

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

O.A.No.1191 OF 1994

Between:-

A.V.Suryanarayana Raju

.... Applicant

A N D

Government of India,
represented by its Secretary,
Dept. of Personnel and Training,
New Delhi and 15 others.

.... Respondents.

REJOINDER TO THE REPLY AFFIDAVIT OF RESPONDENT No.15

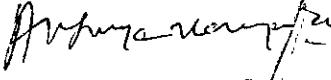
I, A.V.Suryanarayana Raju, S/o.Late Venkatrama Raju,
Aged about 55 years, Section Officer and I/c Deputy Registrar,
Office of Central Administrative Tribunal, Hyderabad Bench,
Hyderabad, do hereby solemnly affirm and sincerely state
on oath as follows:-

(1) I am the applicant herein in the O.A. and I am well
acquainted with the facts of the case. I have read the Affidavit
under reply. I deny the material averments of the Respondents
except to the extent expressly admitted hereunder.

(2) In reply to Para 3, I respectfully submit
I was promoted as Section Officer on regular basis w.e.f.
I state that the service record available with the
respondents would establish my claim. However I am enclosing
a copy of the order of promotion to this Affidavit.

(3) In reply to Para 5, I respectfully submit that the
equivalence of the post held by me in my parent Department
to that of the post of Section Officer in Central Administrative
Tribunal is not determined by the Tribunal on the administrative
side and the seniority is fixed on the basis of scale of
pay only. I further submit that my claim for determination of


Attestor.


Deponent.

equallency on the basis of various criteria laid down in the orders of the Government of India on the subject and judgements pronounced by the Hon'ble Supreme Court of India and Principal Bench of this Hon'ble Tribunal.

(4) In reply to Para 6, I state that this respondent is proceeding in tune with my contention. I further submit that my claim for fixation of seniority in terms of the contention raised by me in the O.A. are based on the provisions contained in the recruitment rules governing the post of Section Officer. I further submit that on the question of equation of posts the law is well settled and the contention of the respondents is contrary to the settled principles is untenable.

(5) In reply to Para 7, I state that the contention of the respondent is contrary to the well settled principle and hence the same is not maintainable. I further submit that the pay scale is not the criteria for determining the equallence and in fact this respondent himself admits in other Paras a therefore he can not be permitted to take quite opposite to suit his convenience.

(6) In reply to Para 8, I state that while determining the equallency of scales of pay of the State Government that of the Central Government, the scale of pay of the Government Plus D.A. would be added to equate the scale to that of the Central Government post of equal rank. If that is true, even with regard to the scale of pay the applicant was having almost identical scale of pay as a Section Officer in Central Administrative Tribunal as admitted by the applicant, the scale of pay is consideration for determination of the equallency.

 Attestor. 

submit that the ranks, cadres and designations of various posts born in the High Court of Andhra Pradesh can not be compared with the Central Administrative Tribunal. However, as narrated in my O.A. admittedly the duties and responsibilities ~~of the~~ ^{of the} ~~are~~ ^{are} more ~~honourable~~ ^{obvious} than comparable to the Section Officer in Central Administrative Tribunal. I therefore respectfully submit that the analogy of the respondent in this Para is not legal and tenable.

(7) In reply to Para 7, at Page 5, I respectfully submit that the post of Court Master is a inferior post and can not be comparable to that of Section Officer.

(8) In reply to Para 9, I state that if the pay scale of the Section Officer in the High Court along with D.A. component would be added, it would be almost on par with the scale of pay of Section Officer in Central Administrative Tribunal.

(9) In reply to Para 10, the comparison given by the respondent can not be applied here and I failed to understand the logic of such comparison with regard to the facts of this case.

(10) In reply to Para 11, the comparison given by the respondent is not applicable to the facts of this case and contentions urged here. I further submit that the other contentions of the respondent is denied and the respondent is put to strict proof of his statements. However, I submit that as contended earlier, the equation of the post in Central Government and State Government can not be determined on the basis of pay and the analogy given by the respondent is ill founded and contrary to the settled principle of law.

Attestor.

Avinash
DEPONENT

(11) In reply to Para 12, I respectfully submit that the post of SO/CO/PS and the post of Senior PA are not of the same cadre and are governed by different set of Rules and there can be no comparison.

(12) I respectfully submit that there is no merit in any of the contention raised by the respondent herein and the respondent has not answered the contentions raised by me in the O.A. I state that the contentions urged by the respondent deserve to be rejected and I therefore pray to this Hon'ble Tribunal to allow the O.A. in terms of the relief sought for.

Solemnly and sincerely affirmed
on this the 24th day of January, 1997
at Hyderabad and signed his name
in my presence.

DEPONENT.

Before me

Ram Raghav
Advocate, Hyderabad.

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HYDERABAD BENCH: AT HYDERABAD.

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"REJOINDER TO THE REPLY AFFIDAVIT
OF RESPONDENT NO. 15"

Received 6/11/94
for Counsel for R. 15

24/11/94 Recd. ^{6/11/94} ^{6/11/94}
R. 15 ^{6/11/94} ^{6/11/94}
R. 15 ^{6/11/94} ^{6/11/94}

Filed by:-

Sri. P. Na veen Rao,
Advocate,
H. No. 1-1-729, Gandhinagar,
Hyderabad-500 080.

(COUNSEL FOR THE APPLICANT).

May be filed
6/11/94
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6/11/94