

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH AT HYDERABAD

Contempt Case No. 28 of 1995.

in

O.A. No. 332 of 1993.

Between :

A.P.Rao, I.A.S.

.. Petitioner

and

1. Sri N.R.Ranganathan, I.A.S.

2. Dr. M.S. Rajajee,  
Chief Secretary to Govt,  
Secretariat, Hyderabad.

.. Respondents.

AFFIDAVIT OF THE PETITIONER:

I, A.P.Rao, I.A.S, B/o A.V.Rao, aged 41 years resident of Hyderabad do hereby solemnly affirm and sincerely state as follows :

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

2. I filed O.A.No.332/93, before this Hon'ble Tribunal for the following reliefs:

a) Onwards and often he was posted to such posts which was a limited currency and before posting him he was kept under compulsory wait before each posting. Posting him to the post of Director, Revision of Manuals in the office of the Commissioner, Land Revenue, A.P. Government is one such short duration post and hence he has prayed to quash the impugned order dt. 6-2-1993 whereby he was posted to that post.

b) His second prayer is for a direction to R-2, to treat him equal to other similarly placed I.A.S. Officers of unreserved community while posting him and to follow the O.Ms. dt. 24-6-85, and 21-8-89 (Annexures VIII & IX of the

c) He has also prayed for a direction to consider his case for deputation to Central Government under the Central Senior Officers staffing pattern scheme or any other Scheme, inter-state Deputation or to transfer him to another state cadre of his choice and also for considering his case for posting him in any autonomous corporations/ Government of India undertakings'.

3) The said O.A.No. came up for final disposal after notice to the respondents therein. The respondents therein filed their counter affidavits. After hearing both sides, this Hon'ble Tribunal delivered the judgement on 23.9-94, by the Hon'ble Member Mr. R.Rangarajan. The judgement copy is filed herewith as annexure. The Tribunal directed the Central and State Governments in the following terms.

- a) Quashing of impugned order dt. 6-2-1993 does not arise in view of what is stated in para 6 above. As this prayer has become infructuous the O.A. is dismissed in so far as the said relief is concerned.
- b) R-2, is directed to consider the case of the applicant sympathetically as he belongs to SC community, in accordance with the instructions in regard to posting of I.A.S. officers in various cadre posts in the state. R-2, has to keep in mind the various instructions when the applicant's postings are made in the State cadre especially the O.Ms. dt. 24-6-85, and 21-8-89 ( Annexures VIII & IX of O.A.. )

Page No. 2,

Corrections :

Deponent.

: 3 :

R-2 has to follow the rules for such postings in the case of the applicant as is done in the cases of similarly placed persons in the I.A.S. Cadres.

c) Respondents are directed to consider the case of the applicant in regard to his transfer to other state cadre of his choice, or to send him on deputation to Central Government or posting him in any autonomous Corporations/Government of India undertakings as is done in the case of other persons in the cadre of IAS of A.P., cadre as per extent rules and instructions in regard to such deputations/postings"

After the above judgement, the State Government, the second respondent herein filed a review application before this Hon'ble Tribunal, without implementing the judgement of this Hon'ble Tribunal made in O.A. No. 332/93, dt. 23.9.94. This Hon'ble Tribunal after hearing the review application, confirmed the judgement in O.A. No. 332/93, dt. 23-9-94 and dismissed the review application on 9.12.1994. In the said review application, the second respondent herein made number of allegations against me. This Hon'ble Tribunal after perusing the relevant records and hearing both the parties, was pleased to reject the contentions of the State Government observing that the said allegations are not relevant for consideration of the review petition.

4. I respectfully submit that after the judgement dt. 23-9-94, I gave a representation to the then Chief Secretary to the State Government on 17-10-1994. After the dismissal of the review application, again I submitted another

: 4 :

representation to the 4th respondent herein requesting them to issue suitable postings orders to me on par with the other similarly placed I.A.S. Officers who are my batch-mates in the I.A.S. Cadre. Till today, the respondents neither considered my representation nor implemented the judgement of this Hon'ble Tribunal.

5. The ~~4th respondent~~ <sup>State Govt</sup> herein issued G.O.R.No.6873, Gen. Admn. Dept., dt. 28-12-1994 by extending the post of the Director of Revision of Manuals till 28.2.95, and directed me to continue as Director of Revision of Manuals without considering the judgement of this Hon'ble Tribunal. Subsequently, I applied for leave for the months of January and February, 1995, and on 1-3-95, I made a representation to the second respondent herein for issuance of postings in any cadre posts on par with my IAS Batch -mates and other similarly placed officer (IAS). It is pertinent to mention here that the post of the Director of Revision of Manuals is created for a period of one year from 1-3-92 to 28.2.93, and subsequently extended from 1-3-93 to 28-2-94 and the said extension of the post was not communicated to me. The respondents also have not mentioned about the extension of the said post upto 1-3-94, in the counter affidavit filed before this Hon'ble Tribunal.

6. I respectfully submit that the second respondent herein issued memo No.910/SP/L1A/93, dt. 10-3-95, wherein it is mentioned that the post of Director of Revision of Manuals is continued beyond 28-2-95, and I was further requested to rejoin in the said post in the office of the Commissioner of Land Revenue, This Memo dt. 10.3.95 is contrary to the

Page No. 4.

Corrections

Deponent.

