

ANNEXURE - I

FORM OF INDEX

List of papers in MA/ GP/ RP No.

713

/199³ In O.A. No.

/199

Serial no of papers
on record part I
part II part III

Date of paper
or
Date of filing

Description
of
papers

Remarks

13/9/93.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

MA NO. 81913

MA NO. 81913

Between

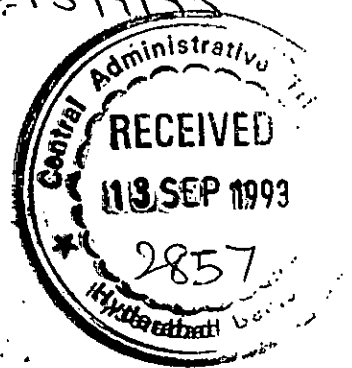
A. Baburao — Applicant

And

The Union of India
and 3 Ors. — Respondent

MISCELLANEOUS APPLICATION
FILED U/R 8(3) & CAT(P) Rules
FOR DISPENSE WITH THE FORMAL
— TIES.

Filed on: 13/9/93



Filled by

V. Venkateswar Rao

K. Phani Raju

Advocate

Hyderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

M.A.NO. 713 of 1993

in

O.A.No. 1129 of 1993

Between:

A. Babu Rao,
S/o A. Narasimha, aged 25 years,
Occupation: Casual employee,
R/o Hyderabad.

.. APPLICANT

AND

1. The Union of India represented
by Dy. Secretary (P V), Ministry
of External Affairs, New Delhi-1.
2. The Passport Officer,
Govt. of India, Ministry of
External Affairs, Passport Office,
12-2-937, Asifnagar,
Mehdipatnam Road, Hyderabad-500028.
3. Shri K. Narasimha Rao,
Casual employee, Office of the
Passport Officer, Ministry of
External Affairs, 12-2-837,
Asifnagar, Mehdiapatnam Road,
Hyderabad-28.


-- Respondents

MISCELLANEOUS APPLICATION FILED U/r 8(iii) of the CAT
(PROCEDURE) RULES, 1987,

...

For the reasons mentioned in the O.A. in Para 6,
this Hon'ble Tribunal may be pleased to dispense with
the filing of the Telex message dt. 10.9.93 for the time
being, in the interest of justice and pass any other or
orders as is deemed fit, proper, necessary and expedient
in the circumstances of the case.

Dt: 13.9.1993.
Hyderabad.


COUNSEL FOR THE APPLICANT

13.9.93

MA. 713/93 in O.A. 1129/93

Filing of telex message
dispensed with for ~~the~~
~~the present~~
~~being~~. Copy of the telex
message has to be filed
at the time of hearing

HPTT
M(A)

NUNRT
VC

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD BENCH AT
HYDERABAD. A.P.

M.A. NO. 713 1993

~~IN~~ IN 1995

~~Petition to condone delay of~~
~~days in filing counter affidavit~~

Dispense with petition

Mr. _____

~~Sr. Addl. Standing Counsel for G.C./Rlys.~~

Mr. V. Venkateswara Rao

Counsel for the applicant (s)

MY. N. V. Ramana

A. C. G. Sec.

FORM OF INDEX

List of papers

MA/UP, *MA* 821 /99 in CA.No. 1129 /99

Serial No. of p.
on record part

s c of papers Description
of of Remarks
r e of fi ling papers

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

U/S. 27 of CAT & Rules 1985
AT HYDERABAD
M.A. No. 821 of 1999

in

O.A. No. 1129 of 1993

Between :

A. Babu Rao,
S/o. A. Narasimha,
age 33 y ars,
Resident of H.No.5-47,
Raidurg Village,
Lingampally Mandal,
Rangareddy District.

.. Applicant

AND

1. Union of India,
Rep. by Dy.Secretary (P&V)
Min. of External Affairs,
New Delhi - 1.

2. The Passport Officer,
Government of India,
Min. of External Affairs,
414, Adjacent to Prashanth Theatre,
Kummarguda, Secunderabad - 3.

3. Sri K. Narasimha Rao.

.. Respondents

BRIEF FACTS LEADING TO THIS APPLICATION

It is submitted that the applicant who was engaged as Casual labour on 9.3.1985 was acquired temporary status from 1.9.1993 by an order dt.6.7.1995 issued by the Passport Officer, Hyderabad the Respondent No.2 herein when the appointment of Respondent No.3, ie., K. Narasimha Rao as a Peon against a regular vacancy as Group 'D' was conveyed by Respondent No.1 to Respondent No.3 herein. The applicant impugned the said order by filing the O.A. 1129/93. The said O.A. was disposed of by the Hon'ble Tribunal with a direction stated as under :

"The applicant should be absorbed in Group 'D' post within a period of one year any where under the Central Passport Organisation from the date of receipt of the copy of this order".

The O.A. is ordered accordingly, No costs".

A. Babu Rao

It is submitted that the order of the Hon'ble Tribunal was received by the Respondents on 17.1.1997. It means the Respondent No.1 and Respondent No.2 were directed by this Hon'ble Tribunal that the applicant should be absorbed in Group 'D' post by 17.1.1998, any where under the Central Passport Organisation. But unfortunately though the applicant has personally requested the Respondent No.2 besides submitting written representations. The Respondents have not so far complied with the directions of this Hon'ble Tribunal by absorbing the applicant in Group 'D' post so far.

It is humbly submitted that the applicant is low paid person requesting for his regularisation and absorption in Group 'D' post. In such position he is afraid of initiating a contempt of Court proceedings against the official respondents for their failure to comply with directions of this Hon'ble Tribunal in O.A. No.1129/93. The applicant only wants that he should be treated as having been absorbed as Group D employee from 17.1.1998, the date of receipt of the judgement and order of this Hon'ble Tribunal in O.A.No.1129/93 by the official respondents.

It is therefore prayed that the respondents be directed to implement the directions passed in O.A.No. 1129/93, dt.31.12.1996 forthwith and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

A. Babu Rao

VERIFICATION

I, A. Babu Rao; S/o. A. Narasimha, age 33 years;
do hereby declare that the contents stated in the above
paragraphs are true to my best of knowledge ~~and~~ belief
and information. I have not suppressed any material
facts of the case.

Hyderabad;

Dt. 9 - 9 - 1999

A. Babu Rao
SIGNATURE OF THE APPLICANT

H. Satyanarayan
COUNSEL FOR THE APPLICANT

To

The Registrar,
Central Administrative Tribunal,
Hyderabad Bench,
Hyderabad.

3+6
(42)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.1129/93.

Dt. of Decision : 31-12-

A. Babu Rao

.. Applicant.

Vs.

1. The Union of India, Rep. by
Dy. Secretary (P V), Min. of
External Affairs, New Delhi-1.
2. The Passport Officer,
Govt. of India, Min. of
External Affairs, Passport
Office, 12-2-837, Asifnagar,
Mehidipatnam Road, Hyderabad-28.

3. Sri K. Narasimha Rao

.. Respondents.



Counsel for the applicant

: Smt. S.V. Indira for
Mr. P.V. Krishnaiah

Counsel for the respondents

: Mr. V. Rajeswara Rao for
Mr. N.V. Ramana, Addl. CGSC.

CERAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUEL.)

Je

ORDER

CRAL ORDER (PER SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Smt.S.V.Indira for Mr.F.V.Krishneiah, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V. Ramana, learned counsel for the respondents.

2. In this OA the applicant has prayed to call for the records pertaining to the telex message dated 10-9-93 issued by the R-1 conveying approval for appointment of the R-3 as Peon against ~~the~~ a regular vacancy in Group-D category, to set aside the same as illegal and arbitrary and unconstitutional by holding that he is entitled to be appointed as Peon against regular Group-D vacancy with all consequential benefits.

3. The case of the applicant is that ^{during} ~~the~~ 3-9-85 ~~he~~ he was engaged as casual employee in the office of the R-2, that initially he was paid Rs.12/- per day and as a result of enhancement in daily wages has been presently working on a daily wages of Rs.48/- per day, that he was engaged as a casual employee through out the month and was paid wages every month, that the R-2 is a unit by itself for the purpose of appointment and seniority in respect of Group-D posts, that as per the instructions in D.C.Letter No.V.IV/561/24/88 dated 25-2-88. (A-1) the ^{the} posts of Peons/Safaiwala/Night Watchman have to be filled in by considering the cases of the casual labourers working in the passport offices in accordance with seniority provided the eligible candidate has put in atleast two years of continuous service including the usual quarterly breaks, that there were 70 casual employees working in the office of the R2 on daily wages ^{that -} among them he was the seniormost casual employee, that though he being the senior casual employee, respondent No.2 was directed to forward two applications submitted by himself and that of Mr.V.Nageswar Rao to the Ministry for approval, that the concerned clerk forwarded the application of Mr.V.Nageswar Rao

32

44

for regular appointment as night watchman that when he came to know that his application was not forwarded to the Ministry, he made representation dated 20-07-93 (Annexure-VII) that the second respondent in accordance with the advice of the Officer of the second respondent that he was fully qualified for regular appointment as Peon in the Group-D category. On 10-9-93 the Ministry conveyed its approval for the appointment of R-3 as a Peon who was far most junior to him as a casual employee, that appointment orders are yet to be issued, that post is still vacant, that he belongs to SC Community, that the existing vacancy is a reserved point for SC candidate, that the R-3 does not belong to SC community, that the R-3 is not entitled to be appointed against the reserved point, that even otherwise he being the senior most casual employee he is entitled to be appointed as a Peon in a Group-D posts and that the approval conveyed by R-3 for appointment of R-3 as a Peon is not correct.

