

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

RECORD SECTION INDEX SHEET

O.A. No. 767 /199 6.

- a) Applicant (S) MV Seshiah.
Versus
b) Respondent (S) The Comptroller General of Defence Accounts, New Delhi & 20

Sl.No.	Description of Documents.	Page. No.
	<u>Part. I</u>	
	Order Sheet	1
	Original Application <u>30.4.96</u>	2-13
	Ma-terial Papers	14-92
	Order dated <u>18.6.96</u>	93-98
	Counter Affidavit.	
	Reply Affidavit	
	Order dated	
	<u>Part. II</u>	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	<u>Part-III</u>	
	Vakalat	
	Notice Papers	
	Memo of Appearance	

8/10/96

Ref:- To set aside the removal order
dt. 12.6.76 issued by R1 (2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 767 of 1996

Between:-

M.V. Seshaiiah

A N D

The Controller General of Defence Accounts,
Ramakrishnapuram,
New Delhi and 2 others.

.... Applicant

Respondents

I N D E X

Sl.No.	Description	Page No.	Annexure
1.	Original Application	9	
2.	Transfer Order No.34 dt.24.4.71	11	A-I
3.	Representation of the applicant dt.16.4.71 for cancellation.	12 to 13	A-II
4.	Lr.No.AN/6 dt.4.5.71 of A.O	14	A-III
5.	Lr.No.AN/120/Con dt.23.2.72	15	A-IV
6.	Confidential Report on Selec- tion Grade Clerks(Roster-B). December'72.	16 to 17	A-V
7.	Confidential Report on Selec- tion Grade Clerks(Roster-B) December'73.	18 to 19	A-VI
8.	Representation to Sri.V.V.Giri Hon'ble President of India.	20 to 27	A-VII
9.	Lr.No.AN/121/Con dt.30.10.74	28	A-VIII
10.	Representation dt.14.6.89	29 to 31	A-IX
11.	Lr.No.AN/I/28/Genl/Corr/ SI/II dt.7.11.89 of A.O(AN).	32	A-X
12.	Lr.No.AN/121/Con dt.12.2.74 of AO(AN.)	33	A-XI
13.	Lr.No.AII/104 dt.27.7.74 of AO	34	A-XII
14.	Lr.No.AN/120/Con dt.24.8.74 of ACDA, I/c.	35	A-XIII
15.	Lr.No.AN/Pay/104 dt.28.8.74 of ACDA, I/c.	36	A-XIV
16.	Lr.No.AN/Pay/104 dt.4.12.74 of ACDA, I/c.	37	A-XV
17.	Lr.No.AN/119/CON/8296800 dt.15.1.75 of ACDA, I/c.	38	A-XVI
18.	Representation dt.25.1.75	39	A-XVII
19.	Representation dt.17.3.75	40	A-XVIII
20.	Representation dt.11.4.75	41	A-XIX
21.	Lr.No.AN/119/Con/8296800 dt.11.6.75 of ACDA, I/c.	42	A-XX
22.	Memo.No.AN/II/22440 dt.2.6.75	43	A-XXI
23.	Article of Charges dt.30.5.75	44 to 45	A-XXII
24.	Representation dt.16.6.75	46 to 47	A-XXIII
25.	Lr.No.AN/119/Con/8296800 dt.24.6.75 of AO, I/c.	48	A-XXIV
26.	Lr.No.AN/119/CON/8296800 dt.15.7.75	49	A-XXV
27.	Representation dt.23.7.75	50 to 61	A-XXVI

Contd...2

(3)

