

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

R.A.No. 28/96 in  
O.A. No. 1064/1992

Date: 9.1.1997

Between:

1. P.Sivanageswara Rao
  2. T.Murali
  3. B.Satyanarayana
  4. A.Srinivasarao-I
  5. A.Narasimha Rao
  6. P.Rajanikanth
  7. G.Rajender Kumar
  8. A.Srinivasa Rao-II
  9. Ch.Hanumantha Rao
  10. M.Prabhavathi
  11. J.Nand Kishore
  12. N.Padmavathi
  13. S.V.S.V.Prasada Rao
  14. J.Venkateshwararao
  15. K.Sita Ramamma
  16. G.Jayameramma
  17. G.Sadanand
  18. B.Soloman Ghandass
  19. Md. M.Anwer Pasha
  20. M.A.Raheem
  21. M.Krishnaiah
  22. P.Lakshmi Narasamamba
  23. Ch. V.Ramana
  24. VVVS Ramalingachary
  25. R.Durgavaraprasad
  26. NRL Kumari
  27. B.Krishnakumari
  28. D.Padmavathi
  29. V.Mary Vijaya
  30. G.V.R. Prasad
  31. S.Javeed Sultana
  32. P.S.Padmalatha
  33. K.Bhavani
  34. T.Aruna
  35. N.Usha
  36. Ch. Geeta Devi
  37. K.R.Indira
  38. M.Kameshwari
  39. G.Padmavathy
  40. T.Prabhavathi
  41. P.Lavanya
  42. N.V.V.Sathyanarayana
  43. K.Ramana Rao
  44. A.R.Chandrasekhar
- ... Review applicants

And

1. Chief Superintendent,  
Central Telegraph Office, Hyderabad-1.
  2. Senior Superintendent, Telegraph Traffic,  
Hyderabad Division, Hyderabad.
  3. Chief General Manager, Telecom,  
A.P.Circle, Hyderabad-1.
  4. Director, Telegraph Traffic,  
A.P.Circle, Hyderabad-1.
  5. Union of India, rep. by Secretary,  
D/o Telecommunications, N.Delhi.
- hcc*

6. A. Srinivasarao-III
7. K.Jagadeshwar
8. G.Venugopal Reddy
9. S.Madhusudan
10. V.S.R.Murthy
11. Ch.Prasada Rao
12. M.J.Subrahmanyaeswar
13. T.Ramadevi
14. K.Narasising Rao
15. Md. Azeez Ahmed
16. Md. Arifuddin
17. T.Prabhu
18. L.K.Jayasree
19. N.Vimalaprasad
20. D. Satyanarayana
21. C.Satyanarayana
22. N.Rajeshwari
23. R. Balasumitra
24. A.S.Lakshmi
25. N.S.Ambika Devi

.... Respondents

- |                              |   |
|------------------------------|---|
| Mr. T.V.V.S. Murthy          | .. Counsel for review applicants          |
| Mr. V. Rajeshwara Rao, ACGSC | .. Counsel for official respondents (1-5) |
| Mr. K.Venkateshwara Rao      | .. Counsel for private respondents (6-25) |

C O R A M

HON'BLE MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (per Hon'ble Mr. M.G. Chaudhari, Vice Chairman)

Mr. TVVS Murthy for the review applicants.

Mr. K.Venkateshwara Rao for private respondents.

Mr. V.Rajeshwara Rao, Standing Counsel for official respondents.

We have heard the review application at length.

Mr. K.Venkateshwara Rao urged two preliminary contentions.

Firstly, he submitted that the review applicants should have got themselves impleaded in the O.A. and as they did not do so, the order passed in the O.A. is binding on them. Secondly, he submits that the grievance of the applicants was with regard to the wrongful action of the official respondents and therefore it was not necessary for the original applicants to join the review applicants as respondents in the O.A. We however find from the relief clause of the O.A. and averments in the O.A. that the case of the applicant, was not relating only to the principle for fixation of date of regularisation and action of the official respondents in that respect, but it implied that any order passed in favour of the applicants was likely to result in consequences being felt adversely by the review applicants. We are not therefore satisfied that on the basis of this objection the review application should be dismissed.