4. The respondents have filed their counter affidavit stating that the applicant cannot stake claim to the post of Peon on the strength of the impugned letter. The ~~xxx~~ letter itself mentioned for appointment to the post of Peons would be subjected to the instructions of the Department of Personnel & Training (DOPT), that the Department of Personnel & Administrative reforms ~~xx~~ had laid down in OM.No.39016/20/80-Estt(C) dated 4-11-77 and No.39016/20/80-Estt(C) dated 30-12-80 to the effect that 3% of the Group-D posts should be reserved for physically handicapped including one person for the visually handicapped. Out of the sanctioned strength of 171 Group D posts in the Central Passport organisation, atleast one post was required to be reserved for visually handicapped, since R-3 is a visually handicapped person and ~~is~~ otherwise eligible for the post of Peon, he was appointed against the reserved post, that the petitioner is not the senior most casual labourer as contended by him that one Mr.V.Nageswara Rao another casual labourer is senior to the petitioner, that Mr.K.Narasimha

Rao was appointed against the post reserved for visually handicapped person that there was backlog of one Group-D post reserved for visually handicapped at the time of appointment of Mr. V. Narasimha Rao, that the procedure laid down in the Ministry of External Affairs letter No.V.IV/561/24/88 dated 25-2-88 that the posts of Peon would be subject to the standing instructions of the Department of Personnel & Training that the 2nd respondent had only forwarded the service particulars of the casual labourers working in the office of the second respondent to the first respondent that he had not recommended any candidate for regularisation that approval for appointment of the R-3 against the vacancy reserved for physically handicapped category, that an assurance to that effect has been given by the first respondent vide Lr.No.V.IV/578/7/90 dated 14-3-91 in response to various representations made by R-3, that the first respondent vide his letter dated 12-7-93 offered appointment to the R-3 against the visually handicapped category, that R-3 is in comprehensive instructions and guidelines to be followed in respect of appointment to the persons belonging to the visually handicapped persons that the contentions of the applicant are not tenable, that the applicant was denied to work as Nightwatchman on adhoc arrangement ~~when he was offered~~ that the said Nageswara Rao was fit to work as nightwatchman, that ~~XXXXXXXXXXXX~~ the applicant submitted one representation dt. 9-5-93 for the post of Night watchman and not for the post of Peon that he was therefore appointed temporarily in place of one Mr. Babu Rao who ^{had} refused to work as Nightwatchman that the R-3 is senior to the applicant, that his appointment was approved against the post reserved for physically handicapped persons, that ^{request} of the applicant was duly considered by the Ministry. However he could not be considered since the post was to be filled up ^{by a} physically handicapped person, and that the action taken by the R-1 and 2 in appointing R-3 is quite in accordance with rules and that the application is liable to be dismissed.

5. From the materials placed on record it is clear that the applicant was the senior most casual labourer employee working in the office of the R-2. The respondents failed to produce the records relating to the roster earmarked for physically handicapped persons. Though the respondents submitted that the roster for physically handicapped is governed by the Central Government on All India basis, no rule ~~to~~ to the effect was produced, despite of repeated adjournments ~~being~~ given to them. In the absence of any rule or any material we are not able to ~~we~~ come to the conclusion whether the roster ^{is} applicable for physically handicapped on All India level or at the Regional level. In view of the above, ^{we} have asked the respondents to check up whether the applicant will be absorbed against the vacancies in the near future. Today, the learned counsel for the respondents produced the letter dated 26-12-96 of the Public Relations Officer, Passport Office, Hyderabad, wherein it is stated that the case of the applicant would be considered as and when a Group-D vacancy arises for which the applicant is eligible. The another list of Group-D officials and the date of retirement is also produced. According~~ly~~ to the said letter the ^{first} vacancy in the Group-D posts in the office of the Passport office, Hyderabad ~~the first vacancy~~ will arise only in ^{year} 2003 and other vacancy will arise in 2010 and there-after. It is not considered advisable to keep the applicant in dark till 2003. It is for the respondents to absorb him at the earliest preferably within a period of one year from the date of receipt of a copy of this order. If long time is given, the applicant will be put to a dis-advantage especially in the ^e context of the respondents having failed to produce the proper records. ~~any~~ Suitable decision has to be taken by this Tribunal and that decision should be equitable to both the sides.

The applicant should be stamped in Group-B posts within a period of one year ~~any~~ anywhere under the Central Passport Order from the date of receipt of a copy of this order.

SECRETARY OF THE ARMY COPY

CASE NUMBER 127-129193
 DATE OF JUDGMENT 3/1/21
 COPY MADE READY ON 12/1/20
 SECTION OFFICE (1)

Reg:- Petition for implementation
of the Judgement

In the C.A.T.
Hyd Bench



MA

199

in

OA 1129/93

Implementation Petition

Quint
Wid

17/8/99

V. Rajeshwar

Filed by: — may be

W. Satyanarayana
Advocate

by Mr. W. Satya-

Advocate, is not

maintainable. Since he is
not on record.

2. provision of rule to be
furnished.

in due time

Cy
21/7/99
Dr DR

objection, conflict
with
27/9


U/S 27


2
MA. 821/99 in OA. 1129/93.

30/9/99.

Heard Mr. W. Satyanarayana
for the applicant and
Mr. V. Rajeswarar Rao for
the respondents.

The MA is dismissed.
No costs.


HRSR
msj


HRAH
mibj

24 केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

M.A. NO. 821 of 1999
IN

O.A. NO. 1129 of 1993

Implementation of
the Judgment

Mr. W. Satyanarayana
COUNSEL FOR THE APPLICANT/S

AND

MR. V. Rajeswarar Rao
STANDING COUNSEL
ADDL. STANDING COUNSEL FOR Cen. Govt.
SENIOR STANDING COUNSEL for Cen. Govt.
S.C. FOR RLYS.

(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

OA/ LA/ RA/ CB/ MA/ PT/ 1129

.....A. Babu Rao.....Applicant(s)

versus

.....Dy. Secretary, min + External Affairs, New Delhi 2.200.....Respondent(s).

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Orders In A.A(s)	dt 15.12.93 span copy.	16-17 18-19
Orders in (Final Orders)	dt 1.2.94	20
orders in MA 815/93	span copy	
	consignment slip	
	order dt 31-12-96	
	span copy	
MA 821/99	30-9-99	46447

Certified that the file is complete in all respects.

Signature of
Dealing Hand
(in Record Section).

Signature of S.O.

FORM NO. 21.

(Sec. Rule)114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No. 1129 / 93 199

Applicants.

Versus

Respondent (s)

INDEX SHEET

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| 2. | Orders. | |
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| 4. | Reply Statements. | |
| 5. | Rejoinder. | |
| 6. | Orders in (final Orders) | |

Signature of dealing Head
in Record Section.

Signature of S.O.

(2)

OA 1129/93

(H)

Date	Office Note	Orders
21-1-94		<p>MA 815/93 it is representation The records are received by the Standing Counsel. post it on 1-2-94.</p> <p>STAN 14 (A) 8 STAN Ana (5) 31 184</p> <p>Counsel 5</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. NO./TA NO. 1129 1993.

A. Babu Rao

Applicant (S)

Versus

The Dy. Secretary, Min. of

Respondent (S)

External Affairs, New Delhi

Date	Office Note	Orders & 2 Others
	petition.	<p style="text-align: right;">13.9.1993</p> <p>Heard. In the circumstances referred to, MA to dispense with the filing of the Telex message dt.10.9. for the time being, is allowed.</p> <p>Notice in the OA before admission. Status-quo as on today Fore- with reference to Tlx.Message Dt.10.99 noon/has to be maintained until further orders. List the OA on 12.10.1993, for counter in the meanwhile. Wire at party's cost.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>HPTT M(A)</p> </div> <div style="text-align: center;"> <p>HVNR.J VC</p> </div> </div> <p>List it on 11-10-93 below admissions.</p> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <p>HPTT M(A)</p> </div> <div style="text-align: center;"> <p>HVNRJ VC</p> </div> </div> <p>30-9-99. Register.</p>

7.10.93

MA. 8 24/9/93 dismissed
Order vide MA sheet. no cost.