S1.No.	Description	Page Nos.	Annexure
28.	Lr.No.AN/119/CON/8296800 dt.23.8.75 of AO(AN).	62	A-XXVII
29.	Lr.No.AN/119/CON/8296800 dt.26.9.75 of ACDA, I/c.	63	A-XXVIII
30.	Lr.Order No.AN/II/22440 dt.12.9.75 of CDA(ORs)South.	64	A-XXIX
31.	Order No.AN/II/22440 dt.12.9.75 of CDA(ORs)South.	65	A-XXX
32.	Lr.No.AN/119/CON/8296800 dt.1.10.75	66	A-XXXI
33.	Memo.No.AN/97/Inq/8296800 dt.25.9.75 of ACDA, I/c.	67	A-XXXII
34.	Acknowledgement given by Sri.M.V.Seshaiah.	68	A-XXXIII
35.	Lr.No.AN/119/CON/8296800 dt.28.10.75 of ACDA, I/c.	69	A-XXXIV
36.	Memo.No.AN/97/INQ/8296800 dt.20.10.75 of ACDA, I/c.	70	A-XXXV
37.	Acknowledgement given by Sri.M.V.Seshaiah.	71	A-XXXVI
38.	Lr.No.AN/119/CON/8296800 dt.6.3.76 of AO(Admn.).	72	A-XXXVII
39.	Lr.No.AN/119/CON/8296800 dt.27.2.76 of AO, I/c.	73	A-XXXVIII
40.	Memo.No.30014(311)/76-AN/F dt.28.1.76 of CGDA.	74	A-XXXIX
41.	Inquiry Report dt.11.12.75 submitted by A.C.D.A.	75 to 80	A-XXXX
42.	Acknowledgement given by Sri.M.V.Seshaiah.	81	A-XXXXI
43.	Lr.No.AN/119/CON/8296800 dt.6.7.76 of ACDA, I/c.	82	A-XXXXII
44.	Order No.30014(311)/76-AN/F dt.17.6.76 of CGDA.	83	A-XXXXIII
45.	Acknowledgement given by Sri.M.V.Seshaiah.	84	A-XXXXIV
46.	Admn.Order No.108 dt.12.7.76 of A.C.D.A., I/c.	85	A-XXXXV
47.	Office Order No.T/AN/701 dt.26.6.76 of Dy.CDA(AN).	86 to 87	A-XXXXVI
48.	Acknowledgement given by Sri.M.V.Seshaiah.	88	A-XXXXVII

Hyderabad;

Dated: 30.4.1996.

(SIGNATURE OF THE APPLICANT).

T. S. Seshiah

* * *

(Application under Section 19 of A.T. Act 1985) 14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 767 of 1996

Between:-

M.V.Seshaiah

.... Applicant

A N D

The Controller General of Defence Accounts,
Ramakrishnapuram,
New Delhi and 2 others.

.... Respondents

CHRONOLOGICAL STATEMENT OF EVENTS

S1.No.	Date/Year	E V E N T S
1.	1964	Applicant was initially appointed in the Department.
2.	26.3.71	Applicant transferred to PAO(ORs) Corps of Signals, Jabalpur.
3.	16.4.71	Applicant submitted a representation against the transfer orders.
4.	May, 1971	The request of the applicant rejected.
5.	1974	Applicant was attacked with Jaundice.
6.	22.5.74	Applicant submitted representation to the Hon'ble President of India and a copy to the Hon'ble Prime Minister of India.
7.	30.10.74	The 3rd respondent in his letter dated 30.10.74 informed the applicant that his representation was forwarded to the Ministry of Finance (Defence) and Ministry of Finance.
8.	2.6.75	Applicant was served with memorandum of charges for continuing on leave without proper sanction.
9.	16.6.75	Applicant submitted representation to the 2nd respondent to supply the relevant documents.
10.	23.7.75	Applicant submitted representation to the 3rd respondent denying the allegations levelled against him.
11.	23.7.75	Applicant submitted a detailed representation to the Hon'ble President of India running into 12 pages.
12.	14.6.89	Applicant brought to the notice of the 1st respondent regarding the representation submitted to the Hon'ble President of India.
13.	7.11.89	The 1st respondent expressed his inability to reback the case since 13 years passed in the case and it is old.

Hyderabad,
Dated: 30.4.1996.

M. Subrah
(SIGNATURE OF THE APPLICANT).

* * *

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

AT HYDERABAD.

O.A.No. 767 of 1996

Between:-

M.V.Seshaiah,
S/o.Late Subba Rao,
Aged 56 years,
Ex-Q.P Auditor, No.8296800,
LIGH, 47/3RT Vijayanagar Colony,
Hyderabad - 500 457.

.... Applicant.

A N D

- (1) Controller General of Defence Accounts,
Ramakrishnapuram,
New Delhi.
- (2) Controller of Defence Accounts (ORs), Central,
Civil Lines,
Nagpur.
- (3) Pay Accounts Officer (Other Ranks),
Corps of Signals,
Jabalpur (M.P).

.... Respondents.

DETAILS OF APPLICATION:

- (1) Particulars of the Order against which Application is made:-

The applicant is seeking to question the legality and validity of the orders No.30014(311)/76-AN/F dt.17.6.1976 of the Office of the Controller General of Defence Accounts. By the above said Proceedings, the services of the applicant were removed with effect from 1.7.1976.

- (2) Jurisdiction:-

The subject matter of the Application is within the Jurisdiction of this Hon'ble Tribunal under Section-14(1) of the Administrative Tribunals Act, 1985.

- (3) Limitation:- There is delay in filing the O.A. as per Sec. 21 A.T. Act 1985, and the applicant is preferring a separate application seeking for condonation of delay in filing the O.A.

