

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

RECORD SECTION INDEX SHEETO.A NO. 349 /1995a) Applicant (s) T. Achutanandam

versus

b) Respondent (s) The CPD Secy Sec Bar on 20/4/95

S. I. No.	Part. I	Description of documents.	Page No.
5		Order sheet	1
		Original Application	269
0	Order dated .	26-4-95	11 to 14 17 to 20
	Counter Affidavit .		
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	PART. II		
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	" Order date .		
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	Memo of Appearance ..		

10/7/95

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. No. 349 of 1995

T. Sivutannandam Applicant (s)

VERSUS

Chief Personnel Officer, Secy, Sibad & 20th Respondent (s)

Date	Office Note	Orders
20-3-95		<p>To... notice to the respondents before admission left on 3-4-95 Reply in the meanwhile.</p> <p><u>D</u> <u>HRRN</u> HRRN MLA) HAVHD MLT</p> <p><u>W.M.</u> Date on 12/4/95</p> <p><u>H.R.D.W.</u> <u>H.M.</u> MLA, 130, 11</p> <p><u>D.G.</u></p> <p><u>25/4/95</u> Heard & decided, per <u>D.G.</u> for order on 28.4.95</p> <p><u>HRRN</u> <u>H.M.</u> MLA, 130, 11</p>
6/4/95	<p><u>Before Registration</u></p> <p>All the respondents are Railways. List the case before Bench for admission on 10-4-95.</p> <p><u>D.</u></p> <p><u>Registration</u></p>	<p>Judgement pronounced in open court. Order accordingly. Order on separate sheets.</p> <p><u>HRRN</u> <u>H.M.</u> MLA, 130, 11</p> <p><u>HUNAS</u> <u>H.M.</u> MLA, 130, 11</p>

Report 26.4.95.
N.B.A.
26/4/95

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

ORIGINAL APPLICATION NO 349 OF 1995

Shri T. Atchutananday APPLICANT(S)

VERSUS

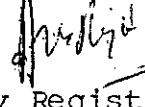
Chief, Recd. Officer, Secy,
Section 8 & 20(2)(b).

RESPONDENT(S)

The application has been submitted to the Tribunal by
Sri G.V. Subbarao Advocate under
Section 19 of the Administrative Tribunal Act, 1985 and the
same has been scrutinised with reference to the points
mentioned in the check list in the light of the provisions
contained in the Administrative Tribunal (Procedure) rules,
1987.

The Application is in order and may be listed for
admission on _____


Scrutiny Asst 349


Deputy Registrar (Judl)

11. Have legible copies of the annexure duly attested been filed. *Y*
12. Has the Index of documents been filed and pagination done properly. *Y*
13. Has the applicant exhausted all available remedies. *Y*
14. Has the declaration as required by item No.7 of form I been made. *Y*
15. Have required number of envelops (file size) bearing full address of the respondents been filed. *Y*
16. (a) Whether the relief sought for, arise out of single cause of action. *Y*
(b) Whether any interim relief is prayed for *Y*
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. ~~the applicant.~~
18. Whether this case can be heard by single Bench. *Y*
19. Any other point. ~~the~~
20. Result of the scrutiny with initial of the scrutiny clerk. *Deputy S. G. filed*

14395
Scrutiny Asst.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

Dairy No. 886

Report in the Scrutiny of Application.

Presented by..... Date of presentation 13/3/91
Applicant (s).... T. A. Wandalay

Respondent (s) ... Ch. S. R. Sekhod & others

Nature of grievance.... Steppings of 1/

No. of applicants.... 1 No. of Respondents.... 3

CLASSIFICATION

Subject.... Steppings (No. 87) Department.... Rly (No.)

1. Is the application in the proper form, (Three complete sets in paper books form in two compilations) ✓
2. Whether name, description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been duly signed and verified. ✓
(b) Have the copies been duly signed. ✓
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language other than English or Hindi been file. ✓
6. Is the application on in time, (See Section 21) ✓
7. Has the Vakalatnama/Memo of Appearance/ authorisation been filed. ✓
8. Is the application maintainable. (U/s 2, 14, 18, or U.R. 8 etc) ✓
9. Is the application accompanied IFO/DD, for Rs. 50/- ✓
10. Has the impugned orders Original/duly attested legible copy been filed. ✓

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

I N D E X S H E E T

O.A. No.

349

OF 1995

CAUSE TITLE

T. Achutanandam

VERSUS

CPO, Sub, Subbad & 20th

Sl. No.	Description of documents	Page No.
	Summary Application	1156
2.	Material Papers	71513
3.	Vakalat	1
4.	Object ion Sheet	—
5.	Spare Copies	3. (Thru)
6.	Covers	3. A

Ref:- To direct the Rojgar, to extend the benefit of Judgt. in O.A. 192/90 by stepping up of the pay of the applicant on par with his junior in the Central Administrative Tribunal, Hyderabad Bench S/o R. Satyanarayana.

O.A.No. 349 of 1995

SINGLE MEMBER CASE

Between

T. Atchutanandam

...

Applicant

and

Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad
and others

...

Respondents

CHRONOLOGY OF EVENTS

Railway
RAILWAY

1. The applicant is working as Office Superintendent Grade II in the office of the DSTE/MW-M/ South Central Railway, Secunderabad.
2. The applicant's pay on his promotion as Head Clerk was fixed without taking into account the special pay of Rs. 35/-/Rs. 70/- whereas the pay of his junior was fixed taking such special pay into account as a result the applicant who is senior is drawing lesser pay than his junior.
3. This Hon'ble Tribunal in O.A.No. 95/90 and 192/90 and some other O.As ordered to step up the pay of the seniors with that of his juniors from the date of the junior commenced to draw more pay than the seniors.
4. The applicant made representation to the respondents which was turned down by them on the ground that the applicant is not applicant in the O.As referred to by him.
5. Hence the present O.A. is filed for a direction to extend the benefit of this Hon'ble Tribunal's judgement in O.A. 192/90 to the applicants herein.

12-03-1995

Thirumurti
Counsel for the Applicants.