HPTT
M(A)

HVNR
MIB

(2)

MA 815103 in CA 1129183-

Date	Office Note	Orders
<u>11/10/93</u>		<p>Post on 11/10/93.</p> <p><u>HPT</u> <u>Hmas</u> M(A) VC.</p> <p>(20) JAW By order.</p>
<u>27/10/93</u>		<p>Register.</p> <p>Post on 31/11/93.</p> <p><u>HRAW</u> <u>Hmas</u> M(A) By order.</p> <p>Low Register.</p>
<u>31/11/93</u>		<p>Post on 8/11/93</p> <p><u>HRAW</u> <u>Hmas</u> M(A) VC.</p> <p>(20) JAW</p>
<u>8-11-93</u>		<p>Post on 15-11-93.</p> <p>HABG HVNR.T T(A) VC</p> <p>By order.</p> <p><u>HPT</u> <u>Hmas</u> M(A) VC.</p>
<u>6/12/93</u>		<p>Post on 15/11/93.</p> <p><u>HRAW</u> <u>Hmas</u> M(A) VC.</p> <p>(20) JAW 8/6/12/83</p>

contd--3

OA 1129/93

Date	Office Note	Orders
15-12-93	<p>Letter addressed to 1st Respondent with a copy of order dated 15-12-93 in production of the relevant record.</p> <p>top 16/12</p> <p>Records called for, have not been received.</p> <p>TR 28/1/94</p>	<p>After hearing relative ^{respective} contentions for the parties, it transpired that it is necessary to peruse the relevant record including the Roster Register of the relevant time for disposal of this OA.</p> <p>As such, the 1st Respondent is required to get the same before this Tribunal by 31-1-1994. Office has to address a letter to the 1st Respondent by 22-12-1993 by enclosing a copy of this order. call on 31-1-1994.</p> <p>HRRN M(A)</p> <p>HVN.R.J VC</p>

6

MA 815/93 to OA 1129/93-

Date	Office Note	Orders
<u>25/2/94</u>		post on 15/3/94. HARR (20) HARR M(A) VC
<u>18/3/94</u>		post on 15/4/94. HARR M(A) VC
<u>22/4/94</u>		post for dismissal on 29/4/94. HARR HARR M(A) VC
<u>20/5/94</u>		post on 24/6/94 HARR HARR M(A) VC
<u>24/6/94</u>		post on 1/7/94. HARR HARR M(A) VC
-7-94		Post on 7-7-94. HARR HVNRJ M(A) VC B/O Post it for orders on 13-7-94. HARR HVNRJ M(A) VC By order DR (J)
7-7-94		
12/8/94		Post on 20/8/94 HARR (20) HARR M(A) VC

OA 1129/93

Date	Office Note	Orders
<p>1-2-94</p> <p>11.2.94.</p>	<p>cc by 3.2.94.</p> <p>Reply to Registrar fwd by Mr. P. Venkateswara, Asst. Secy R2 on 27.1.94 1.2.94</p>	<p><u>1-2-94.</u></p> <p>In view of the Rule 8 in Chapter 22 of Swamy's Manual on Establishment and Administration, it is necessary to have the particulars in regard to the number of vacancies ^{in Group D} which had arisen in the Central Region Organisation from the date in the year 1988 from which the above rules had come into effect for considering as to whether the impug order of appointment is in accord with the rules. Hence, R-1 has to furnish the above particulars by 25-2-94.</p> <p>R-2 has to furnish the information as to whether there are any carry forward vacancies in regard to SC/ST in their office by 25-2-94.</p> <p>Post the OA with MA 815/3 on 25-2-94.</p> <p>HRRN M(A)</p> <p>HVNRT VC</p>

8

OA 1129/93

Office Note

Orders

Shri P.V. Krishnaiah learned counsel stated that he is now appearing for the applicant and he has already obtained consent of the earlier learned counsel. Do not treat it for judgement as the present counsel for the applicant sought time to *submit*

List this case for final hearing before this Bench whenever it is going to be constituted.

✓
HABG
M(A)

✓
HVN RJ
VC

5-10-94

Memorandum filed by
Mr. P.V. Krishnaiah,
Adv for the applicant
on 2/10/94.

The applicant prays for
list it on the date on w^h 8.9

Memorandum filed by
Mr. Maheshchand
Nair, Adv for R3
on 3/10/94.

Bench is going to be con

✓
HABG
M(A)

✓
HVN RJ
VC

List it for dismissal
on 21-2-95

✓
HABG
M(A)

✓
HVN RJ
VC

None is present for the applicant.
List it for dismissal tomorrow
ie. 21-3-95.

✓
HVN RJ
VC

MA 815/93 in 1129/93 (4)

Date

Office Note

Orders

20/7/94

~~POA on 818/94~~

~~HRR~~ (20) ~~HRR~~
VC

8/8/94

~~POA on 17/8/94~~

~~HRR~~ (20) ~~HRR~~
VC

24 $\frac{8}{94}$

Dis,
POA it for dismissal
tomorrow i.e. 25-8-94

HRR
M(A)

HVNR
VC

POA-CA 1129/93 along
MA 815/93 for judgment
on 31-8-94.

~~HABG~~
M(A)

~~HVNR~~

31-8-94

MA 815/93

Order passed

OK MA in as
order in order
No costs
Post the OA on
This Bench.

C.C

~~HABG~~
M(A)

PI
21/9/94

(10)

DA 1129/93

Date

Office Note

ORDER

13/11/96

None for the
applicant. Post for
orders on 14/11/96.

HBSJP

M(J)

HRRN

M(A)

14/11/96

None for the applicant.
Mr. V. Rajeswara Rao, for the
respondents. Mr. Naveen Rao
for Mr. Meharchand Noori, for
R-3.

List for dismissal on
15/11/96.

[Signature]

HBSJP

M(J)

[Signature]

HRRN

M(A)

15-11-96

List it under the same heading
on Wednesday 20-11-96. Necessary
clarifications will be obtained by learned
Standing Counsel.

[Signature]

HBSJP

M(J)

[Signature]

HRRN

M(A)

ent
real

9

GA 1129 / 93

Date Office Note

ORDER

21-3-95

Limit it for discussion tomorrow i.e. 22-3-95.

HRR
M(A)

HVNRT
vc

By order

DR(S)

22-3-95

Limit it on 29.3.95 at request for the applicant.

HRR
M(A)

HVNRT
vc

By order

DR(S)

31-3-95

List it on 5-4-95.

HABG
M(A)

HVNRT
vc

B/O

DR(S)

6/4/95

Don on 12/4/95

~~HRRN~~
M(A)

to

HVNRT
vc

DR(S)

18.4.95

The learned counsel for the applicant prays for adjournment. Post it in use course for final hearing.

HRRN
M(A)

HVNRT
vc

(12)


OA 1129193


DATE	OFFICE NOTE	ORDERS
------	-------------	--------

5-12-96

Heard Ms Indira for Mr. P.V. Krishniah and Mr. N.V. Ramana for official respondents and Mr. Mehrchand Noori for Resp. No. 3.

At the request of the respondent's Counsel posted on 16-12-96.



HBSJP
M(J)


HRRN
M(A)

18-12-96.

At the request of the respondent's counsel list it on 31-12-96. no further adjournment will be given in this case.


HBSJP
M(J)


HRRN
M

31-12-96.

OA

Order

MO

(11)


OA-1129/93

DATE	OFFICE NOTE	ORDERS
------	-------------	--------

20/11/96

Smt. Indira for Mr. P.V. Krishnaiah for the applicant and Mr. V. Rajeswara Rao, for the respondents. Mr. Rajeswara Rao request some more time to get instructions from Delhi. List it on 4/12/96.

~~He~~
HSSJP
M (J)


HRRN
M (A)

4-12-96

~~None~~ for the Mrs. Indira for the applicant and Shri V. Rajeshwar Rao for the respondents. Some more additional material papers have been submitted today by the standing Counsel for the respondents. In view of this, list this tomorrow under the same

is ordered
in separate sheets
cost.

J
HBSTP

11
HRB, v

I
case
heading

du
HBSJP
M (S)

HRRN
M (A)

13

WIRE AT PARTY'S COST

TO
DEPUTY SECRETARY (FV) MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI - 1

PASSPORT OFFICER GOVT. OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
PASSPORT OFFICE, Hyderabad - 500028.



