qrs. Office, Hyderabad

Deponent

(K. SOMASHEKAR)
Asst. Collector of Central Excise,
VALUATION,
Head Quarters,
HYDERABAD - 600 001.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

R.A./M.A./C.A. NO.

ORIGINAL APPLICATION NO. 95/82

OF 1992

TRANSFER APPLICATION NO.

OLD PETITION NO.

CERTIFICATE

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

Dated: 10.3.95

Counter Signed

Section Officer/Court Officer.

Signature of the Dealing Asst.

DVM

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.95/92.

Date of Judgment: 22.2.1995.

BETWEEN:

P.KRISHNA MURTHY

APPLICANT

AND

1. The Collector of Central Excise & Customs,
Basheerbagh,
Hyderabad.
2. The Collector of Central Excise & Customs,
Kannavarithota,
Guntur-4.
3. S.Sakthivel,
Supdt. of Central
Excise (Group-B) Collectorate,
Central Excise,
Hyderabad.

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI M.NARSING RAO

COUNSEL FOR THE RESPONDENTS: SHRI N.V.RAMANA, ADDL. CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

contd....

33

OA 95/92.

JUDGMENT

Dt:22.2.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri N.Narsing Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The applicant joined service as Inspector of Central Excise on 22.5.1974 in the Collectorate of Central Excise, Hyderabad/Guntur. By the order No. C.II/10A/1/85-VIG, dated 9.12.1985, the Deputy Collector imposed a punishment of withholding of next increment for a period of two years without cumulative effect and that punishment ~~was~~ ended on 30.4.1988.

3. By the order No.II/10-A/16/85-Vig., dated 6.2.87 steppage of next increment for three years with cumulative effect was ordered. But the said order of punishment was set-aside on 11.2.1992 in OA 905/89 on the file of this Bench.

4. The next increment of the applicant for a period of three years with cumulative effect was withheld by the order No.II/10-A/5/88-A.I, dated 29.11.1988. That punishment ended on 30.4.1992.

5. As the said punishment was going to end by 30.4.1992, the DPC which met on 17.6.1991 for consider-

Ans
contd....

(38)

.. 3 ..

ration for promotion to the post of Superintendent of Central Excise, ordered that the applicant should be given promotion on or after 1.5.1992 (vide Sl.No.55 of the minutes of the DPC which met on 17.6.1991. The same was returned after perusal).

6. It ~~was~~ may be noted that no disciplinary proceeding was pending against the applicant as on 17.6.91, the date on which the DPC met for consideration for promotion to the post of Superintendent, Central Excise. As such the question of following the sealed cover procedure had not arisen. But as no promotion can be given during the period in which the officer/employee is undergoing punishment, the DPC rightly stated that the promotion had to be given only after completion of the period of punishment. But it is not clear as to why the DPC recommended that the promotion had to be given even after 1.5.1992 instead of merely stating that it had to be given on 1.5.1992.

7. This OA was filed on 5.2.1992 praying for direction to R-I to promote the applicant as Superintendent of Central Excise as per his seniority. It is stated in the reply filed in this OA that the case of the applicant was again considered for promotion to the post of Superintendent of Central Excise by the
A/

contd....

P38V

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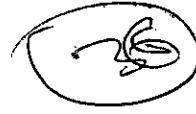
DPC which met on 16.6.1992 and on the basis of the recommendation of that DPC, the applicant was promoted as Superintendent, Central Excise on 2.7.1992. When the DPC which met on 17.6.1991 already recommended the case of the applicant for promotion to the post of Superintendent, Central Excise and it merely added that the said promotion had to be given after the expiry of the punishment, it is not open to the appointing authority to refer the case of the applicant for promotion to the post of Superintendent, Central Excise to the DPC which met later. Hence, the minutes of the DPC which met on 16.6.1992 to the extent of its recommendation in regard to the applicant is quashed.

8. As the DPC which met on 17.6.1991 recommended the case of the applicant for promotion to the post of Superintendent, Central Excise, it had to be given as on 1.5.1992, the date by which the period of punishment was over. It is needless to say that the applicant has to be given the seniority in the category of Superintendents of Central Excise on the basis of his ~~placement~~ position as per the panel prepared by the DPC which met on 17.6.1994.

✓

contd....

✓

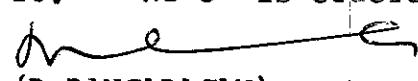


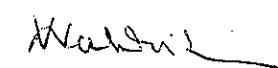
.. 5 ..

9. In the result, the OA is ~~ordered~~ ^{dispatched} as under:-

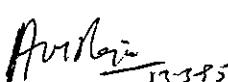
The date of promotion of the applicant to the post of Superintendent of Central Excise has to be advanced to 1.5.1992 and his pay in the category of Superintendents of Central Excise as on 1.5.1992 has to be fixed and the difference in the pay ^{and allowance} from that date has to be paid to the applicant. His seniority in the category of Superintendents of Central Excise has to be fixed on the basis of ~~the~~ his placement in the panel that was prepared by the DPC which met on 17.6.1994.

10. The OA is ordered accordingly. No costs. /


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 22nd February, 1995.
Open court dictation.


13-3-95
Dy. Registrar (Judl.)

vsn

Copy to:-

1. Collector of Central Excise & Customs, Basheerbagh, Hyderabad.
2. Collector of Central Excise & Customs, Kannavarithota, Guntur-4.
3. S. Sakthivel, Supdt, of Central Excise (Group-B) Collectorate, Central Excise, Hyderabad.
4. One copy to Mr. N. Narasing Rao, Advocate, 3-4-306/9, Opp: Basant Talkies, Lingampally, Hyderabad-500 027.
5. One copy to Sri N. V. Ramana, Addl. ~~QASQ~~, OGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare.

kku.

15th Feb 1995

of - 95/92

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

DATED 22.2.1995.

ORDER/JUDGMENT:

M.A./R.A./C.A. NO.

O.A. No. 95/92

F.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.

No. Spec. copy