Contd... 2

M. V. Seshaiah

6

(4) FACTS OF THE CASE;

(a) The applicant submits that while he was working as Auditor in the Office of the Pay Accounts Office(ORs), EME, Secunderabad he was transferred to Pay Accounts Office(ORs), Corps of Signals, Jabalpur by an order ^{No. AN/700. DT. 24.3.1971.} ~~dt. 17.6.1976~~ of Controller General of Defence Accounts. ^{(ORs) Secy. MADRAS.} Immediately the applicant had submitted a representation to the Controller of Defence Accounts(ORs), Madras seeking for cancellation of the transfer orders. The applicant had represented that he has an unblemished record of service and there is no untoward incident or event necessitating the transfer to Jabalpur. He had also contended that several persons who are working for long time at Hyderabad are not disturbed and no particular method or system is followed in effecting the orders. An arbitrary policy of pick and choose is adopted. He had also contended that his transfer to Jabalpur is not on administrative grounds. Though a representation was forwarded for consideration he was immediately relieved. Subsequently i.e., in May, 1971 his request was rejected. Subsequently he had no option but join in Jabalpur and accordingly he reported for duty at Jabalpur. While working in Jabalpur the applicant was attacked Jaundice in 1974 and he was seriously ill. The water and the food of Jabalpur did not suit to the applicant forcing the applicant to return back to Hyderabad to take Homoeopathy treatment and for rest. Though initially the applicant had applied for leave for 20 days only, he had submitted his applications for extension of leave on account of ill-health. The applicant is also looking after the well being of his father-in-law who was of 73 years old and was suffering with Paralysis and is also having large family to look after. It took long time to the applicant to recover from the ailment. In the meantime all the three children were affected with Jaundies one after

M. B. K.

the other and they were also seriously ill. Adding to the woes, his father-in-law also fell seriously ill and was on the death bed. In the circumstances, the applicant recovered from ailment. The applicant could not leave his family members in the circumstances and go and join at Jabalpur which is a far off place from Hyderabad. Therefore the applicant was forced to apply for extension of leave. The applicant all along been submitting his applications for extension of leave. However, the applicant was served with several memos directing him to appear before the Medical Board and join for duties at Jabalpur. The fact remains that though the applicant recovered from the ailment, he could not go and join at Jabalpur because of the problems he is facing in domestic as explained above and therefore sought for extension of leave. The applicant submits that holding that the applicant was on leave without sanction for a very long time he was served with a memorandum of charges dt.2.6.1975 alleging that he was continuing on leave without proper sanction from 22.7.1974 and is not complied with the orders of his superior Officer and the said conduct unbecoming of a Government servant. The applicant was called upon to show cause against the proposed disciplinary action. The applicant had submitted representation on 16.6.1975 to the 2nd respondent. In the said representation he requested to supply the documents referred in the application to enable him to represent for the detailed objections. In his further representation to the 3rd respondent on 23.7.1975 denying the various allegations levelled against him. He had also explained in detail how he was represented to the respondents for extension of leave and the circumstances leading for continuation of leave. He submitted that his absence can not be treated as unauthorised absence as his initial leave was sanctioned and that all his subsequent period of

8

leave was covered duly submitting the leave representations. It is another thing to say that the leave was not granted. It is submitted that the leave was not sanctioned for extreme reasons but for the genuineness of the claim. The applicant was in a state of shock and was also suffering with mental disturbance due to health problems of his family members and also for himself. Adding to this as he was continuing on leave there was no money to attend to the medical requirements. Under those circumstances and in the state of mind as he ^{was} then, the applicant could not think properly. In spite of problems he is facing, he has responded to the show cause notice and he had submitted a detailed representation running into 12 pages. He had also explained that his transfer itself was by way of victimisation, unconstitutional, arbitrary, discriminatory, violative of Article-14 and 15 of Constitution of India and violative of principles of natural justice and he also pointed-out that he had also submitted a representation to the highest executive authority of the country of India His Excellency the Hon'ble President of India alleging the actions of the respondent 2 he had attributed malafidies and victimisation, the then Controller of Defence Accounts (OR, South, Mr.V.G.Kamath. While the matter is pending with the Highest Executive Authority and the Supreme Commander of the Armed Forces, the action taken by the 2nd respondent in initiating the disciplinary action in itself is vitiated by malafid and extreme considerations. The applicant submits that he has not received any replies for his representation dt.23.7.1975. However, in the mean time an Enquiry Officer was appointed and the Enquiry Officer issued several notices to appear before him. The applicant did not appear before the Enquiry Officer as he had a grievance as where the disciplinary proceedings were initiated, and he has submitted a representation to the

W. D. Khat

Excellancy the President of India, the applicant refused to participate in the domestic enquiry. The Enquiry Officer conducted an ex-parte enquiry and written a finding of holding the applicant guilty of the charges framed against him. Basing on the said finding in the enquiry, the matter was referred to the 1st respondent and the 1st respondent issued notice for removal from service calling for explanation against proposed removal from service. However, the applicant also did not reply to the show cause notice since his representation to the President is pending. Consequently, the 1st respondent issued impugned order of removal from service.