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
TRIBUNALS ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH AT
HYDERABAD

Between

T. Atchutanandam

Applicants

and

Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad
and others

Respondents

I N D E X

S.No.	Date	Particulars	Page No.
01	12-03-1995	Original Appearance	
02.	23-08-1994	CPO/SCR/SC No. SG.481/ Ministerial /Vol.II rejecting the claim of the applicant	07
03.	21-01-1994	Representation of the applicant to CPO/SCR/ SC	08
04.	04-03-1993	Copy of the judgement of the CAT/Hyd in O.A.No. 192/90	09 to 13

Eruganti
Counsel for Applicant

FOR USE OF REGISTRY

DATE OF FILING :

REGISTRATION NUMBER :

Signature of REGISTRAR

(u)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 349 of 1995

Between

T. Atchutanandam
S/o late T. Venkata Rao,
aged 53 years, Office
Superintendent Grade II,
O/o DSTE/MW-M/ South Central
Railway, Secunderabad

APPLICANTS

A N D

1. Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. Union of India represented
Board, Rail Bhavan,
New Delhi

RESPONDENTS

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE TRIBUNALS ACT, 1985

I. PARTICULARS OF THE APPLICANT:

The particulars of the applicant are as mentioned in the above cause title.

The address of the applicant for purpose of service of notices etc., is that of his Counsel M/s G.V. Subba Rao, N. Ethirajulu, Advocates, H.No. 1-1-230/33, Chikkadapalli, Hyderabad -500020.

II. PARTICULARS OF THE RESPONDENTS:

in the above cause title.

III. PARTICULARS OF THE IMPUGNED ORDER:

Chief Personnel officer, South Central Railway, Secunderabad Letter No. (SG) 481/Ministerial/Vol.II dated 23-8-1994 rejecting the representation of the applicant dated

21-7-94 for stepping up of his pay on a par with his junior without extending the benefit of this Hon'ble Tribunals order No. 192/90, 195/90, 312/ to 314/90 on the ground that he is not party thereto. As such, the applicant seeks a direction from this Hon'ble Tribunal to the respondents to extend the benefit of the judgement in O.A. 192/90 as the applicant is similarly situated.

IV. JURISDICTION:

The applicant declares that the subject matter of the O.A. is well within the jurisdiction of this Hon'ble Tribunals Act, 1985 since he is working as Office Superintendent Grade II in the office of the DSTE/MW-M/Secunderabad in South Central Railway.

V. LIMITATION:

The applicant further declares that the O.A. is well within the limitation under Section 21(1)(a) of the Central Administrative Tribunals Act, 1985 since the respondents rejected the representation of the applicant dated 21-7-94 by order dated 23-8-1994.

VI. FACTS OF THE CASE:

The applicant humbly submits that he is now working as Office Superintendent Grade II in the office of the DSTE/MW-M, South Central Railway, Secunderabad.

2. The Railway Board issued letter on 17-7-1979 wherein 10% of the Senior Clerks posts to be identified and the Seniormost Senior Clerks are to be paid a special pay of Rs. 35/- . Pursuant to the Railway Board instructions 10% of Senior Clerks in grade Rs. 330-560 were to be granted a special pay of Rs. 35/- . Such of the Senior Clerks who were given the said benefit of Rs. 35/- continued to get the same

even after their promotion as Head Clerks. With effect from 1-1-1984 there was mass upgradation of posts in the category of Senior Clerks to the grade of Head Clerks as a result of which the Senior Clerks were promoted as Head Clerks. The applicant as eventhough he was seniormost in the category of Senior Clerk, he was not given the benefit of special pay ~~before~~ before upgradation i.e. before he was promoted as Head Clerk which resulted in his not getting the benefit of special pay in the category of Senior Clerk whereas some of his ~~as~~ juniors in the category of Senior Clerk were given the benefit of special pay of Rs.35/- and when they were promoted as Head Clerks continued to get the same ~~as~~ special pay in the post of Head Clerk which resulted in the anomaly of the juniors getting more pay than the senior.

3. The applicant herein submits that as a result of fixation of pay of the applicant in the category of Head Clerk with effect from 1-1-1984 and the same pay in the revised scale consequent on the implementation of IV Pay Commission's scales the pay of the applicant happened to be less than his junior Sri R. Satyanarayana whose pay was fixed at Rs. 1600/- w.e.f. 1-6-1987 ~~and~~ Rs. 1600/- in the post of Head Clerk on the promotion of the junior w.e.f. 26-11-1986 who was given the benefit of special pay of Rs. 70/- p.m. even in the higher grade whereas the applicant who is senior was not given the benefit of Rs.70/- in the grade of Senior Clerk and even after promotion as Head Clerk though he was senior the pay in the post of Head Clerk was fixed without first giving him the special pay to which he was entitled as seniormost Senior Clerk whereas his juniors were given the benefit as Senior Clerks which he continued to get even in the higher grade by way of merger in the pay in the post of Head Clerk.

(7)

4. This anomaly of the junior getting more pay than the senior working in same cadre is due to his having not been given the benefit of Rs. 35/- /Rs.70/- special pay. The applicant was making representation regarding this anomaly in fixation of pay with a request to step his pay on a par with his junior who was drawing more pay as a result of his having been given the said benefit. After coming to know of the judgement delivered by this Hon'ble Tribunal in O.A. 95/90 and other O.A. No. 310/90, 313/90 and 314/90 a direction was given to the respondents to step up the pay of the applicants therein on a par with their juniors from the date of the juniors commencing to draw higher rate of pay than the seniors. The Chief Personnel Officer, South Central Railway rejected the claim of the applicant on the plea that he is not applicant in the O.A. and turned down his request.

5. It is respectfully submitted that the Chief Personnel Officer advised the applicant by his letter dated 23-8-94 that the benefit of the judgement cannot be given to him as he is not applicant in the O.A. cited by him. It is respectfully submitted that the relief granted by this Hon'ble Tribunal in O.A. No. 192/90 in its order dated 4-3-93 was also affirmed by the Supreme Court in S.L.P. No. 12651-54/93 dated 4-3-93 and the orders of the Tribunal have become final. Similar relief claimed by the applicants in O.A. No. 600/94 was disposed of by order dated 23-1-1995 directing the respondents to step up the applicants therein in the category of Head Clerks so as to be on a par with their respective juniors. This Hon'ble Tribunal passed similar orders in some other O.A.s. It is respectfully submitted that denial of the benefit of the judgement to the applicants herein is discriminatory and violative of Articles 14 and 16 of the Constitution.

The applicant is therefore left with no other alternative except to approach this Hon'ble Tribunal for justice.