BY ORDER OF TRIBUNAL DATED 13-9-93 IN OA 1129/93
FILED BY A BABU RAO CASUAL LABOURER YOU ARE DIRECTED TO MAINTAIN
STATUS QUO AS ON TODAY FORENOON WITH REFERENCE TO TELLEX MESSAGE
DT. 10-9-93 SHALL BE MAINTAINED UNTIL FURTHER ORDER. --
ORDER FOLLOWS:-

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
13/9/93.

to be telegraphed:

No. 1129/93

Hyderabad Bench
13-9-93.

D. Suresh Reddy
SECTION OFFICER
SECTION OFFICER 13/9/93
Central Administrative Tribunal
Hyderabad Bench.

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

MA NO. 713/93 & O.A. NO. 1129/93.

~~MA NO. 713/93~~ Date of Order: 13-9-93.

Between:

A. Babu Rao.

.. Applicant.

and

1. The Union of India, rep. by
Deputy Secretary (P v) Ministry of
External Affairs, New Delhi-1.
2. The Passport Officer, Govt. of India,
Ministry of External Affairs, Passport Office,
12-2-837, Asifnagar, Mahidipatnam Road, Hyd-28.
3. Sri K. Narasimha Rao, Casual Labourer,
O/o the Passport Officer, Ministry of
External Affairs, 12-2-837, Asifnagar,
Mehidipatnam Road, Hyderabad-28.

.. Respondents.

For the Applicant: Mr. V. Venkateswar Rao, Advocate

For the Respondents: Mr. N. V. Ramana, Addl. CGSC.

CORAM:

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : MEMBER (ADMN)

The Tribunal made the following Order:-

Heard. In the circumstances referred to, MA to dispense with the filing of the Telex message dt. 10.9.93 for the time being, is allowed.

Notice in the OA before admission. Status-quo as on today Forenoon with reference to Tlx. Message dt. 10.9.93 has to be maintained until further orders. List the OA on 12.10.1993, for counter in the meanwhile.


Deputy Registrar

To

1. The Dy. Secretary (P.V) Union of India,
Ministry of External Affairs, New Delhi-1.
2. The Passport Officer, Govt. of India, Min. of External Affairs,
Passport Office, 12-2-837, Asifnagar, Mehidipatnam Road, Hyd-28.
3. ~~Sri~~ K. Narasimha Rao, Casual Labourer, O/o the Passport Officer,
Min. of External Affairs, 12-2-837, Asifnagar, Mehidipatnam Road
Hyd.
4. One copy to Mr. V. Venkateswar Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One spare copy.

pvm

18/9/93
14/9/93

(3)

Noted/S

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. S. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 13-9 -1993

ORDER/JUDGMENT:

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

713/93

in

O.A.No.

1129/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

list two OA on 12/10/93

Disposed of with directions

Dismissed

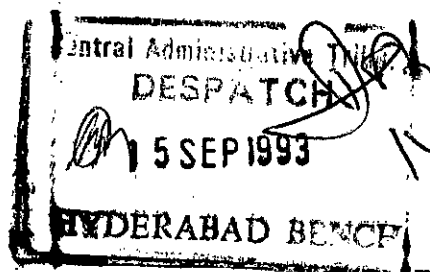
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

pvm



(16)

In The Central Administrative Tribunal, Hyderabad Bench

MA-713/93 u O.A.No. 1129/93.

~~MA-713/93~~ Date of Order: 13-9-93.

Between:

A. Babu Rao.

.. Applicant.

and

1. The Union of India, rep. by
Deputy Secretary (P.V) Ministry of
External Affairs, New Delhi-1.
2. The Passport Officer, Govt. of India,
Ministry of External Affairs, Passport Office,
12-2-837, Aifinagar, Chhidipetam Road, Hyderabad-28.
3. Shri K. Narasimha Rao, Casual Labourer,
O/o the Passport Officer, Ministry of
External Affairs, 12-2-837, Aifinagar,
Chhidipetam Road, Hyderabad-28.

.. Respondents.

For the Applicant: Mr. V. Venkateswar Rao, Advocate

For the Respondents: Mr. N. V. Ramana, M.L.A., C.

ORDER:

THE HON'BLE MR. JUSTICE V. BHALLANI MD : VICE CHAIRMAN

AND

THE HON'BLE MR. P. T. RAJU MD : MEMBER (ADJ)

The Tribunal made the following Order:-

Heard. In the circumstances referred to, an to
dispense with the filing of the Telex message dt. 10.9.93, for
the time being, is allowed.

Notice in the OA before admission. Status-quo as on
today forenoon with reference to Telex message dt. 10.9.93
has to be maintained until further orders. List the OA on 12.10.1993.
For counter to the OA before the Tribunal.

Date: 13.9.93
Court Officer

Central Administrative Tribunal
Hyderabad Bench
Hyderabad

1/- Mr. Narasimha Rao
Deputy Secretary (J)

To

1. The Dy. Secretary (P.V) Union of India,
Ministry of External Affairs, New Delhi-1.
2. The Passport Officer, Govt. of India, Min. of External Affairs,
Passport Office, 12-2-837, Aifinagar, Chhidipetam Road, Hyderabad-28.
3. Shri K. Narasimha Rao, Casual Labourer, O/o the Passport Officer,
Min. of External Affairs, 12-2-837, Aifinagar, Chhidipetam Road,
Hyderabad.

4. One copy to Mr. V. Venkateswar Rao, Advocate, Hyderabad.

5. One copy to Mr. N. V. Ramana, M.L.A., C.A.C.A. Rd.

6. One copy to Mr. P. T. Raju, M.L.A., C.A.C.A. Rd.

MD

(1) 10/10/93

(18)

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO. 1129/93.

Date of Order: 15-12-93.

Between.

A. Babu Rao.

Applicant.

- and
1. The Union of India rep. by
Deputy Secretary (Pv) Min. of External
Affairs, New Delhi-1.
 2. The Passport Officer, Govt. of India,
Ministry of External Affairs,
Passport Office, 12-2-837, Asifnagar,
Mehidipatnam Road, Hyderabad-28.
 3. Sri K. Narasimha Rao, Casual Labourer,
O/o the Passport Officer, Min. of
External Affairs, 12-2-837, Asifnagar,
Mehidipatnam Road, Hyderabad-28.

Respondents.

For the Applicant: Mr. V. Venkateswar Rao, Advocate

For the Respondents: Mr. N. V. Ramana, Addl. CGSC.

CORAM:

Mr. P. Venkateswar Rao for R3
THE HON'BLE MR. JUSTICE V. NEELADRI RAO : VICE-CHAIRMAN
and

THE HON'BLE MR. R. RANGARAJAN : MEMBER (ALM)

The Tribunal made the following Order:-

After hearing the respective contentions for the parties, it transpired that it is necessary to peruse the relevant record including the Roster Register of the relevant time for disposal of this OA. As such, the 1st respondent is required to get the same produced before this Tribunal by 31-1-1994. Call on 31-1-1994.

Deputy Registrar (J) 16/12/93

To

1. The Deputy Secretary (Pv) Union of India,
Ministry of External Affairs, New Delhi-1. *(with a letter enclosing a copy of order)*
2. The Passport Officer, Govt. of India,
Ministry of External Affairs, Passport Office,
12-2-837, Asifnagar, Mehidipatnam Road, Hyderabad-28-
3. Sri K. Narasimha Rao, Casual Labourer, *one copy to Mr. P. Venkateswar Rao*
O/o Passport Officer, Min. of External Affairs, *for R3 CAT-Hyd.*
12-2-837, Asifnagar, Mehidipatnam Road, Hyd-28.
4. One copy to Mr. V. Venkateswar Rao, Advocate, CAT-Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC CAT-Hyd.
6. One spare copy.

*1st CAT
R3
9.16
7.12.93*

19

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 15.12.1993

ORDER/JUDGMENT.

180031-1-94

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

O.A.No. 1129/93ⁱⁿ

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

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

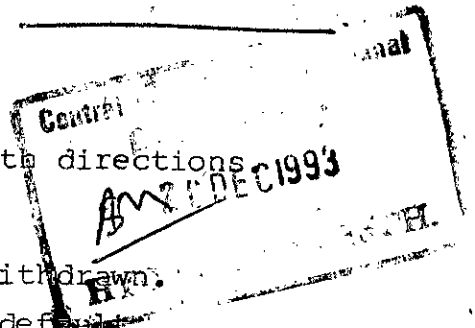
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.



16
3.12.93

Ind. 5.0
Ind. 5.

Office has to
address a letter to R.
to produce records sent letter
to order dt. 15.12.93. 1129/83.
letter on 22/12/83

(30)



16/12/83

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYD. BENCH.

C.A.No. 1129/93.