(2) The applicant respectfully submits that aggrieved by the arbitrary action of the V.G.Kamath the then Controller of Defence Accounts(ORs), South was acting in a partisan manner giving favour to some subordinates and harassing and humiliating other subordinates. The applicant had a serious grievance against the action of Sri.V.G.Kamath for exercising his power and authority. The applicant also had a strong grievance for transferring him to Jabalpur giving a go bye to the norms. Several persons who are working for several long years were not disturbed whereas the applicant was picked-up for transfer to Jabalpur. The said transfer was also not in administrative exigencies it was only intended to victimise the applicant. In fact the authorities were aware of the difficulties faced by the applicant having with regard to attending his father-in-law who was living with him and who was suffering with Paralysis. Aggrieved by this arbitrary action of Mr.V.G.Kamath, the applicant had submitted representation to his Excellancy the Hon'ble President of India on 22.5.1974 through proper channel. A copy of the said representation was also submit

Contd... 6

He Deobach

to the Prime Minister of India. In a letter dt.30.10.1974 the applicant was informed by the 3rd respondent that his representation to the Hon'ble President of India was forwarded to the Ministry of Finance(Defence) and the Ministry of Finance had intimated that his appeal was with-held with the Department. On the one hand; the applicant was hoping for suitable orders from the Government of India as per his representation dt.22.5.1974, The applicant was shocked to receive the memorandum of charges. The applicant submits that the memorandum of charges were framed by the 2nd respondent with a vindictive attitude and with malafidy considerations and he was having a strong grievance against the applicant for representing to the Hon'ble President of India against him. As the applicant was hoping for a favourable orders from the President of India, the applicant did not take further steps in the matter. However on 14.6.1989, the applicant had submitted a representation to the 1st respondent bringing to his notice the representation submitted by him to his Excellency President of India and also the orders passed by the first respondent removing him from service. He had also brought to his notice that as he was waiting for a reply from his Excellency and the Department was aware of the representation the Department ought not have taken action affecting the interests of the applicant. In response to the said representation, the applicant was informed by letter dated 7.11.1989 that the 1st respondent had expressed his inability to reback the case as 13 years passed in this case and it is a old case. The applicant is fully dejected as the manner in which he is treated as one and all by the Department, he became a mental wreck and could not venture to have logically to take further steps. He was hoping against hope for a favourable reply from the highest

Contd... 7

PCB/06/01

Executive of the Country. In the circumstances he could not venture to approach to this Hon'ble Tribunal or the Hon'ble ^{HIGH} ~~Supreme~~ Court of ^{A.P.} ~~India~~ for the redressal of his grievance. The applicant did not have the means to approach the Court of law.

(5) GROUND FOR RELIEF WITH LEGAL PROVISIONS:

(a) The entire disciplinary proceedings are vitiated on account of extreme considerations and for malafidy reasons and are therefore liable to be struck down on this ground. The disciplinary proceedings initiated by the 2nd respondent and concluded by the 1st respondent are without jurisdiction and competence in as much as the applicant had a strong grievance against the power and authority exercised by the then incumbent of the 2nd respondent Office and represented to the Highest Executive of the country making a strong grievance against those Officers. The representation is full of facts and events which if properly inquired and examined into would have proved the arbitrary exercise and power of then authority Mr.V.G.Kamath. During the course of pendency of appeal before His Excellency, the respondents 1 and 2 being Subordinate Officers become functus officio and therefore the actions are null and void.

(b) It is further submitted that his absence from duties was supported by leave applications duly forwarded to the concerned authority and the leave applications were supported by medical documents. It is therefore submitted that his absence from duties was on medical grounds and on justifiable and reasonable grounds. The applicant is advised to state that every absence from duty does not amount to a mis-conduct. Only such an absence

Retd. Sub. Officer

Which was intentional and without any justification and without prior intimation would amount to a mis-conduct. Such is not the case with the applicant. It is therefore respectfully submitted that his absence from duty does not amount to mis-conduct and the provision of discipline and appeal provision does not apply. It is therefore respectfully submitted that the very initiation of the disciplinary proceedings and the power exercised under CCA Rules are without jurisdiction and competence in as much as the action does not amount to a mis-conduct.

(c) The action of the respondents is arbitrary, discriminatory and unconstitutional for reasons beyond the control of the applicant, the applicant was absenting from duties and the same can not be used against him to deprive him and his family the livelihood.