VII. RELIEF PRAYED FOR :

In view of the circumstances and facts mentioned in para VI of the O.A. the applicant here-in prays that this Hon'ble Tribunal may be pleased to direct the ~~the said judgement~~ of this Hon'ble Tribunal in O.A. No. 192/90 by stepping up of the pay of the applicant on a par with his junior Sri R. Satyanarayana from the date his junior commenced drawing higher rate of pay than the applicant and consequently pay him the arrears of salary and allowances as due since he applicant is similarly situated in O.A. No. 192/90 in all respects by holding that the order of the Chief Personnel Officer, No. (SG)481/Ministerial/ Vol. II dated 23-8-94 as illegal, arbitrary and unconstitutional and violative of Article 14 and 16 of the Constitution.

VIII. INTERIM RELIEF PRAYED FOR:

The applicant herein prayeth that this Hon'ble Tribunal may be pleased to pass similar orders as that made in O.A. No. 192/90 as the case of the applicant is squarely covered by the said judgement which is also confirmed by the Hon'ble Supreme Court.

IX. REMEDIES EXHAUSTED:

The applicant declareth that he has exhausted all the remedies available under service rules in as much as his representation dated 21-7-94 was rejected by the CPO/SCR/SC vide his letter dated 23-8-94.

X. MATTERS PENDING WITH ANY OTHER COURT ETC:

The applicant declares that the subject matter regarding which the application is made is not pending with any other court or Bench of this Tribunal.

XI. PARTICULARS OF POSTAL ORDER:

Indian Posts Order No. 8-09-558222

dated 13. 3. 95 for Rs. 50/- drawn in favour
the Registrar, Central Administrative Tribunal,
Hyderabad Bench, Hyderabad is enclosed.

XII. PARTICULARS OF INDEX:

An index containing the details relied upon is enclosed herewith.

XIII. LIST OF DOCUMENTS:

a) Vakalat

b) Index containing the details of material papers

c) Indian Postal Order No. 8-09-558222

dated 13. 3. 95 for Rs. 50/-.

A
I.P.O. 8-09-558222

VERIFICATION

I, T. Atchutanandam, ~~alias~~ late T. Venkata Rao, aged 53 years, working as Office Superintendent Grade II, Office of the DSTE/MW-M, South Central Railway, Secunderabad do hereby verify that the contents of para 1 to XIII are true and correct to the best of my knowledge and belief that that I have not suppressed any material facts of the case.

Hence verified on this the 12th day of March, 1995 at Hyderabad.

T. Atchutanandam
(T. ATCHUTANANDAM)

APPLICANT

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

U. Thirupathi
COUNSEL FOR APPLICANT.

(10) (7)

SOUTH CENTRAL RAILWAY

Head quarter's Office
Personnel Branch
Secunderabad.

No. (SG) 481/Ministerial/Vol.II Date: 23-8-1994.

Shri T. Atchutanandam,
OS.III.

(through DSTE/MW-M/SC)

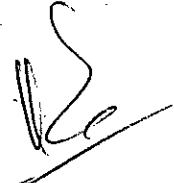
Sub: Stepping up of pay on par with junior
Sri R. Satyanarayana, HC, CSTE/C/CN/SC

Ref: Your representation dt. 21-7-1994.

Your claim to step up upo f pay on par with
your junior based on the judgement given by CAT/
----- -----
who have been granted stepping up of pay is not
tenable since the judgement delivered by CAT/HYB is
applicable only to the applicants of that particular
O.A.

Sd/- xx xx xx
(P. Madhusudhana Babu)
for Chief Personnel Officer.

// True Copy //



(11) 8

Dt. 21-1-1994

To
The QPO(S&T Cadre)/SC

Through proper channel

R/Sir,

Sub: Stepping up of my pay on par with my Jr.
Sri R. Satyanarayana, Head Clerk now working
in CSTE/CN/SC's office.

vide letter No. P(SG)/555/UPG/Ministerial
dt. 10-1-1988.

(2) My representation dt. 17-7-89 sent vide
DSTE(MW-M)/SC No. MW.SG.155 dt. 17-7-1989.

May pay on promotion as Head Clerk w.e.f. 1-1-94

has been fixed at Rs. 1560/- w.e.f. 1-1-1988 vide your
Memorandum quoted above. I have submitted representation
for stepping up of my pay on par with my junior Sri R.
Satyanarayana with effect from 1-6-1987 as his pay was fixed
at Rs. 1600/- as HC w.e.f. 1-6-1987 which is higher than
my pay. No reply has been given to me.

It is learnt that 20 employees working in QPO's
office have been sanctioned stepping up of pay as per the
judgement given by the CAT/Delhi.

I, therefore, request you to kindly arrange to
step up my pay on par with my junior as requested above
and if for any reason it is not possible to agree to my
request, an early reply may please be sent to me to enable
me to take further action in the matter.

Thanking you,

Yours sincerely,

Sd xx xx xx
(T. Atchutanandam)
OS.II, DSTE/MW-M/O/SC

No. MW.SG.155.2.4. D.Gol.VII Office of the DSTE(MW-M)/SC
Dt. 21-1-1994.

Forwarded to QPO(S&T Cadre)/SC for necessary
action please.

Sd xx xx xx
DSTE/MW-M/SC
// True Copy //

VS

(120)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD HENCH
AT HYDERABAD

O.A.No. 192/90.

Date of decision: 4-3-1993.

Between

1. Thriambaka Rao, O
2. P. Venkateswarlu
3. P. Mohana Ranga Rao
4. D. Bhavanarushi
5. N. Venkaiah
6. G. R. K. Reddy
7. M. Prakasa Rao
8. M. Edmund Wingfred
9. D. S. N. Sreenu
11. B. Raja Rao
12. C. V. Subrahmanyam
13. A. K. Jelani
14. L. T. S. Sarma
15. V. V. Subba Rao
16. N. F. Rao sveet Mohan
17. Ch. V. Anjaneyulu
18. P. R. K. Raju
19. O. Venkateswara Rao
20. K. Annapurna
21. N. Satyanarayana
22. V. S. Paul
23. V. S. Srinivasan
25. Syed Mahaboob Basha
26. M. Vasudeva Rao
27. M. Krishna Rao
28. K. Umamaheswara Rao
29. R. Sadguru Murthy
30. P. R. K. Paramahansa
31. S. P. B. Eswar
32. N. Venkat Rao
33. A. Subrahmanyam
34. T. Rangacharyulu
35. S. Lukanandam
36. A. G. Veeranna
37. S. Madhusudhana Rao
38. P. Subba Rao
39. P. Kasim Khan
40. M. Gopal Singh
41. B. Anjaneya Sastry
42. P. Ranga Rao

--- APPLICANTS

and

1. Divisional Railway Manager (MG)
Hyderabad Division
at Secunderabad.
2. Divisional Railway Manager,
Vijayawada.
3. General Manager,
South Central Railway,
Secunderabad

Contd...