Date of Order: 15-12-93.

Between:

A. Labu Rao.

.. Applicant.

and

1. The Union of India rep. by
Deputy Secretary (FV) Min. of External
Affairs, New Delhi-1.
2. The Passport Officer, Govt. of India,
Ministry of External Affairs,
Passport Office, 12-2-337, Asifnagar,
Mehidipatnam Road, Hyderabad-28.
3. Sri K. Narasimha Rao, Casual Labourer,
O/o the Passport Officer, Min. of
External Affairs, 12-2-337, Asifnagar,
Mehidipatnam Road, Hyderabad-28.

.. Respondents.

For the Applicant: Mr. V. Venkateswar Rao, Advocate

For the Respondents: Mr. H. V. Ramana, Addl. C.A.C.

CDRAM:

Mr. P. Venkateswarlu, Advocate for R3

THE HON'BLE MR. JUSTICE V. S. S. LAKSHMI : JUDGE - C AND JUDGE

and

THE HON'BLE MR. B. C. RAJAN : JUDGE (ADJUT)

The Tribunal made the following order:-

After hearing the respective contentions for the parties, it transpired that it is necessary to peruse the relevant record including the Roster register for the relevant time for disposal of this O.A. As such, the 1st respondent is required to get the same produced before this Tribunal by 31-1-1994. Call on 31-1-1994.

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

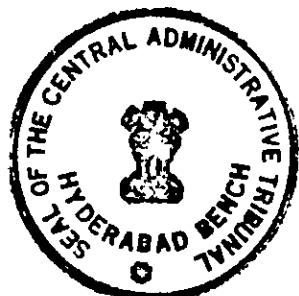
C/- P. Venkateswarlu
Deputy Registrar(J)

To

1. The Deputy Secretary(FV) Union of India,
Ministry of External Affairs, New Delhi-1.

2. The Passport Officer, Govt. of India,
Ministry of External Affairs, Passport Office,
12-2-337, Asifnagar, Mehidipatnam Road, Hyderabad-28.

3. Sri K. Narasimha Rao, Casual Labourer, P. Venkateswarlu Advocate for R3
Passport Officer, Min. External Affairs, C.A.T. Hyd.
12-2-337, Asifnagar, Mehidipatnam Road, Hyderabad-28.
4. One copy to Mr. V. Venkateswar Rao, Advocate, C.A.T. Hyd.
5. One copy to Mr. H. V. Ramana, Addl. C.A.C. Hyd.
6. One spare copy.



(With a letter
enclosing a
copy of order)

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO.1129 of 1993.

Between

Dated: 1.2.1994.

A.Babu Rao

...
And

Applicant

1. The Union of India represented by Dy. Secretary(PV) Ministry of External Affairs, New Delhi.
2. The Passport Officer, Govt. of India, Ministry of External Affairs, Passport Office, 12-2-837, Asifnagar, Mehdiapatnam road, Hyd.
3. Sri. K.Narasimha Rao, Casual Labourer, O/O Passport Officer, Ministry of External Affairs, 12-2-837, Asifnagar, Mehdiapatnam road, Hyd.

... Respondents

Counsel for the Applicant

: Sri. V.Venkateswara Rao

Counsel for the Respondents

: Sri. N.V.Ramana, Addl. CGSC.

: Sri. P.Venkateswarlu, for(R-3)

CORAM:

Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman
Hon'ble Mr. R.Rangarajan, Administrative Member

The Hon'ble Tribunal made the following order:-

In view of the Rule 8 in Chapter 22 of Swamy's Manual on Establishment and Administration, it is necessary to have the particulars in regard to the number of vacancies in group D which had arisen in the Central Passport Organisation from the date in the year 1988 from which the above rules had come into effect for considering as to whether the impugned order of appointment is in accordance with the rules. Hence, R-1 has to furnish the above particulars by 25.2.1994.

R-2 has to furnish the information as to whether there are any carry forward vacancies in regard to Sc/ST in their office by 25.2.1994.

Post the OA with MA.815/93 on 25.2.1994.

3-284
Deputy Registrar(Judl.)cc

Copy to:-

1. Dy. Secretary (PV), Ministry of External Affairs, Union of India, New Delhi-1.
2. The Passport Officer, Govt. of India, Ministry of External Affairs, Passport Office, 12-2-837, Asifnagar, Mehdiapatnam road, Hyd-028.
3. One copy to Sri. V.Venkateswar Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Sri. P.Venkateswarlu, advocate, CAT, Hyd.
6. One spare copy

Rsm/-

3-284

27

210

O.A. 1129/93

TYPED BY

COMPARED BY

CHECKED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 1/2/-1994

Post to note:-
Post to O.A. and MA 815/93
on 25-2-94.
Sh

ORDER/JUDGMENT:

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

O.A.No. 1129/93

~~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.

pvm

Central Administrative Tribunal
DESPATCH
7 FEB 1994
HYDERABAD BENCH.

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A. No. 815/93
in
O.A. No. 1129/93.

Dt. of Decision : 31-8-94.

K. Narasimha Rao

.. Applicant/
Respondent No.3.

Vs

- - - R - - -

Respondent(- - -)

2. The Union of India rep. by
Dy. Secretary (PV) Ministry
of External Affairs,
New Delhi.

2. The Passport Officer,
Govt. of India,
Ministry of External Affairs,
Passport Office, 12-2-839,
Asifnagar, Mehidipatnam Road,
Hyderabad.

.. Respondents/
Respondents.

Counsel for the Applicant/
Respondent No.3 : Mr. P.Venkateswarlu

Counsel for the Respondent/
Applicant(OA) : Mr. V.Venkateswara Rao

Counsel for the Respondents/
Respondents. : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

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

(25)

MA No. 815/93
in
OA 1129/93

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

O R D E R

Heard Shri V. Venkateswara Rao, learned
counsel for the Respondents.
Ramana, learned standing counsel for the Respon-
dents.

2. This MA is filed by Respondent 3 in the
OA praying for vacating the ~~Interim~~ order dated
13-9-93.

3. This OA is listed for judgement to-day.
The learned counsel for the applicant submitted
that it is again necessary for him to peruse
the Roster in regard to the physically handicapped
which was produced for the Respondents earlier.

4. It is stated for Respondent 3 that the
Roster which was already produced disclosed that
this post was identified for physically handicapped
by the head of the department and hence the appoint-
ment of R3/^{who}is physically handicapped, in regard
to this vacancy is in order. It is further stated
for R3 that no material is placed to show that
it is Roster point for SC and hence prima facie
it indicates that the appointment of physically
handicapped for this vacancy is in accordance with
para 11 (b) of Chapter 25 of Swamy's manual on
Establishment and Administration.

5. As the Telex message was issued in 1993
itself for treating it as physically handicapped
for approving the appointment of R3 against this
post which was identified as/^{vacancy for}physically handicapped

To

1. The Deputy Secretary(PV) Ministry of External Affairs,
New Delhi.
2. The Passport Officer, Govt.of India,
Ministry of External Affairs,
Passport Office, 12-2-839, Asifnagar,
Mahidipatnam Road, Hyderabad.
3. One copy to Mr.P.Venkateswarlu, Advocate, CAT.Hyd.
4. One copy to Mr.V.Venkatēswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm

26

standing
and as the learned/counsel for the Respondents 1 & 2
submitted that from is necessary
~~pleaded for 4 more weeks time~~ to produce the
Roster for physically handicapped, we feel it
proper to modify the Interim order dated 13-9-93.


6. The Status Quo order which was ordered
is vacated
on 13-9-93 And the following Interim order is
passed:

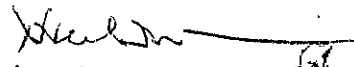
"Any appointment that is going to be made
for the vacancy referred to will be subject
to the result in this OA."

7. The learned counsel for the applicant
in the OA submitted that ~~appeal~~ will be filed
against the above order in the Supreme Court
and hence this order may be suspended ~~for~~ ^{for} a
period of one month. But ~~we feel that~~ on the
basis of prima facie case and as the appointment
of R3 is already delayed for number of months
and ~~the~~ the interest of the applicant is safe-
guarded on the basis of the modified order
that is passed, we feel it not a case where
the ~~above order~~ ^{above order} had to be suspended as prayed for.

8. The MA is ordered accordingly. No costs.

9. Post the OA for final hearing on 3-10-94
before this Bench./


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


(V. NEELADRI RAO)
Vice-Chairman

Dated the 31st August, 1994
Open court dictation

NS


Deputy Registrar (S) CC

(28) c.c. to day
19/9/94

TYPED BY _____ CHECKED BY _____
COMPAED BY _____ APPROVED BY _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

A. B. (North)

THE HON'BLE MR. ~~R. RANGARAJAN~~ M (ADEN)

DATE: 31-8-1994

ORDER/JUDGMENT _____

M.A.No./B.A/C.A.No. 815/93.

in

O.A.No. 1129/93

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

Admitted and Interim directions
Issued.

