

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

RA NO.121 OF 1996

IN

OA NO. 1165 OF 1996

Between:

Director General,
Research and Development,
Directorate of Personnel (Pers.I),
Ministry of Defence, New Delhi
and another

Review applicants

A N D

S.V.N.MURTHY

Respondent

COUNTER FILED BY THE RESPONDENT

I, SVN Murthy, S/o late S.R.Subba Rao, aged about 54 years, working as Upper Division Clerk, Defence Electronics ^{Research} Development Laboratory, Chandrayangutta, Hyderabad, do solemnly and sincerely affirm and state on oath as under:

1. That I am the deponent herein and the respondent in the above RA No.121/96 in OA No.1165/96 and therefore, well acquainted with the facts of the case.
2. In reply to para of the Review Application, it is submitted that it is not correct to say that this Hon'ble Tribunal has given an opportunity to the Review Applicants to file the counter affidavit at the admission stage of the OA. Even though this Hon'ble Tribunal given sufficient time, the review applicants did not file the counter. Hence, this Hon'ble Tribunal disposed of the OA on 28.10.1996.
3. In reply to para 3 of the Review Application, it is submitted that it is not correct to submit that the applicant was made permanent in the Estate Management Unit

vide respondents' posting order No.PERS/241712/DLRL/RD-22 dated 4.6.1984. As such the above order merely says the following posting is ordered:

<u>Name & Designation</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
SVN Murthy	DLRL, Hyd	EMU, Hyd	Against an existing vacancy

4. In reply to para 4 of the Review Application, it is submitted that it is not correct to submit that the applicant in the OA was transferred from Estate Management Unit to DLRL office on 17.11.1989 purely on temporary basis alongwith a vacancy from his parent office i.e., Estate Management Unit due to administrative reasons vide order No.RDHQ/24712/DLRL/Pers-9 dated 1.11.1989. As such the above order is as follows:

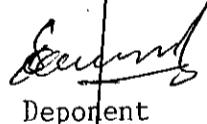
<u>Name & Designation</u>	<u>From</u>	<u>To</u>
SVN Murthy	EMU, Hyd	DLRL, Hyd

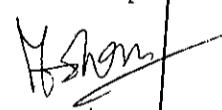
5. In reply to para 5 of the Review Application, it is not correct to submit that the Director General, DLRL, due to oversight directed the Director, DLRL to include the name of the applicant in the seniority roll of Upper Division Clerks of DLRL vide letter No.93792/UDC/RD/Pers-9 dated 3.8.1992. It is humbly submitted that the Director General is the competent authority and the applicant was initially posted to Estate Management Unit by his orders and he is the authority to transfer the respondent herein back to DLRL. As such the Director General alone is the competent authority and as such he has issued the orders to give seniority of the applicant and further held that the transfer of the applicant from DLRL to Estate Management Unit was in public interest and nowhere it is stated that

the applicant was posted alongwith his post to Estate Management Unit and again posted back to DLRL. The applicant has never given his consent for inclusion of his name in the seniority roll of Estate Management Unit, even though he is posted back to his parent department i.e., DLRL.

6. In reply to paras 6 to 13 of the Review Application, it is submitted that they do not require any reply. As such all the information given in these paras is only to misrepresent and mislead this Hon'ble Tribunal without any merit in the contentions. The Review Applicants filed this RA without any basis and are only prolonging the litigation instead of implementing the judgement of this Hon'ble Tribunal in the main OA. The respondent authorities filed several irrelavent documents and failed to file the relevant orders issued by the Department deliberately to suppress the things. As such there is no merit in the review application and it must be dismissed with heavy costs.

Sworn and signed on this
27th day of March, 1997
at Hyderabad.


Deponent


Before Me/Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH ; AT HYDERABAD

RA No. 121 of 1996

in

OA no. 1165 of 1996

Between:

DG, R & D,
Ministry of Defence,
New Delhi and another.

...Review
Applicants

A N D

SVN Murthy

Respondent



COUNTER FILED BY THE RESPONDENT

*Received
on 14.4.97
Bascader*

K. SUDHAKAR REDDY, ADVOCATE
COUNSEL FOR RESPONDENT

*retd
S. P. (A)*

(52)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A.No. 121/96 in OA.1165/96

Date of Order: 3.7.97

BETWEEN :

1. The Director General,
Research & Development,
Directorate of Personal (Pers-I)
Ministry of Defence,
DHQ Post Office,
New Delhi.
2. The Director,
Defence Electronics Research
Laboratory, Chandragutta Lane,
Hyderabad. Applicants.