4. Government of India
rep. by Secretary,
Min. of Railways,
Rail Nilayam,
New Delhi

--- RESPONDENTS

COUNSEL FOR THE APPLICANTS

: V. Rama Rao, Advocate.

COUNSEL FOR THE RESPONDENTS

: N. R. Devaraj, Standing
Counsel for Railways.

CORAM:

HON. MR. JUSTICE V. NEELADRI RAO: VICE CHAIRMAN
MEMBER (ADMN.)

JUDGEMENT

(Orders as per Hon. Mr. Justice V. Neeladri Rao, VC).

All these forty two applicants are the Head Clerks/ Sub Heads in Vijayawada and Secunderabad Divisions. All these applicants were promoted as Head Clerks/Sub Heads on 1-1-84. Their pay as Head Clerks/Sub Heads is lower than the pay of the juniors who were promoted as Head Clerks/Sub Heads later. ~~in this O.A. for direction to the respondents to refix their pay on their promotions as Head Clerks/Sub Heads~~ from 1-1-1984 on notional basis duly treating them as having been granted Rs. 35/- as special pay while they were working as Senior Clerks and for payment of arrears with effect from 1-9-1985.

2. The facts which given rise to this O.A. are briefly as under;

Ten percent of the posts of Senior Clerks were treated as special posts and special pay of Rs. 35/- per month was given as per circular No. PC/79/SP/1/UDC dated 11-7-1979. Restructuring of the posts was done in 1985. Then the ration between the Senior Clerks and Head Clerks/Sub Heads was fixed at 20:80. The same was given effect to from 1-1-1984. Prior to 1-1-1984 the special pay was not treated part of pay for fixing the pay in the post of Head Clerk/Sub Heads on promotion. But while restructuring was done, the special pay was dictated to be treated as

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WY

part of the pay from fixing the pay in the post of Head Clerk/Sub Heads on promotion.

3. In view of restructuring there was a steep increase in the number of posts of Heads ~~and~~ Clerks/Sub Heads and hence the vacancies that had arisen in the category of Head Clerks/Sub Heads were for more than the 10% of the posts of the Senior Clerks which were existing by the date of restructure. Hence some of the Senior Clerks for whom special pay was given, were also promoted with effect from 1-1-1984. The applicants were some such employees who were promoted as Head Clerks with effect from 1-1-1984. They were not drawing 10% of the posts of Senior Clerks.

4. The anomaly of Senior Head Clerk/Sub Heads getting pay less than that of the juniors in that category had raised because of one of other reasons:

i) The special pay of Rs. 35/- was not treated as part of the pay for those who were promoted from the post of Senior Clerk to that of Head Clerks/Sub Heads prior to 1-1-1984 for fixing the pay in the category of Head Clerk/Sub Heads. Hence these promotees even though they were getting special pay while working as Senior Clerks, could not get the benefit of the special pay in fixation of the pay in the cadre of Head Clerk/Sub Heads.

ii) In view of the large number of vacancies in the posts of Head Clerks/Sub Heads with effect from 1-1-1984, it had become necessary to promote even those senior Clerks who were not in the 10% of the posts and they were not drawing special pay when they were promoted to fill up all the vacancies. Their juniors who were within 10% of the posts of Senior Clerks were given the special pay of Rs. 35/- per month. When they were promoted to the posts of Head Clerks/Sub Heads,

(13) ✓

when their turn for promotion had come, this special pay was treated as part of the pay for fixing the pay in the category of Head Clerks/Sub Heads.

5. Hence, in regard to these applicants an anomaly had arisen when their pay as Head Clerks/Sub Heads was ~~found~~ ^{to be} found to be less after promotion of their juniors ⁻¹² who had the benefit of the special pay in fixing their pay as Head Clerks/Sub Heads. But it is now well established that the pay of the seniors should not be less than that of the juniors, if all things are equal and that they are discharging the same duties. In order to avoid such anomaly, a principle of stepping up is introduced. It means that if every thing is equal, the pay of the senior had to be stepped up with the pay of the junior from the date the junior's pay is more than the pay of the senior.

6. In this case, the applicants, claim that their pay on promotion should be fixed by giving them the benefit of the special pay of Rs. 35/- even though they were not getting special pay of Rs. 35/- per month while working as Senior Clerks. They are claiming in on two grounds.

- a) If their claim is going to be accepted there will not be any anomaly of junior getting pay more than that of the senior and
- b) In view of the large number of vacancies, promotions even before they were within the 10% of the posts of Senior Clerks to which the special pay is attached and they should not be deprived of that pay in fixing their pay in the cadre of Head Clerks/Sub Heads for it is not their fault when they were promoted to the posts of Head Clerks/Sub Heads even before they had the opportunity of working in the posts of Senior Clerks within special pay of Rs. 35/- per month.

W.S.

7. By adopting the principles of stepping up the anomaly can be avoided. Hence for this purpose there is no need to fix the notional pay in the category of Senior Clerks by adding special pay of Rs. 35/- per month.

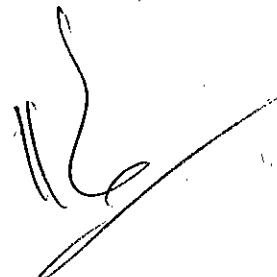
8. Heard Mr. Murthy for Mr. V.Rama Rao, Counsel for the applicants and Mr. N.R.Devaraj, Standing Counsel for the respondents.

9. When the applicants and those who are similarly situated were not within the 10% of the posts of Senior Clerks, to which the special pay is attached and when there is no other equitable ground for adding the special pay in order to fix the pay in the cadre of Senior Clerk notional for the purpose of fixation of pay in the post of Head Clerks/Sub Heads, the latter contention cannot be accepted.