2. Mr. K.Venkateshwara Rao next submitted that the review application is barred by limitation and therefore it should be rejected on that ground. The order under review was passed on 16.2.95. According to the review applicants, they got the knowledge of that order only from the Memo issued by Respondent-1 on 15.11.95 about which they came to know on 12.12.95. The review application has thereafter been filed on 16.1.96. The explanation appeals to us and therefore we hold that the review application is not liable to be rejected on the ground of limitation.

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3. Now turning to the error apparent on the face of the record, what we notice in the light of submissions of Mr. TVVS Murthy, is that several facts directly relevant to determine the questions raised by the O.A. had not fallen for deeper scrutiny by the learned Bench who decided the O.A., apparently because, as can be seen from the order, the counsel for the official respondents appearing at that time had almost conceded with the submission of the counsel for the original applicants that the O.A. may be disposed of in terms of the direction that was eventually given in the order. It also appears that the then learned standing counsel had acted on the basis of instructions from the Department. In our view even for the purpose of implementing the directions given in the OA several features which need to be clarified have not been clarified, such as, with reference to what date the question as to whether any junior to the applicants was regularised *which* is not clear from the order, nor from the concession made by the standing counsel which is required to be understood in the context of the case of the respondents as was pleaded in the counter. We also find that the original applicants had not filed ~~their~~ <sup>their</sup> orders of initial appointment. It is also not clear as to why the date of entry of the applicants came to be shown as 1983 in the gradation list. Similarly, no comparative dates were furnished by either party to determine the eligibility of the date for regularisation in respect of the applicants.

All that has resulted in the review applicants being aggrieved by the action taken by the original respondents vide memo dated 15.11.96. As rights of inter se seniority coupled with regularisation of the original applicants vis-a-vis the review applicants are involved, in our opinion, it would not be enough to rest the matter with the direction given in the OA and the matter should require further determination.

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4. Since all the material aspects were not projected by the parties and have not been reflected in the order, we are satisfied that, in the interest of justice, the O.A. should be re-heard fully, so that the rights of the parties can be clearly determined. Hence the following order:-


O R D E R


- (i) We allow the R.A., set aside the order dated 16.2.95 passed in the O.A. and restore the O.A. for re-hearing.
- (ii) Till the O.A. is heard and disposed of, status quo as of today in respect of all the <sup>contesting</sup> ~~necessary~~ parties to these proceedings ~~be~~ maintained.
- (iii) The respective parties are directed to prepare tabulated details with reference to different dates material for the question of deciding the points involved in the O.A.
- (iv) The setting aside of the order in the OA shall, however, be without prejudice to the rights and contentions of the original applicants as urged in the O.A. and to be urged afresh in response to the O.A. at its re-hearing.
- (v) For the purpose of re-hearing of the O.A. it is directed that the review applicants shall be deemed to have been impleaded as respondents 6 to 49.  
The review application shall be treated as counter of the review applicants to the O.A. The original applicants are given liberty to file rejoinder if so advised in addition to the counter already filed in reply to the R.A. The said counter shall be read as ~~rejoinder~~ <sup>in</sup> of the O.A. at the hearing of the O.A. Likewise, the surrejoinder filed by the review applicants to the counter of the original applicants filed in the review application shall be treated as further counter of the review applicants as respondents in the O.A. The review applicants as additional respondents will be at liberty to file

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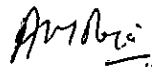
additional counter.

(vi) The O.A. to be listed for hearing on 17.2.1997.

  
H. Rajendra Prasad  
Member (Admve.)

  
M.G. Chaudhari (J)  
Vice Chairman

9th January, 1997

  
Deputy Registrar (J) CC

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