AND

S.V.N.Murthy Respondent.

— — —

Counsel for the Applicants Mr. K.Bhaskara Rao

Counsel for the respondents Mr. K.Sudhakar Reddy

— — —

CORAM:

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

— — —
O R D E R

(Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

— — —

Mr. K.Bhaskara Rao, learned counsel for the applicant in the RA and Mr. K.Sudhakara Reddy, for the respondents.

2. The R.A. was filed by the original respondents in the OA for reviewing the judgement of this Tribunal dt. 28.10.96. The case was heard, and on 10.6.97 the following order was passed :-

"The applicant in the OA (respondent herein) was transferred to EMU on administrative grounds as UDC from DRDL. Hence his seniority in EMU in the cadre of UDC should be from the date he was

[Signature]

[Signature]

promoted as UDC regularly in DRDL. His name in EMU as per the above date should be inserted at the appropriate place. His further promotions in EMU from the grade of UDC will be governed on the basis of his entry in EMU. The learned counsel for the applicants in this RA submitted that he will file an affidavit as above after consulting his clients at the next date of hearing.

If such an affidavit is filed, the respondent herein should be sent back to EMU to work in EMU as he was brought to DRL along with the post from EMU which was vacant at that time as can be seen from Annexure-10 letter dt. 30.11.93.

The learned standing counsel for the applicants herein submitted that he will file necessary affidavit next time after getting instructions from the department. In view of the above, list this R.A. for orders on 18.6.97."

3. In pursuance of the above order dt. 10.6.97 an affidavit has been filed today. The relevant portion of the affidavit filed today ~~reads~~ as follows :-

"As already submitted in the Review Application that the Respondent/Applicant continues to be borne on the permanent strength of Estate Management Unit, Hyderabad for all purposes i.e., seniority, confirmation and promotion, since he is in the Estate Management Unit Hyderabad rolls he will be sent back to his parent establishment".

4. From the above it is clear that the applicant now belongs to EMU. On the basis of his date of entry as UDC DRDL his further promotion in ~~is to be regulated in EMU~~ His further promotion in EMU from the grade of UDC will be governed on the basis ^{UDC cadre} of entry in ~~as indicated above~~. If any of his junior

[Signature]

.. 3 ..

has been promoted to higher grade in EMU, then the applicant also should be considered for notional promotion from the date his junior was promoted as Head Clerk in EMU cadre.

(5) The learned counsel for the applicant submitted that Sri A.Ratna Das, Senior Administrative Officer has filed this additional affidavit. Earlier also he filed letter No.DRDL/EST-I/413021/DEP, dt. 16.10.93 (A-6). In para-e of that letter it is stated that he was send to EMU, but EMU refused to take him. That letter was also signed by Sri A.Ratna Das for Director, which was not implemented. As the present affidavit is also filed Sri Ratna Das, Administrative Officer this affidavit also may not be implemented. The present affidavit also does not indicate that it has the approval of EMU organisation.

6. I do not consider this is a very valid argument in not passing the order above. Sri A.Ratna Das has solemnly affirmed and stated that he is a responsible officer knowing the case fully well and hence he is filing the affidavit. In view of the solemn affirmation there is no need to fear that the applicant will not taken in the EMU cadre . If the EMU cadre refuses to take him then the officer who signed the present affidavit dt. 16.6.97 shall be fully held responsible for filing an incorrect affidavit.

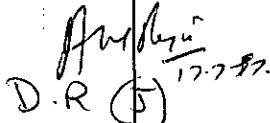
7. Time for compliance of consequential benefits to the applicant is three months from the date of receipt of a copy of this order.

8. The RA is disposed of as above. No costs.


(R.RANGARAJAN)
Member (Admn.)

Dated: 3rd July, 1997

(Dictated in Open Court)


D.R (S) 17.7.97

sd

55
3.4.80

Copy to:

1. The Director General, Research & Development, Directorate of Personnel (Pers. I), M/O Defence, DHQ Post Office, New Delhi.
2. The Director, Defence Electronics Research Laboratory, Chandrayanagutta Lane, Hyderabad.
3. One copy to Mr. K. Bhaskara Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

29/7/97

(X)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

(3)

DATED 3/7/97

ORDER/JUDGEMENT

T.A./R.A./C.A. NO. 121/96

in
C.A. NO. 1165/96

Admitted and Interim directions issued.

Alleged

RA

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