10. In the result the stepping up of salary of the applicants as the Head Clerks/Sub Heads has to be made from the date on which the pay of their juniors is higher than their pay. The arrears of such fixation have to be paid within three months from today.

11. The OA is ordered accordingly. No cost.

// True Copy //



ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

PLICATION NO.

3495

OF 199

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: 26.4.95

Counter Signed:

Court Officer/Section Officer.

pvm.

Signature of the Dealing Asst.

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

HYDERABAD BENCH AT HYDERABAD.

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

A N D

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

DATED 26.4.95 1995.

ORDER/JUDGMENT:

in
OA. No. 349/95

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

Admitted and Interim directions
issued.

Allowed. *Approved for copy*

Disposed of with directions.

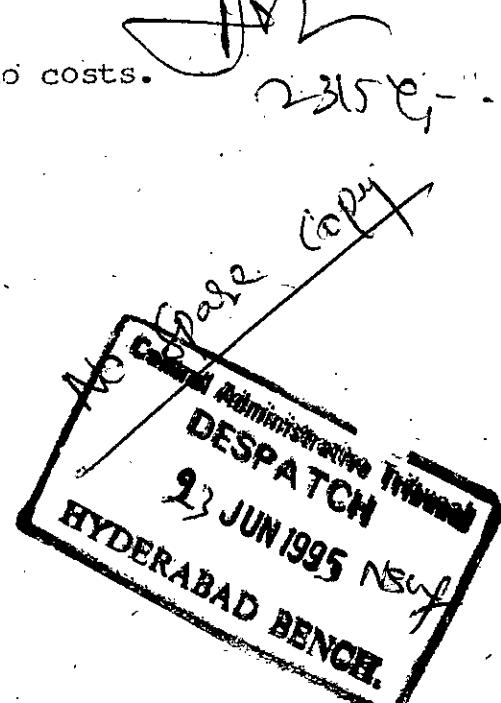
Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered Rejected.

No order as to costs. *235/-*



Supreme Court File No. 9/97

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

CIVIL APPEAL

~~SUPREME COURT LEAVE PETITION~~

NO. 15381 of 1996

~~Petition~~/Appeal was filed in the SUPREME COURT OF INDIA by ~~the~~ Union of India & Ors Against T. Atchutanandam ~~Department~~ seeking leave to appeal/~~appeal~~ against the Order/Judgment of this Hon'ble Tribunal dated 26-4-95 and made in ~~R.A./D.A.~~ No. 349/95. The Supreme Court was pleased to ~~Dismiss/Allow/~~ ~~the operation of Judgment~~ on 2-12-96.

The Judgment of the Tribunal in D.A.No. 349/95 and the letter/order of the Supreme Court of India are enclosed herewith for perusal.

Submitted.

31/10/97 Deputy Registrar (J)

Registrar

~~Hon'ble Vice-Chairman~~

~~Hon'ble Member (A)~~

~~Hon'ble Member (A)~~

~~Hon'ble Member (A)~~

2/12/96
circulated
Member

All communications should be
addressed to the Registrar,
Supreme Court, by designation.
NOT by name
Telegraphic address :—
"SUPREMECO"

D. No. 119/96/Sec. XII-A

SC 9/97

**SUPREME COURT
INDIA**

20th September 97
Dated New Delhi, the 19

From:

The Registrar (Judicial)
Supreme Court of India,
New Delhi.

To,

Central Administrative Tribunal
(Hyderabad Bench) at Hyderabad.

CIVIL APPEAL NO. 15381 OF 1996

Union of India & Ors.

... Appellants

Versus

T. Atchutanandam

... Respondent

Sir,

In continuation of this Registry's letter of even
number dated the 13th December, 1996, I am directed to
forward herewith for information and necessary action a
certified copy of the Decree of this Court dated the 2nd
December, 1996 made in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,

Regd 20/9/97
for Registrar (Judicial)

495
3/10/97

केन्द्रीय व्यापारिक अधिकार
Central Administrative Tribunal
केन्द्रीय व्यापारिक
HYDERABAD BENCH
- 3 OCT 1997
RECEIVED
व्यापारिक विभाग/प्राप्ति सेक्शन

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

206888

Certified to be true copy

by [Signature] 21/12/96
Assistant Registrar (Judl.)

199

CC

Supreme Court of India

xNo. xx CIVIL APPEAL NO. 15381 OF 1996

(Appeal by special leave granted by this Court's order dated the 2nd December, 1996 in Petition for Special Leave to Appeal (Civil) No. 4699 of 1996 from the Judgment and Order dated the 26th April, 1995 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in O.A. No. 349 of 1995)

Union of India,
represented by Member (Staff)
Railway Board,
Rail Bhavan,
New Delhi.
2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad
3. Chief Personnel Officer,
South Central Railway,
Rail Nilayam
Secunderabad.

... Petitioners/
Appellants

Versus

T. Atchutanandam
Office Supdt. Gr. II,
c/o DSTE/NW-M/
South Central Railway,
Secunderabad

... Respondent

... Respondent

2nd DECEMBER, 1996

CORAM:

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE S.C. SEN

Kiran Bap

For the Appellants : Ms. Shashi Khan and Mr. A.K. Sharma,
Advocates.

The Appeal above-mentioned being called on for hearing before this Court on the 2nd day of December, 1996, UPON perusing the record and hearing counsel for the Appellants

SUPREME COURT
CRIMINAL & CIVIL APPELLATE JURISDICTION

No.
XXX

XXX

CIVIL APPEAL NO. 15381 OF 1996

Union of India & Ors.

Appellant
Petitioner

T. Atchutanandam

Respondent

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD
BENCH AT HYDERABAD
(C.A.No. 349 OF 1995)

ORDER ALLOWING THE APPEAL WITH NO ORDER AS TO COSTS

Dated the 2nd day of December 1996

Sharma

Advocate on Record for the Appellant

Compared with SHRI

No. of folios Advocate on Record for

SB

SEALED IN MY PRESENCE

Det
22/1/96

- 2 -
2/DO/81/M

herein THIS COURT PASS the following ORDER :

"The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgment in Ila Chief Commissioner of Income Tax Administration, Bangalore vs. V.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

Since that judgment applies, the appeal is allowed and the order under appeal is set aside. There shall be no order as to costs."