(6) Details of Remedies Exhausted:-

The applicant states that there are no alternate remedy except to invoke the Jurisdiction of this Hon'ble Tribunal.

(7) Matter not pending with any other Court:-

The applicant declares that he has not filed any Application, Writ Petition or Suit regarding the same subject matter and no application, Writ Petition or Suit is pending before any other Court or Tribunal regarding the same subject matter.

(8) MAIN RELIEF:-

It is therefore prayed that this Hon'ble Tribunal in the interest of justice be pleased to call for the record relating to and connected with Proceedings No.30014(311)/76-AN/F dt.17.6.1976 and quash or set aside the same with

Handwritten signature

consequential service, continuity of service, Pay and allowances and all other benefits and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

(9) INTERIM RELIEF:-

It is further prayed that this Hon'ble Tribunal in the interest of justice be pleased to expedite and fix an early date of hearing and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

(10) Particulars of the Postal Order in respect of Application fee:-

- (i) Number of Indian Postal Order : 8 438 525
- (ii) Name of the Issuing Post Office : Vijayanagar Colony
- (iii) Date of Postal Order : 30/4/86
- (iv) Post Office at which payable : 500

UPD.B.C.D. Removed

(11) Details of Index:-

An Index in duplicate containing the details of documents to be quoted upon is enclosed.

V E R I F I C A T I O N

I, M.V.Seshaiah S/o.Late Subba Rao, Aged 56 years, Ex.Q.P Auditor, No.8296800, LIGH, 47/3RT Vijayanagar Colony, Hyderabad-500 457, do hereby verify that the contents are true to my personal knowledge and belief ~~and on the advice rendered by the Counsel in legal aspects and I have not suppressed any material facts.~~ and I have not suppressed any material facts.

M.V.Seshaiah

(SIGNATURE OF THE APPLICANT).

Hyderabad,
Date: 26.4.1996.

To
The Registrar,
Central Administrative Tribunal,
Hyderabad Bench,
H Y D E R A B A D.

OFFICE OF THE Dy. C.D.A., I/c P.A.O. (ORs) E.M.E., SECUNDERABAD - 21
 DATED: 24th APRIL 1971
 OFFICE ORDER NO. 34

Sub:- Transfers - Establishment.

Having been selected for transfer to the Offices as noted against each the following individuals have been relieved of their duties in this office on 24.4.71 (AS). They are directed to report for duty in the new offices after availing of the normal joining time admissible under rules.

The individuals are entitled to T.A. and joining time.

S.No.	Name, Grade and Account No.	Office to which transferred.
1.	Sarvasri M. KOTESWARA RAO, QPUDC, 8245333	PAO (ORs) Corps of Signals Jabalpore
2.	Ch. Krishnadevarayulu, QPUDC, 8246575	-do-
3.	M.V. Seshaiiah, QPUDC, 8246800	-do-
4.	P. Sadanandam, QPUDC, 8246737	-do-
5.	K. Luther Paul, QPUDC, 8300522	-do-
6.	K. Rama Rao, QPUDC, 8245364	PAO (ORs) AEC Pachmarhi
7.	K. Siva Rao, QPUDC, 8245372	-do-
8.	T. Sukumar, QPUDC, 8300543	PAO (ORs) AEC (C) Poona - 14
9.	Shaik Abdul Satter, QPUDC, 8300577	-do-
10.	K. Natarajan, QPUDC, 8300714	-do-
11.	K.C. Pradeep Kumar, QPUDC, 8300477	PAO (ORs) B.E.C. Kichee, Poona 3
12.	M.D. Lakshminarayanan, QPLDC, 8244786	PAO (ORs) Corps of Signal, Jabalpore
13.	A. Karasimhamurthy, QPLDC, 8247193	PAO (ORs) A.C. R. Ahmednagar.

Authy:- CDA (ORs) Madras, Confdl. Nos. AN/700-IV dt.
 26.2.71, AN/700 dt. 23.3.71 and AN/700-IV
 dt. 2.4.71.

(V. Venkataraman)
 Accounts Officer, In-Charge

Original in 22/6

PTO

attested
 P. N. Narayan Rao
 Advocate

7-2
 M.B. Shaukat

Copy to:-

- 1) The C.D.O. (ORs) South, Admin. Sec., Teynampet, MADRAS - 18.
- 2) The C.D.O. (ORs) South, Pay Sec., Teynampet, Madras - 18
- 3) The Dy.C.D.O. I/c P&O (ORs) Corps of Signals, Jabalpure (M.P.)
- 4) The C.O. I/c P&O (ORs) B.E.S., Pachmaphi (M.P.)
- 5) The Dy.C.D.O., I/c P&O (ORs) S.S.C. (MT), Poona 14.
- 6) The C.O., I/c P&O (ORs) B.E.S., Kirkee, Poona - 3.
- 7) The C.O., I/c P&O (ORs) B.E.S., Ahmednagar.
- 8) Office Order file
- 9) Pay Group (2 copies)
- 10) Leave Task - (13 copies)
- 11) Security
- 12) One copy to each individual noted above.