Allowed.

post a 3/10/94

Disposed of with directions.

Dismissed

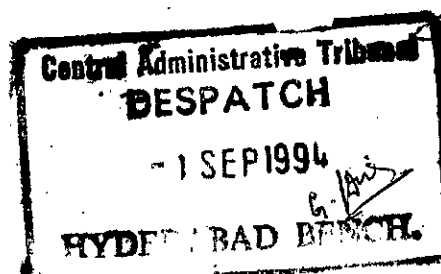
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm



(20)

MA No. 815/93
in
OA 1129/93

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

ORDER

Heard Shri V. Venkateswara Rao, learned counsel for the applicant and also Shri N.V. Ramana, learned standing counsel for the Respondents.

2. This MA is filed by Respondent 3 in the OA praying for vacating the Interim order dated 13-9-93.

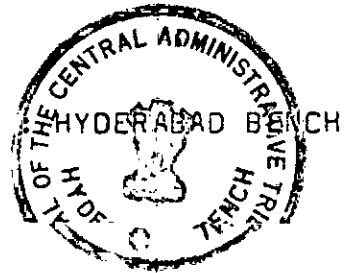
3. This OA is listed for judgement to-day. The learned counsel for the applicant submitted that it is again necessary for him to peruse the Roster in regard to the physically handicapped which was produced for the Respondents earlier.

4. It is stated for Respondent 3 that the Roster which was already produced disclosed that this post was identified for physically handicapped by the head of the department and hence the appointment of R3/^{who}is physically handicapped, in regard to this vacancy is in order. It is further stated for R3 that no material is placed to show that it is Roster point for SC and hence prima facie it indicates that the appointment of physically handicapped for this vacancy is in accordance with para 11 (b) of Chapter 25 of Swamy's manual on Establishment and Administration.

5. As the Telex message was issued in 1993 itself for treating it as physically handicapped for approving the appointment of R3 against this vacancy for post which was identified as/physically handicapped

(59)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD



M.A. No. 815/93
in
O.A. No. 1129/93.

Dt. of Decision : 31-8-94.

K. Narasimha Rao

.. Applicant/
Respondent No.3.

Vs

1. A. Babu Rao

.. Respondent/
Applicant (OA).

2. The Union of India rep. by
Dy. Secretary (PV) Ministry
of External Affairs,
New Delhi.

2. The Passport Officer,
Govt. of India,
Ministry of External Affairs,
Passport Office, 12-2-839,
Asifnagar, Mehidipatnam Road,
Hyderabad.

.. Respondents/
Respondents.

Counsel for the Applicant/
Respondent No.3 : Mr. P.Venkateswarlu

Counsel for the Respondent/
Applicant(OA) : Mr. V.Venkateswara Rao

Counsel for the Respondents/
Respondents. : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

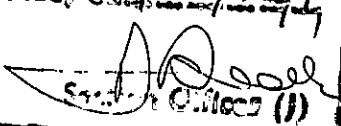
THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

To

1. The Deputy Secretary(PV) Ministry of External Affairs,
New Delhi.
2. The Passport Officer, Govt.of India,
Ministry of External Affairs,
Passport Office, 12-2-839, Asifnagar,
Mahidipatnam Road, Hyderabad.
3. One copy to Mr.P.Venkateswarlu, Advocate, CAT.Hyd.
4. One copy to Mr.V. Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm

M.A. 815/93

Case Number	04-1129/93
Date of Judgment	31-8-94
Copy made ready on	1-9-94
 Officer (I)	

(31)

standing
and as the learned/counsel for the Respondents 1 & 2
~~pleaded for~~

Roster for physically handicapped, we feel it
proper to modify the Interim order dated 13-9-93.

6. The Status Quo order which was ordered
is vacated
on 13-9-93 and the following Interim order is
passed:

"Any appointment that is going to be made
for the vacancy referred to will be subject
to the result in this OA."

7. The learned counsel for the applicant
in the OA submitted that ~~appeal~~ will be filed
against the above order in the Supreme Court
and hence this order may be suspended ^{for} a
period of one month. But ~~we feel that~~ on the
basis of prima facie case and as the appointment
of R3 is already delayed for number of months
and as the interest of the applicant is safe-
guarded on the basis of the modified order
that is passed, we feel it not a case where
the ^{above order} had to be suspended as prayed for.

8. The MA is ordered accordingly. No costs.

9. Post the OA for final hearing on 3-10-94
before this Bench./

CERTIFIED TO BE TRUE COPY

12

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

1/5/94

...
CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

(33)

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

ORIGINAL APPLICATION NO. 1129/93 OF 199

.....
TRANSFER APPLICATION NO.

OLD PETN.NO.

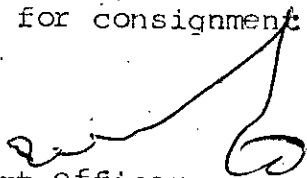
CERTIFICATE


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

Dated:

Counter Signed.

Section Officer/Court Officer.




Signature of the Dealing
Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.1129/93.

Dt.of Decision : 31-12-96.

A. Babu Rao

.. Applicant.

Vs.

1. The Union of India, Rep.by
Dy.Secretary (P V), Min. of
External Affairs, New Delhi-1.
2. The Passport Officer,
Govt.of India, Min. of
External Affairs, Passport
Office, 12-2-837, Asifnagar,
Mehidipatnam Road, Hyderabad-28.

3. Sri K. Narasimha Rao

.. Respondents.

Counsel for the applicant : Smt.S.V.Indira for
Mr.P.V.Krishnaiah

Counsel for the respondents : Mr. V.Rajeswara Rao for
Mr. N.V.Ramana, Addl.CGSC.

CCRAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

Je

ORDER

ORAL ORDER (PER SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard ~~Mr.~~ Smt. S.V. Indira for Mr. P.V. Krishnaiah, learned counsel for the applicant and Mr. V. Rajeswara Rao for Mr. N.V. Ramana, learned counsel for the respondents.

2. In this OA the applicant has prayed to call for the records pertaining to the telex message dated 10-9-93 issued by the R-1 conveying approval for appointment of the R-3 as Peon against ~~the~~ a regular vacancy in Group-D category, to set aside the same as illegal and arbitrary and unconstitutional by holding that he is entitled to be appointed as Peon against regular Group-D vacancy with all consequential benefits.

3. The case of the applicant is that ^{during} ~~the~~ 3-9-85 ~~at~~ he was engaged as casual employee in the office of the R-2, that initially he was paid Rs.12/- per day and as a result of enhancement in daily wages has been presently working on a daily wages of Rs.48/- per day, that he was engaged as a casual employee through out the month and was paid wages every month, that the R-2 is a unit by itself for the purpose of appointment and seniority in respect of Group-D posts, that as per the instructions in D.O. Letter No. V.IV/562/24/88 dated 25-2-88 (A-1) the ⁺ ~~pos~~ of Peons/Safaiwala/Night Watchman have to be filled in by considering the ~~cases~~ of the casual labourers working in the passport offices in accordance with seniority provided the eligible candidate has put in atleast two years of continuous service including the usual quarterly breaks, that there were 70 casual employees working in the office of the R2 on daily wages ^{that} among them he was the seniormost casual employee, that though he being the senior casual employee, respondent No.2 was directed to forward two applications submitted by himself and that of Mr. V. Nageswar Rao to the Ministry for approval, that the concerned clerk forwarded the application of Mr. V. Nageswar Rao.

for regular appointment as night watchman that when he came to know that his application was not forwarded to the Ministry, he made^a representation dated 20-07-93 (Annexure-VII) that the second respondent in accordance with the advice of the Officer of the second respondent that he was fully qualified for regular appointment as Peon in the Group-D category. On 10-9-93^{the} Ministry conveyed its approval for the appointment of R-3 as a Peon who was senior most junior to him as a casual employee, that appointment orders are yet to be issued, that post is still vacant, that he belongs to SC Community, that the existing vacancy is a reserved point for SC candidate, that the R-3 does not belong to SC community, that the R-3 is not entitled to be appointed against the reserved point, that even otherwise he being the senior most casual employee he is entitled to be appointed as a Peon in a Group-D posts and that the approval conveyed by R-3 for appointment of R-3 as a Peon is not correct.