AND THIS COURT DOOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Aziz Nushabber Ahmadi, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 2nd day of December, 1996.

Sd/-
(I.J. SACHDEVA)
JOINT REGISTRAR

Central Administrative Tribunal : Hyderabad Bench

Encl. No. CAT/Hyd/Judl/SC/9/97

Date: 23-10-97

The Decreed Order of the
Supreme Court of India in C.A. No.
15381 of 1996, dt. 2-12-96 is
communicated to the concerned.

STL/31/10
S.O.(J)

✓
S.2 (T)

To
(All the concerned)

Supreme Court File No. 9/97

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

CIVIL APPEAL
~~SUPREME COURT~~

NO. 15381 of 1996

Petition/Appeal was filed in the SUPREME COURT OF INDIA by ~~Si~~ Union of India & Ors. against T. Achutanandam ~~Department seeking leave to appeal/appeal~~ against the Order/Judgment of this Hon'ble Tribunal dated 26-04-95 and made in T.A./O.A. No. 349/95. The Supreme Court was pleased to ~~dismiss/allow the leave~~ ~~appeal/petition/Stay the operation of judgment~~ on 2-12-96.

The Judgment of the Tribunal in T.A./O.A. No. 349/95 and the letter/order of the Supreme Court of India are enclosed herewith for perusal.

7/2/97
Submitted.

Deputy Registrar (J)

7/2/97
Registrar

Hon'ble Vice-Chairman

7/2/97
HCC

Hon'ble Member (S) I

Hon'ble Member (A) II

Hon'ble Member (J)

7/2/97
JG

✓
Civil
S

D.NO. 119/96/ SEC. XIII-A

SUPREME COURT OF INDIA,
NEW DELHI.

D.T. 13th December, 1996.

From : The Additional Registrar,
Supreme Court of India.

To : The Registrar,
Central Administrative Tribunal
(Hyderabad Bench) at Hyderabad.

CIVIL APPEAL NO(¶) 15381 OF 1996
(Ref: Appeal(¶) by Special Leave granted by this
Court's Order dated the 2nd December, 1996
in Petition for Special Leave to Appeal (CIVIL)
No(¶) 4699 of 1996 from the Judgment
and Order dated the 26th April, 1995 of the
High Court of Judicature, Andhra Pradesh/Central
Administrative Tribunal (Hyderabad Bench) at
Hyderabad in O. A. No. 349 of 1995).

Union of India & Ors.

...Petitioners/
Appellant(s)

-Versus-

T. Atchutanandam

... Respondent(¶)

Sir,

Under Order XIII, Rule 6, S.C.R., 1956, I am
to transmit herewith for your information and
necessary action a Certified Copy of the Signed
Order dated the 2nd December, 1996 of the
Court mentioned. The aforesaid
Decree in the aforesaid matter will be sent to
you in due course.

Yours faithfully

FOR ADDITIONAL REGISTRAR

Central Administrative Tribunal
Hyderabad Bench
HYDERABAD BENCH

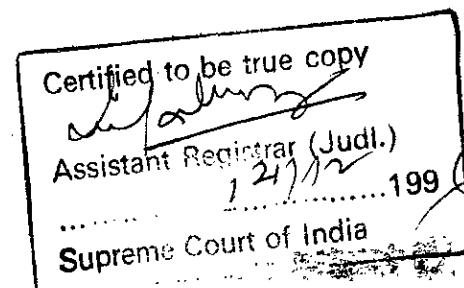
- 3 JAN 1997

RECEIVED
CENTRAL ADMINISTRATIVE TRIBUNAL

23
3/1/97

SJ/28-11-96.

SJ/13-12-96.



IN THE SUPREME COURT OF INDIA

138584

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO 15381 OF 1996

(Arising out of SLP (Civil) No. 4699 of 1996)

Union of India & Ors.

... Appellants

VERSUS

T. Atchutanandam

... Respondent

O R D E R

Delay condoned.

Special leave granted.

The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgment in The Chief Commissioner of Income Tax Administration, Bangalore vs. V.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

Since that judgment applies, the appeal is allowed and the order under appeal is set aside. There shall be no order as to costs.

-Sd-

(S. P. BHAPUCHA)

-Sd-

(S. C. SBN)

New Delhi,
December 2, 1996.

(12)

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

O.A.NO. 349/95.

DATE OF JUDGMENT: 26-04-95.

BETWEEN:

T. Atchutanandam

.. Applicant.

AND

1. Chief Personnel Officer,
SC Rly, Rail Nilayam,

2. General Manager,
SC Rly, Rail Nilayam,
Secunderabad.

3. Union of India rep. by
Member Staff, Railway Board,
Rail Bhavan, New Delhi.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI G.V. Subba Rao

COUNSEL FOR THE RESPONDENTS: SHRI C.V. Malla Reddy,
Sr./Addl.CGSC

CORAM:

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

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

CONTD 2..

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri G.V.Subba Rao, learned counsel for the applicant and Sri C.V.Malla Reddy, learned Standing Counsel for the respondents.

2. The applicant herein who is presently working as Office Superintendent Gr.II in the office of DSTE/MWM, South Central Railway, Sec'bad has filed this OA praying for a direction to the respondents to step up his pay as Head Clerk on par with his junior from the date on which the pay of his junior is higher than his pay with all consequential benefits including arrears.

3. The applicant herein was promoted from the post of Senior Clerk to Head Clerk and subsequently as Office Superintendent Grade-II. It is stated for the applicant that the pay of Sri R.Satyanarayana, who was junior to him in the category of Head Clerk was fixed at 1600/- with effect from 1.6.1987. It is also stated that he was given the benefit of special pay of Rs.35/- p.m. even in the higher grade. Whereas the applicant who was senior to him was not given the benefit of special pay of Rs.70/- in the grade of Senior Clerk and even after promotion as Head Clerk though he was senior to the above said Sri R.Satyanarayana.