ABE

32/2

Handwritten signature/initials

From

H. V. Gochhayat,
A/C No. 013300,
P.A.O. (ADM) S.M.E.
BIRMINGHAM-21.

— 12 — ANNEXURE - A - II.

Recd 15/11/71
12/11/71

To
The C.D.A. (ONG) South,
Tombay
H A P A S - 12.

"THROUGH PROPER CHANNEL"

HONOURABLES AND RESPECTED SIR,

Sub: Transfer to Jabalpur - Orders Cancellation -
Requested -

Ref: Main Office Confidential No. AH/700, dt. 23-3-1971.

In the confidential memo No. cited above, I have been shown as transferred to Jabalpur on Administrative Grounds by which I was not only shocked but stunned as the normal procedure of transfer having station seniority has not been followed as there are several others having station seniority. I beg to represent Sir, like others that I was also recruited and allotted to this office. As per the posting orders, I have reported for duty on 6-5-1964 and was posted to Imprest-I section. From that time onwards, till to the date of my transfer to Ledger Group-15, I was discharging the official work with full vigour and sincerity. While posting me to the Ledger Group-15, the authorities took shelter for their act by saying "being senior in the Imprest Section" the transfer was imminent. But Sir, to the best of my knowledge, the above reason was absolutely incorrect. I was posted to a task which was in full of arrears accumulated for six months i.e., for the complete Half-year ending 8/68, relieving from my task in Imprest-I having four letters on hand that too one week old.

Sir, after sitting tight to the post and sincerely ^{conscientiously} attending to the work, I have brought the task to a considerable level. But Sir, during May, 1970 one of the Major Units handled by me which contains 200 IRAS or more was disbanded and merged with a battalion. After the transfer of the IRAS of the above said unit to another group, I have been allotted some miscellaneous units numbering to seven. This transfer of IRAS took place during Quarter Ending 5/70. Sir, after receiving the new units, not only I have to set right but to adjust the D.O. Part-II items for that quarter which were not adjusted by the transferring group.

Honourable Sir, to my surprise on my return from leave, I was relieved of the work in respect of some of the units keeping with me 150 IRAS and attached to task-I for attending on the D.O. Part-II items which have been accumulated from 1969 onwards (vide section Order Dt. July, 1970). This was done to give relief to the task-holder allowing him to look after correspondence and other work, taking into consideration that the task is unmanageable by a single individual. Sir, after attending to the arrears received from the transferring group and the quantum received during my leave period, I have attended to some portion of the D.O. Part-II of 615-Army Base Workshop, Bangalore.

(P.T.O.)

T-
H. V. Gochhayat

Sir, after the close of the accounts for Quarter ending 1970, the authorities relieved the task-holder from that task and permitted me to handle the "WHOLE WORK" vide Section Order dt. 30-8-1970. I permit me to clarify the word "Whole" vide Section Order dt. July, 1970, I was attached to attend to the D.O. Part-II items allowing the task-holder to look after correspondence and other work. Contrary to this vide section order dt. 30-8-70, I have been ordered to handle the complete work pertaining to that task of GIS-Army Base Workshop, denying me the relief granted to my predecessor, Sir, at the time of my compulsory posting to the above task, the task is in full of arrears i.e., hundreds of D.O. Part-II items left without adjustment, numerous letters, reminders, complaints etc. GIS-Army Base workshop, being a peace unit, a good number of service personnel are posted for temporary training purpose. This temporary posting contrary to the other units, increases troubles to the task holder by means of Acc. Rolls and D.O. Part-II out postings.

Though the Section Officer is aware of the bulk quantum of work to be turned up by the task-holder after watching for a full quarter has said at the time of forcibly entrusting that task to me the officer assessed the work load and denied to give reasons for the transfer. Though the transfer order was made on 30-8-70, actual transfer was effected on 15-10-70. Sir, it is once again stated that I was forced to handle the task from that date onwards.