4. The respondents have filed their counter affidavit stating that the applicant cannot stake claim to the post of Peon on the strength of the impugned letter. The ~~same~~ letter itself mentioned for appointment to the post of Peons would be subjected to the instructions of the Department of Personnel & Training (DOPT), that the Department of Personnel & Administrative reforms ~~xx~~ had laid down in OM.No.39016/20/80-Estt(C) dated 4-11-77 and No.39016/20/80-Estt(C) dated 30-12-80 to the effect that 3% of the Group-D posts should be reserved for physically handicapped including one person for the visually handicapped. Out of the sanctioned strength of 171 Group D posts in the Central Passport organisation, atleast one post was required to be reserved for visually handicapped, since R-3 is a visually handicapped person and ^{was} ~~is~~ otherwise eligible for the post of Peon, he was appointed against the reserved post, that the petitioner is not the senior most casual labourer as contended by him that one Mr.V.Nageswara Rao another casual labourer is senior to the petitioner, that Mr.K.Narasimha

..4

Rao was appointed against the point reserved for visually handicapped person that there was backlog of one Group-D post reserved for visually handicapped at the time of appointment of Mr.K. Narasimha Rao, that R-2 did not violate the procedure laid down in Ministry of External Affairs letter No.V.IV/561/24/88 dated 25-2-88 that the posts of peon would be subject to the standing instructions of the Department of Personnel & Training that the 2nd respondent had only forwarded the service particulars of the casual labourers working in the office of the second respondent to the first respondent that he had not recommended any candidate for regularisation that approval for appointment of the R-3 against the vacancy reserved for physically handicapped category, that an assurance to that effect has been given by the first respondent vide Lr.No.V.IV/578/7/90 dated 14-3-91 in response to various representations made by R-3, that the first respondent vide his letter dated 12-7-93 offered appointment to the R-3 against the visually handicapped category, that ~~R-3 is~~ comprehensive instructions and guidelines to be followed in respect of appointment to the persons belonging to the visually handicapped persons ^{have been issued} that the contentions of the applicant are not tenable, that the applicant was denied to work as Nightwatchman on adhoc arrangement ~~when he was offered~~ that the said Nageswara Rao was fit to work as nightwatchman, that ~~xxxxxxxxxxxxxx~~ the applicant submitted one representation dt. 9-5-93 for the post of Night watchman and not for the post of Peon that he was therefore appointed temporarily in place of one Mr.Babu Rao who ^{had} refused to work as Nightwatchman that the R-3 is senior to the applicant, that his appointment was approved against the post reserved for physically handicapped persons, that ^{req} request of the applicant was duly considered by the Ministry. However he could not be considered since the post was to be filled up ^{by a} physically handicapped person, and that the action taken by the R-1 and 2 in appointing R-3 is quite in accordance with rules and that the application is liable to be dismissed.

..5

538

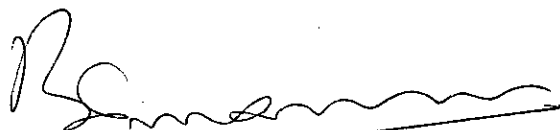
5. From the materials placed on record it is clear that the applicant was not present in the office of the R-2. The respondents failed to produce the records relating to the roster earmarked for physically handicapped persons. Though the respondents submitted that the roster for physically handicapped is governed by the Central Agencies on All India basis, no rule to the effect was produced. In spite of repeated adjournments being given to them. In the absence of any rule or any material we are not able to come to the conclusion whether the roster ^{is} applicable for physically handicapped on All India level or at the Regional level. In view of the above, ^{we} have asked the respondents to check up whether the applicant will be absorbed against the vacancies in the near future. Today, the learned counsel for the respondents produced the letter dated 26-12-96 of the Public Relations Officer, Passport Office, Hyderabad, wherein it is stated that the case of the applicant would be considered as and when a Group-D vacancy arises for which the applicant is eligible. The another list of Group-D officials and the date of retirement is also produced. According to the said letter the ^{first} vacancy in the Group-D posts in the office of the Passport office, Hyderabad ~~the first vacancy~~ will arise only in ^{the} year 2003 and other vacancy will arise in 2010 and there-after. It is not considered advisable to keep the applicant in dark till 2003. It is for the respondents to absorb him at the earliest preferably within a period of one year from the date of receipt of a copy of this order. If long time is given, the applicant will be put to a dis-advantage especially in the context of the respondents having failed to produce the proper records. Suitable decision has to be taken by this Tribunal and that decision should be equitable to both the sides.

39

6. Under the circumstances, the following direction is given:-

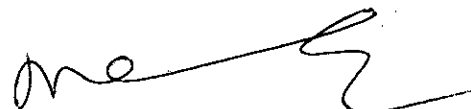
a period of one year ~~any~~ anywhere under the Central Passport organisation from the date of receipt of ^{the} a copy of this order.

7. The OA is ordered accordingly. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

3/12/96



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 30th December 1996.
(Dictated in the Open Court)

spr

Ambari
D.R. (5)

40

3.7.93

O.A.NO.1129/93

Copy to:

1. The Deputy Secretary (P.V), Min. of External Affairs,
New Delhi.
2. The Passport Officer, Govt. of India,
Min of External Affairs, Passport Office,
12-3-333, Adilshah Road, Hyderabad.
3. One copy to Mr.P.V.Krishnaiah, Advocate,CAT,Hyderabad.
4. One copy to Mr.N.V.Ramana, Advocate,CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One duplicate copy.

7. one copy to Hon'ble shri B-S Jai Parameshwar:
H(J)

YLKR

(51)

24/1/97

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 31.12.96

ORDER/JUDGEMENT

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

O.A.No. 1123/93 in

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

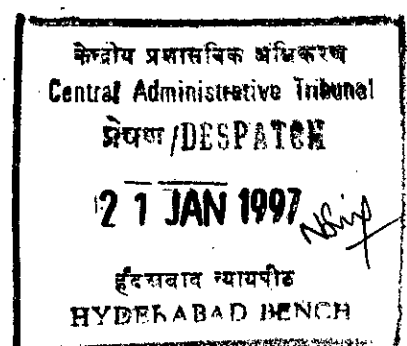
DISMISSED AS WITHDRAWN

ORDERED/REJECTED ✓

NO ORDER AS TO COSTS.

II COURT

YLKR



ORDER

GRAL ORDER (PER SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Emt.S.V.Indira for Mr.P.V.Krishnaiah, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V. Ramana, learned counsel for the respondents.

2. In this OA the applicant has prayed to call for the records pertaining to the telex message dated 10-9-93 issued by the R-1 conveying approval for appointment of the R-3 as Peon against ~~the~~ a regular vacancy in Group-D category, to set aside the same as illegal and arbitrary and unconstitutional by holding that he is entitled to be appointed as Peon against regular Group-D vacancy with all consequential benefits.

3. The case of the applicant is that ^{during} ~~the~~ 3-9-85 ~~he~~ he was engaged as casual employee in the office of the R-2, that initially he was paid Rs.12/- per day and as a result of enhancement in daily wages has been presently working on a daily wages of Rs.48/- per day, that he was engaged as a casual employee through out the month and was paid wages every month, that the R-2 is a unit by itself for the purpose of appointment and seniority in respect of Group-D posts, that as per the instructions in D.C.Letter No.V.IV/562/24/88 dated 25-2-88 (A-1) the ⁷ posts of Peons/Safaiwala/Night Watchman have to be filled in by considering the cases of the casual labourers working in the passport offices in accordance with seniority provided the eligible candidate has put in atleast two years of continuous service including the usual quarterly breaks, that there were 70 casual employees working in the office of the R2 on daily wages ^{that} among them he was the seniormost casual employee, that though he being the senior casual employee, respondent No.2 was directed to forward two applications submitted by himself and that of Mr.V.Nageswar Rao to the Ministry for approval, that the concerned clerk forwarded the application of Mr.V.Nageswar Rao

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.1129/93.

Dt. of Decision : 31-12-96.

A. Babu Rao

.. Applicant.

Vs.

1. The Union of India, -Rep.by
Dy.Secretary (P V), Min. of
External Affairs, New Delhi-1.
2. The Passport Officer,
Govt. of India, Min. of
External Affairs, Passport
Office, 12-2-837, Asifnagar,
Mehidipatnam Road, Hyderabad-28.



3. Sri K. Narasimha Rao

.. Respondents.

Counsel for the applicant : Smt. SV. Indira for
Mr. P.V. Krishnaiah

Counsel for the respondents : Mr. V. Rajeswara Rao for
Mr. N.V. Ramana, Addl. CGSC.

CORAM:-

THE HON'BLE SHRI K. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

Je

44-A

-4-

Rao was appointed against the post reserved for visually handicapped person that there was backlog of one Group-D post reserved for visually handicapped at the time of appointment of Mr.K.