4. OA No.192/90 was decided by an order of this Bench dt. 4.3.1993 wherein one of us (Mr.Justice V. Neeladri Rao, Vice-Chairman) was a party to that judgment. The applicants in this OA, who were also promoted as

(19)

Head Clerk claimed stepping up of their pay with respect to their juniors on similar grounds. That OA was allowed by this Bench. Similar OAs No.195/90, 312/90, 313/90 and 314/90 filed for the same relief were also disposed of by order dt. 4.3.1993. Points involved in those OAs were identical to the points covered in OA No.192/90. SLP Nos.12651-54/93 filed by the respondents in the above four OAs viz. OA No.195/90, 312/90, 313/90 and 314/90 against the decision of this Bench was dismissed by Supreme Court by its order dt. 18.11.1993. In view of the above, the decision of this Bench in OA No.192/90 had become final. As the applicant in this OA is similarly situated, we follow the judgment in OA 192/90 in this OA also and give the same direction viz;—

The stepping up of ——————

Head Clerk has to be made from the date on which the pay of his junior is higher than his pay. The arrears on such fixation have to be paid within three months from the date of receipt of a copy of this order.

5. The OA is ordered accordingly at the admission stage itself. No costs.

One
(R.Rangarajan)
Member (Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 26th April, 1995.

Deputy Registrar (J) CC
23/5/95

Grh.
To

1. The Chief Personnel Officer, S.C.Rly, Railnilayam, Sec'bad.
2. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
3. The Member Staff, Union of India, Railway Board, Railbhavan, New Delhi.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
5. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

Central Administrative Tribunal: Hyderabad Bench

Encl. No. CAT(Hyd) Judl / Sc / 9 / 97

Date: 3-2-97

The Order of the Supreme Court
of India in C.A.-No.15381 of 1996,
dt. 2-12-96, may be communicated
to the concerned.

S. O. (S)
S. O. (S)
12/2/97

D R (S)

To

1. The Chief Personnel Officer,
S. C. Railway, Rail Nilayam,
Secunderabad.
2. The General manager,
S. C. Railway, Rail Nilayam,
Secunderabad.
3. The Member (Staff),
Railway Board,
Rail Bhawan, New Delhi.
4. Mr. G. V. Subba Rao, Advocate, CAT, Hyd.
5. Mr. G. V. Mallu Reddy, SC for Rly, CAT, Hyd.
6. One Spur Gyr.

INTRODUCTION

THEORY OF CLOUDS AND RAIN

CIVIL APPEAL NO. 16381 OF 1996
arising out of S.L.C. (Civil) No. 1630 of 1996

"A. of India" 23.

Appellants.

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... responding

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July 20, 1954

32nd 111 1-671-7-871.

The respondent has been issued a notice but has not yet
come in appearance. The notices issued to him stated that the
matter might be discussed at the CLM. At the in the light of
the judgment in The State of Maharashtra v. Income Tax Adminis-
tration, Bangalore, M. & S. Bureau, etc. reported in I&R (1)

Since that judgment splits, the appeal is allowed and the order under appeal is set aside. There shall be no further issue to moot.

.....sd/-.....}

$$\left(\begin{array}{cccccc} \cdots & \cdots & \cdots & \cdots & \cdots & \cdots & \cdots \\ 0 & 1 & 0 & 0 & 0 & 0 & 0 \end{array} \right)$$

1015₁
28 2₁, 1033.

CONTINUATION OF THE INVESTIGATION

2021/2/28 10:11:17

Tutor: 3-2-37

The judgment of the Supreme Court of India in Civil Appeal No.1051 of 1976, dt.2-12-77, is communicated to the concerned bar offices.

23/-
• (1)cc

John B. Kelly

ପରମିତା ପରିଚୟ ରାଜ୍ୟ

// Today's Story //

Highway Patrol Division Officer,
1941-1942, 1943-1944.

Do not copy.

3. The Teacher (Staff),
Military Board, All India Housing
Co. Delhi.

IN THE SUPREME COURT OF INDIA CIVIL APPEAL JURISDICTION
CIVIL APPEAL NO. 15381/1996 (Arising out of SLP(Civil)
No. 4699 of 1996)

Union of India & Ors. ... Appellants
Versus
T. Atchutanandam ... Respondent.

ORDER

Delay condoned.

Special leave granted.

The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgement in The Chief Commissioner of Income Tax Administration, Bangalore Vs. V.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

Since that judgement applies, the appeal is allowed and the order under appeal is set aside. There shall be no order as to

Sd/-
(S.P. Bharucha) J.

(S.C. Sen) Sd/- T.

New Delhi,
December 2, 1996.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.

NO-CAT/Had/1/ud1/SC/9/97

Dated: 3.2.1997.

25-7-57

The order of the Supreme Court of India in C.A.No.15381 of 1996, dated: 2.12.1996, may be communicated to the concerned.

Sd/-
Deputy Registrar (Judl.)

// True Copy //

T. B. Reed
Section Officer (Judl.)

To

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The General Manager, S.C.Railway, Railnilayam, Secunderabad.
3. The Member(Staff), Railway Board, Rail Bhavan, New Delhi.
4. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. C.V.Malla Reddy, SC for Rlys, CAT, Hyd.
6. One spare copy.

R sm /-

☆ ☆ ☆

IN THE SUPREME COURT OF INDIA CIVIL APPEAL JURISDICTION
CIVIL APPEAL NO. 15381/1996 (Arising out of SLP(Civil)
No. 4699 of 1996)

Union of India & Ors. Appellants
Versus
T. Atchutanandam Respondent.

ORDER

Delay condoned.

Special leave granted.

The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter in the Chief Commissioner's SLP stage in the light of the judgement vs. V.K. Gururaj & Ors. reported in 1996 (1) SCAL 698. Ansaleri

Since that judgement applies, the appeal is allowed and the order under appeal is set aside. There shall be no order as to costs.

Sd/-
(S.P. Bharucha) J.

Sd/-
(S.C. Sen) J.

New Delhi,
December 2, 1996.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.
No.CAT/Hyd/Judl/SC/9/97

Dated: 3.2.1997.
K-7-57

The order of the Supreme Court of India in C.A. No. 15381 of 1996, dated 2.12.1996, may be communicated to the concerned.

Sd/-
Deputy Registrar(Judl.)

// True Copy//

Dr. Rao
Section Officer(Judl.)

To

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The General Manager, S.C.Railway, Railnilayam, Secunderabad.
3. The Member(Staff), Railway Board, Rail Bhavan, New Delhi.
4. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. C.V. Malla Reddy, SC for Rlys, CAT, Hyd.
6. One spare copy.

Rsm/-

* * *

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 15381/1996 (Arising out of SLP(Civil)
No. 4599 of 1996)

Union of India & Ors. ... Appellants
Versus ...
T. Atchutanandam ... Respondent.