At the time of the Review Inspection by Sri Ramachandran, IDAS the authorities tried their level best to avoid the review of this unit because it was horribly in worst condition. But the Review Officer insisted on this unit and asked to send D.O. Part-II file and a binder of IR&S for the period for which the Review was taken-up. Sir, it is my doubt that the Review Officer might have been furnished with the name of the auditor who was attending on that unit at that time and not with the name of the individual who handled that task at that time and was relieved of his burden. Sir, it is also my presumption that the present transfer on Administrative Grounds was based on the last Review Report. Honourable Sir, all the above narration is only to appraise your Highness, that I never grumbled nor refused to handle the task "entrusted" to me, but attended to the work with full vigour and sincerity. Honourable Sir, in this context, I request your Highness to go through the reports held at your end and I may be graced with the reason for transfer on "Administrative Grounds". Sir, by allowing me to know the reason which was the cause for this transfer, I may not only aware of such grave mistakes, but also try to change from that type of grave irregularity.

Sir, I beg your pardon for requesting your Highness to consider the case and cancel the transfer orders.

Honourable Sir, right from my date of birth in this office, till-to-date I have been served with the orders transferring on Administrative Grounds - I submit to your Highness, that I never acted in such a manner to get the transfer on the Administrative Grounds. Sir, I am not only punctual, but also honest and sincere towards my duties and I never behaved in such a manner to get my transfer orders on "Administrative Grounds". In view of the circumstances stated above, Sir, your humble subordinate requests your Highness to go through the facts patiently and parted justice.

Eagerly awaiting for the justified orders Sir,

I beg to remain,
Respected Sir,
Yours most obedient servant,

(M. V. SESHAIAN)

Secunderabad-21.1.

Dt. 16-4-1971.

ADVANCE COPY TO :

SRI V. C. Ramet, I.D.A.S.,
CONTROLLER OF DEFENCE ACCOUNTS

(OTHER RANKS) SOUTH,

TEZHAMPET, MADRAS-12.

FL

M. V. Seshaiyan

pdf

REGISTERED/

No. AN/6 dt. 4th May 71
Pay Accounts Office (ORs) E.M.E
Secunderabad - 21

To

Sri M.V. Seshalaiah
L.I.G.H. 47/3 R.T
Vijayanagar Colony
HYDERABAD - 28

Sub:- Application for cancellation of transfer order.

C.D.A. (ORs) Madras has intimated that your application dated 16.4.71 representing against your transfer Ex-Secunderabad and requesting for the cancellation of your transfer to the PAO (ORs) Corps of Signals, Jabalpure has been very carefully considered by the C.D.A, and stated that your request cannot, it is regretted, be acceded to.

Accordingly the orders transferring you to the PAO (ORs) Corps of Signals, Jabalpure stand.

(V. Sethuraman)
Accounts Officer i/c

[Signature]
4/5

[Handwritten mark]

CONFIDENTIAL

No. AN/120/Con
 PAO (ORs) COMPS OF SIGNALS
 JABALPUR : DT. 23rd Feb 72

To

M.V. Seshiah, (PUDC, A/c No. 8296800)

Sub :- Confidential reports on clerks - Communication of adverse remarks.

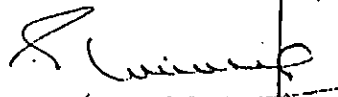
It has been intimated by CDA (ORs) South, Madras that you have been unfavourably reported upon in your confidential report for the year ended Dec 1970 (an extract of which is furnished below).

Col. 10 - General Assessment - He is not enthusiastic to undertake greater responsibilities.

Col. 13 - General remarks with comments - He is a good clerk but a little argumentative.
 about the General remarks given by the Reporting officer and remarks about the outstanding work of the officer.

he CDA has
 not taken
 these reports
 adverse,
 however,

As seen from the above comments by your Reporting officer/Reviewing officer you have been assessed as not taking keen interest in the office work and that you are an argumentative type. You are, therefore, advised in your own interest to overcome these defects.


 (R.K. MADHWARAJ)

BY CONTROLLER OF DEFENCE ACCOUNTS I,

dd
 23/2

P 2/2

FORM OF CONFIDENTIAL REPORT ON SELECTION GRADE CLERKS (ROSTER-B)
UPPER DIVISION CLERK

Office of . . . PAO. (QRs) CORPS OF SIGNALS, JABALPUR.

Report for the period/year ending . . . December, 1972.

PART-I PERSONAL DATA (TO BE FILLED BY OFFICE)

1. Name of Officer : Shri M.V. SESHIAH, QPUDC, A/c No. 8296800
2. Date of birth : 28.6.39
- 2.A Date of initial appointment : 6.5.64
3. Designation/Post held : Qp.UDC Pay Rs. 160/-
4. Date of continuous appointment to the present grade viz. QPUDC : 6.5.67
5. Whether permanent/quasi-permanent or temporary/officiating : Quasi-Permanent
6. Sections in which served during the year under report and period of service in each : LEDGER
7. Period of absence from duty on leave, training etc., during the year : Attached

PART-II - ASSESSMENT BY THE REPORTING OFFICER (SECTION OFFICER)