: 5 :

judgement dt. 23-9-94 of the Hon'ble Tribunal. In the said judgement in para 9 (b) it is categorically directed that respondent No.2 to consider my case as I belong to SC community in accordance with the instructions in regard to the posting of IAS Officers in various State Cadre posts and further directed that 2nd respondent has to keep in mind the various instructions issued by the State and Central Government particularly in O.Ms.No. dt. 24-6-85, and 21-8-89, and that this Hon'ble Tribunal further directed the respondents to follow the rules for my posting as is done in the cases of similarly placed officers in the I.A.S. Cadre. Without following the above directions of the Hon'ble Tribunal, the second respondent intentionally and wilfully issued memo dt. 10.3.95, The above circumstances of extending the post of Director of Revision of Manuals beyond 28.2.1995, clearly attracts the provisions of the contempt of courts Act and the conduct of the respondent No.2 herein clearly shows that the respondent No.2 wilfully and intentionally flouted the orders of this Hon'ble Tribunal made in O.A. 332/93, dt. 23-9-94, I further submit that I was not given any cadre post since the last 10 years. One way or the other the respondents herein are ruining my career as I belong to S.C. community. The respondents are prejudiced against me because I approached this Hon'ble Tribunal for redressal. All my batchmates are posted in cadre posts and as Dist. Collectors whereas I was not given any cadre post and I was not appointed as District Collector for the last 10 years.

Page No. 5,

Corrections

Deponent.

7. The respondent are also wilfully flouting the orders of this Hon'ble Tribunal regarding my transfer to the other state cadre of my choice or to send me on deputation to the Central Government or posting me in any autonomous Corporations/Government of India undertakings as is done in the case of other IAS cadre officers of A.P.cadre as per the existing rules and instructions with regard to such deputations and postings as directed by this Hon'ble Tribunal. ~~It learn~~ This is also not followed by the first respondent herein. I learn and believe the same to be true that the State Government has recommended my name to the Central Government for inter-state transfer or on

deputation to the Central Government. The first respondent herein did not consider the recommendations of the State Government and did not implement the orders of this Hon'ble Tribunal dt. 23-9-94, made in O.A.No. 332/94.

8. It is pertinent to mention in this connection that the post of Director of Revision of Manulas in the office of the Commissioner of Land Revenue has been treated as dumping ground. There are no facilities for functioning of an IAS officer of my seniority, such as a furnished AC room Car, telephone and P.A., Attender etc. whereas my juniors working in the CIR's office are provided with all the facilities above mentioned. Those facilities are not provided to me with an intention to harass me and humiliate me by not providing them showing discrimination among the I.A.S. officers. My juniors by 5 to 6 years are given posting as Collector/Managing Directors whereas I am ignored and I am not considered for these posts during the last 10 yrs.

Page No. 6

Corrections.

Dependent.

(25)

: 7 7 :

The term of the post of the Director (ROM) in the CLRs, is being deliberately extended for the past three years in utter violation of the court orders, without any justification whatsoever, as explained above, only with a view to insult and humiliate me, because I have approached this Hon'ble Tribunal, for appropriate relief in this regard.

I further submit that this Hon'ble Tribunal was pleased to further direct the respondents at para 7 of the judgement not to discriminate against me in the matter of postings and also follow the rules and regulations quoted by me in O.Ms.No, dt. 24-6-95, and 21-8-89, while issuing posting orders to me. This was not adhered to by the respondents and the respondents are deliberately giving ex.cadre posts to me for the last 10 years. i.e. ever since I was re-instated to duty by the orders of the Hon'ble Central Administrative Tribunal, and the Supreme Court of India, in the year 1987, only with an intention to harass me personally and ruin my career as I belong to S.C. community, whereas the other IAS Officers, who are far junior to me are given cadre postings and posted as District Collector and M.Ds. of prestigious corporations, throughout their career. And I am deliberately singled out for this kind of harassment for the last 10 yrs. only because I have approached this Hon'ble Court, for appropriate relief, against their illegal suspension and continued harassment during the past ten years.

Page No. 7.  
Corrections

Deponent.

: 8 :

10. I therefore pray that this Hon'ble Tribunal may be pleased to punish the respondents herein for violating the orders of this Hon'ble Tribunal dt. 23.9-94, made in O.A.No.332, 93, and pass such other or orders, as this Hon'ble Tribunal deems fit and proper in the circumstances of the case.

8th and last page

Corrections:

Solemnly affirmed and signed  
before me this the 6th May, 1995,  
at Hyderabad.

DEPONENTS.

*M. S. S.*  
Advocate, Hyderabad.



(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.  
CP.28/95 in  
OA.332/93

Date of order: 13-7-95.

Between:-

A.P.Rao.

....

Applicant.

And

Sri N.R.Rangannadhan, I.A.S.,  
Secretary, Ministry of Personnel Affairs,  
Union of India, North Block,  
New Delhi.

.....

Respondent.

Counsel for the Applicant: Mr. V.V. Prabhakar Rao,

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

CORAM:

Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman

Hon'ble Shri A.B. Gorthi, Member Administrative.

Hon'ble Tribunal made the following order:-

As it is represented

that the respondent herein was transferred this CP

it is dismissed. No costs.

*Prabhakar*  
Dy. Registrar

Copy to:-

1. Sri N.R. Ranganadhan, I.A.S.,  
Secretary, Ministry of Personnel  
Affairs, Union of India, North Block, New Delhi

1-10-13, Ashokaram Rao, Advocate

3. One copy to Mr. N.R. Devaraj, Sr. CGSC, CAT, Hyd

4. One copy to Mr. I.V.R.K. Murthy, Spl. Counsel  
A.P. CAT, Hyd.

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

A N D

DATED 11-7-1995.

ORDER/JUDGMENT

M.A./R.A./G.A. No. 28/95

in  
OA. No.

332/93

TA. No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order