ORDER

Delay condoned.

Special leave granted.

The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgement in the Chief Commissioner of Income Tax Administration, Bangalore Vs. V.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

order under appeal is set aside. There shall be no order as to costs.

Sd/-
(S.P. Bharucha) J.

Sd/-
(S.C. Sen) J.

New Delhi,
December 2, 1996.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.
No.CAT/Hyd/Judl/SC/9/97

Dated: 3.2.1997.

25-1-97

The Order of the Supreme Court of India in C.A. No. 15381 of 1996, dated 2.12.1996, may be communicated to the concerned.

Sd/-
Deputy Registrar(Judl.)

// True Copy//

Section Officer (Judl.)

To

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The General Manager, S.C.Railway, Railnilayam, Secunderabad.
3. The Member(Staff), Railway Board, Rail Bhavan, New Delhi.
4. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. C.V. Malla Reddy, SC for Rlys, CAT, Hyd.
6. One spare copy.

Sd/-

* * *

IN THE SUPREME COURT OF INDIA CIVIL APPEAL JURISDICTION
CIVIL APPEAL NO. 15381/1996 (Arising out of SLP(Civil)
No. 4699 of 1996)

Union of India & Ors.

Appellants

T. Atchutanandam

Versus

Respondent.

ORDER

Delay condoned.

Special leave granted.

The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgement in The Chief Commissioner of Income Tax Administration, Bangalore v. V.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

Since that judgement appears to be final, the order under appeal is set aside. There shall be no order as to the costs.

Sd/-
(S.P. Bharucha) 

Sd/-
(S.C. Sen) 

New Delhi,
December 2, 1996.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.
No.CAT/HYD/Jud1/SC/9/97

Dated: 3.2.1997.

25-7-97

The order of the Supreme Court of India in C.A. No. 15381 of 1996, dated: 2.12.1996, may be communicated to the concerned.

Sd/-
Deputy Registrar(Jud1.)

// True Copy//


Section Officer(Jud1.)

To

1. The Chief Personnel Officer, South Central Railway, Railnileyan, Secunderabad.
2. The General Manager, S.C.Railway, Railnileyan, Secunderabad.
3. The Member(Staff), Railway Board, Rail Bhavan, New Delhi.
4. One copy to Sri. G.V. Subba Rao, advocate, CAT, Hyd.
5. One copy to Sri. C.V. Malla Reddy, SC for Rlys, CAT, Hyd.
6. One spare copy.

Nam/-

* * *

IN THE SCOUNTING COURT OF INDIA CIVIL APPEALALATE JURISDICTION.
CIVIL APPEAL NO. 15381/1996 (ARISING OUT OF SLP(CIVIL,
NO. 1699 OF 1996)

Union of India & Ors. *** Appellants
T. Atchutappa Naidu Versus *** Respondent.

Order

Delay condoned.

Special leave granted.

The Respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgement in The Chief Commissioner of Income Tax Administration, Bangalore vs. V.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

Since that judgement applies, the appeal is allowed and the order under appeal is set aside. There shall be no order as to costs.

(S.P. Bharucha) 7

80/-
(E.C.Sen) ✓

New Delhi,
December 2, 1996.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD.
No.CAT/Hyd/Judi/SC/6/97 Dated: 3.2.1997.

Dated: 3.2.1997.

88-7-57

The order of the Supreme Court of India in C.A.No.15381 of 1996, dated 2.12.1996, may be communicated to the concerned.

5d/-
Deputy Registrar (Judl.)

// True Copy//

Dr. Reddy
Section Officer (Judl.)

The Chief Personnel Officer, South Central Railway, Railnileya
Gundabad.

General Manager, S.C.Railway, Railnileyan, Secunderabad.

Oper(Staff), Railway Board, Rail Bhawan, New Delhi.

to Sri. G.V. Subba Rao, advocate, C.A.T., Hyd.

o SFR: Gayathri Reddy, SC for Rlys, CAT

COPY: _____

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 15381 OF 1996

(Appeal by special leave granted by this Court's order dated the 2nd December, 1996 in Petition for Special Leave to Appeal (CIVIL) No.4699 of 1996 from the Judgment and Order dated the 26th April, 1995 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in C.A.No.349 of 1995)

Union of India,
represented by Member (Staff),
Railway Board, Rail Bhawan,
New Delhi.

2. General Manager,
South Central Railway,
Rail Nilayam,

3. Chis' Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.

... Petitioners/
Appellants

Versus

T. Atchutanandam
Office Supdt. Gr.II,
c/o DSTE/NM-M/
South Central Railway
Secunderabad.

... Respondent

CORAM:

HON'BLE MR. JUSTICE S.S. BHAFUROO
HON'BLE MR. JUSTICE S.C. SEN

For the Applicants : Ms. Shashi Kiran and Mr. A.K. Sharma, Advocates

The Appeal above-mentioned being called on for hearing before this Court on the 2nd day of December, 1996, UPON perusing the record and hearing counsel for the Appellants herein THIS COURT DOETH PASS the following ORDER :

"The respondent has been served but has not put in an appearance. The notice issued to him stated that the matter might be disposed of at the SLP stage in the light of the judgment in The Chief Commissioner of Income Tax Administration, Bangalore vs. T.K. Gururaj & Ors. reported in 1996 (1) SCALE 696.

Since that judgment applies, the appeal is allowed and the order under appeal is set aside. There shall be no order as to costs."

AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

..contd..2

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WITNESS the Hon'ble Shri Aziz Tushabber Ahmadi, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 2nd day of December, 1996.

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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD : 1978

No.CAT/Hyd/3ud1/SC/9/97

Date: 23-10-97

The Decretal order of the Supreme Court of India in Civil Appeal No. 15301 of 1996, dt. 2-12-96 is communicated to the concerned.

Dy. Pagietter (3)cc

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1. The Chief Personnel Officer,
South Central Railway,
Rail Bhawan, Secunderabad.
2. The General Manager,
S.C. Railway, Rail Bhawan,
Secunderabad.
3. The Member (Staff), Railway Board, Rail Bhawan,
New Delhi.
4. Mr. C. V. Subba Rao, Advocate, C.A.T., Hyd.
5. Mr. C. L. Malli Reddy, SC for Ilys, C.A.T., Hyd.
6. One spare copy.