Narasimha Rao, that R-2 did not violate the procedure laid down in Ministry of External Affairs letter No.V.IV/561/24/88 dated 25-2-88 that the posts of peon would be subject to the standing instructions of the Department of Personnel & Training that the 2nd respondent had only forwarded the service particulars of the casual labourers working in the office of the second respondent to the first respondent that he had not recommended any candidate for regularisation that approval for appointment of the R-3 against the vacancy reserved for physically handicapped category, that an assurance to that effect has been given by the first respondent vide Lr.No.V.IV/578/7/90 dated 14-3-91 in response to various representations made by R-3, that the first respondent vide his letter dated 12-7-93 offered appointment to the R-3 against the visually handicapped category, that ~~R-3 is~~ comprehensive instructions and guidelines to be followed in respect of appointment to the persons belonging to the visually handicapped persons ^{have been issued} that the contentions of the applicant are not tenable, that the applicant was denied to work as Nightwatchman on adhoc arrangement ~~when he was offered~~ that the said Nageswara Rao was fit to work as nightwatchman, that ~~XXXXXXXXXXXX~~ the applicant submitted one representation dt. 9-5-93 for the post of Night watchman and not for the post of Peon that he was therefore appointed temporarily in place of one Mr. Babu Rao who ^{had} refused to work as Nightwatchman that the R-3 is senior to the applicant, that his appointment was approved against the post reserved for physically handicapped persons, that ^{request} of the applicant was duly considered by the Ministry. However he could not be considered since the post was to be filled up ^{by a} physically handicapped person, and that the action taken by the R-1 and 2 in appointing R-3 is quite in accordance with rules and that the application is liable to be dismissed.

44

for regular appointment as night watchman that when he came to know that his application was not forwarded to the Ministry, he made ^a representation dated 20-07-93 (Annexure-VII) that the second respondent in accordance with the advice of the Officer of the second respondent that he was fully qualified for regular appointment as Peon in the Group-D category. On 10-9-93 ^{the} Ministry conveyed its approval for the appointment of R-3 as a Peon who was far most junior to him as a casual employee, that appointment orders are yet to be issued, that post is still vacant, that he belongs to SC Community, that the existing vacancy is a reserved point for SC candidate, that the R-3 does not belong to SC community, that the R-3 is not entitled to be appointed against the reserved point, that even otherwise he being the senior most casual employee he is entitled to be appointed as a Peon in a Group-D posts and that the approval conveyed by R-3 for appointment of R-3 as a Peon is not correct.

4. The respondents have filed their counter affidavit stating that the applicant cannot stake claim to the post of Peon on the strength of the impugned letter. The ~~xxx~~ letter itself mentioned for appointment to the post of Peons would be subjected to ^{the} instructions of the Department of Personnel & Training (DOPT), that the Department of Personnel & Administrative reforms ~~xx~~ had laid down in OM.No.39016/20/80-Estt(C) dated 4-11-77 and No.39016/20/80-Estt(C) dated 30-12-80 to the effect that 3% of the Group-D posts should be reserved for physically handicapped including one person for the visually handicapped. Out of the sanctioned strength of 171 Group D posts in the Central Passport organisation, at least one post was required to be reserved for visually handicapped, since R-3 is a visually handicapped person and ^{was} ~~is~~ otherwise eligible for the post of Peon, he was appointed against the reserved post, that the petitioner is not the senior most casual labourer ^{as} contended by him that one Mr.V.Nageswara Rao another casual labourer is senior to the petitioner, that Mr.K.Narasimha

46

-6-

6. Under the circumstances, the following direction is given:-

a period of one year ~~any~~ anywhere under the Central Passport organisation from the date of receipt of ^{the} a copy of this order.

7. The OA is ordered accordingly. No costs.

समाहित स्वरु
CERTIFIED TO BE TRUE COPY

सदस्य न्यायाधीश
COURT OFFICER
न्यायालय, त्रिभुवन
HYDERABAD BENCH

केस नम्बर	CASE NUMBER	107-1129/92
नण्ये को तारीख	Date of Judgement	31/12/92
प्रत तैयार किये गये दिने	Copy Made Ready on	12/1/93
अधीक्षक (न्यायिक) Section Officer (J)		

5. From the materials placed on record it is clear that the applicant was the senior most casual labourer employee working in the office of the R-2. The respondents failed to produce the records relating to the roster earmarked for physically handicapped persons. Though the respondents submitted that the roster for physically handicapped is governed by the Central Agencies on All India basis, no rule ~~to~~ to the effect was produced, in spite of repeated adjournments being given to them. In the absence of any rule or any material we are not able to ~~at~~ come to the conclusion whether the roster ~~is~~ applicable for physically handicapped on All India level or at the Regional level. In view of the above, ^{we} have asked the respondents to check up whether the applicant will be absorbed against the vacancies in the near future. Today, the learned counsel for the respondents produced the letter dated 26-12-96 of the Public Relations Officer, Passport Office, Hyderabad, wherein ~~it~~ is stated that the case of the applicant would be considered as and when a Group-D vacancy arises for which the applicant is eligible. The another list of Group-D officials and the date of retirement is also produced. According~~ly~~ to the said letter the ^{first} vacancy in the Group-D posts in the office of the Passport office, H^yderabad ~~the first vacancy~~ will arise only in ^{year} 2003 and other vacancy will arise in 2010 and there-after. It is not considered advisable to keep the applicant in dark till 2003. It is for the respondents to absorb him at the earliest preferably within a period of one year from the date of receipt of a copy of this order. If long time is given, the applicant will be put to a dis-advantage especially in ^e the context of the respondents having failed to produce the proper records. ~~an~~ Suitable decision has to be taken by this Tribunal and that decision should be equitable to both the sides.

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

MA.NO. 821/1999
IN
QA.NO. 1129/1993

Between

Date: 30-9-99

A. Babu Rao

Applicant

And

1. The Dy. Secretary (P&V)
Min of External Affairs
New Delhi.
2. The Passport Officer
Min. of External Affairs
414, Adjacent to Prashanth Theatre
Kumaraguda, Sec'bad.
3. Sri. K. Narasimha Rao

Respondents

Counsel for the Applicants
Counsel for the Respondents

W. Satyanarayana
V. Rajaeshwararao, Addl. CGSC

CORAM.

THE HON'BLE MR. R. RANGARAJAN, MEMBER. (ADMN)
THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (JUDL)

THE TRIBUNAL MADE THE FOLLOWING ORDERS.

Heard. Mr. W. Satyanarayana for the applicant
Mr. V. Rajaeshwararao, for the respondents.

The MA is dismissed. No costs.

Section Officer.

1ST AND 2ND COURT

COPY TO :-

1. HDHND
2. HRRN M (A).
3. HBSOP M (J)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

11/10/99

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

VICE - CHAIRMAN

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

THE HON'BLE MR. S. S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 30/9/99

MA/RA/CP.NO. 82/99

IN

GA. NO. 1129/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

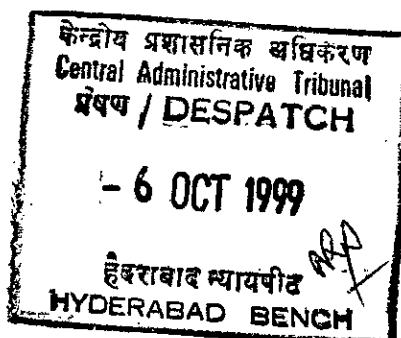
DISPOSED OF WITH DIRECTIONS

MA DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

MA. NO. 821/1999
IN
DA. NO. 1129/1993

Between

A. Babu Rao

And

1. The Dy. Secretary (P&V)
Min. of External Affairs
New Delhi.
2. The Passport Officer
Min. of External Affairs
414, Adjacent to Prashanth Theatre
Kumaraguda, Sec'bad.
3. Sri. K. Haresinha Rao

Date. 30-9-99

.. Applicant



.. Respondents

Counsel for the Applicants
Counsel for the Respondents

.. U. Satyanarayana
.. V. Rajeshwararao, Addl. CGSC

CGIAA.

THE HON'BLE DR. R. ANGARAJAN, MEMBER. (ADMIN)
THE HON'BLE DR. B. S. JAI PRAKASH, MEMBER. (JUDGE)

THE TRIBUNAL MADE THE FOLLOWING ORDER.

Heard. Mr. U. Satyanarayana for the applicant
Mr. V. Rajeshwararao, for the respondents.

The MA is dismissed. No costs.

Sd/-xxx

Section Officer.

केस संख्या	MA 821/99
CASE NUMBER	MA 821/99
निर्णय का तारीख	30.9.99
Date of Judgement	30.9.99
प्रति तय्यार किया गया दिन	5.10.99
Copy Made Ready on	5.10.99
अनुभाग अधिकारी (न्यायिक) उप रजिस्ट्रार (न्यायिक) Section Officer (J)/Dy. Registrar	