8. State of health : Good
9. Nature of work on which employed : Employed on maintenance of IRLA of ORs requiring knowledge of rules and regulations. (This should indicate whether the Officer reported upon is employed on tasks involving initiative, judgement or application of knowledge of complicated rules and regulations or professional techniques or on tasks of a simple nature and routine character)
10. General Assessment:- Keeps his work book properly. (This should contain an overall assessment of the Officer's personality, his good qualities and shortcomings and should in particular touch on the following points, namely, proper maintenance of Assistant's Diary, Guard file etc. skill in noting and drafting, promptness and accuracy in disposal of work; aptitude for any particular type of work clarity and originality in thinking and expression; knowledge and thoroughness of rules and regulations; keenness and willingness to undertake more and greater responsibilities/work; Amenability to discipline and relation with fellow employees, punctuality in attendance. Able to prepare notings and draftings and accurate in his disposal of work. Has originality in thinking and expression and has a good knowledge of rules and regulations. Willing to undertake more work and is amenable to discipline. Keeps good relations with fellow employees and is punctual in attendance. He was awarded the punishment of stoppage of one increment of Pay without cumulative effect for having absented himself for 282 days without prior p.t.o.

Handwritten signature/initials.

FORM OF CONFIDENTIAL REPORT OF SELECTION GRADE CLEMS (ROSTER-B)
UPPER DIVISION CLEPS

Office of the PAO (ONE) CORPS OF SIGNALS SABARPUR

Report for the period/year ending DECEMBER 1973

PART I - PERSONAL DATA (To be filled by Officer)

1. Name of Officer : SRI M.V. SESHAIAM, QPUDC, 8296800
2. Date of Birth/apptt. : 28-6-39/5-5-64
3. Designation/Post held : QPUDC
4. Date of continuous appointment to the present grade, viz. : quasi permanent
5. Whether permanent/Quasi Permanent or temporary/Officiating : ledger
6. Sections in which served during the year under report and period of service in each : EOLWA 87 days 31-12 to 27-3-73 MC
17 days 28-3 to 13-4-73
EL 13 days 3-9 to 15-9-73 pre
HPL 14 days 16-9 to 29-9-73 sanctioned
7. Period of absence from duty on leave, training etc., during the year : AWOL since 30-9-73

PART II - ASSESSMENT BY THE REPORTING OFFICER (Section Officer)

8. State of Health : Average
9. Nature of work on which employed : Ledger group auditor
(This should indicate whether the Officer reported upon is employed on tasks involving initiative, judgment or application of knowledge of complicated rules and regulations or professional techniques or on tasks of a simple nature and routine character)
10. General Assessment:-
(This should contain an overall assessment of the Officer's personality, his good qualities and shortcomings and should in particular touch on the following points)
He is intelligent and he is able to keep the work current so long as he is present in office. He takes leave and extends thereafter on the grounds of ill health. Thus he cannot be relied upon for any task work on account of his absence though on account of sickness. He is able to draft well and knows rules and orders. He is amenable to premisses and accuracy in disposal of work; aptitude for any particular type of work clarity and originality in thinking and expression knowledge and thoroughness of rules and regulations; keenness and willingness to undertake more and greater responsibilities/work amenability to discipline and relation with fellow employees, punctuality in attendance.

..... 2

Vasishth

For the purpose of the review, the Officer should be given an opportunity to explain his work or for other causes during the period under review, brief particulars should be given. If the Officer has done any outstanding notable work meriting commendation, brief mention should also be made.

Certified

11. Integrity:-

(This column should be filled as per instructions issued under Min. of Home Affairs C.M. No. 51/4/64-2515(I), dt. 21st June 1965.

A.VIJAYARAGHAVAN

Sd. x x x x

Signature of the Reporting Officer

Name in Block letters:

Designation: ACCOUNTS OFFICER

10-12-73

Date:

PART III - REMARKS OF THE REVIEWING OFFICER (Group Officer) & CORRESPONDING OFFICER

1-1-73 to 31-12-73

12. Length of service under Reviewing Officer

13. General remarks with specific comments about the general remarks given by the Reporting Officer and remarks about the outstanding work of the Officer

An average clerk who has not shown any improvement in attendance during the year under report. I agree with the remarks of the reporting officer

14. Fitness for confirmation/promotion to Selection Grade (Foster-B) in his turn.

(i) Yes

(ii) Not Yes

(iii) No

Signature of the Reviewing Officer

Sd. x x x x

Name in Block letters

R.K:WADHAWAN

Designation

B.O.D.A. in charge

Date

4th Jan' 73

Signature of JCDA/CDA (with remarks if any)

Name in Block letters:

True copy

Designation:

Supt.

Note:

If any adverse entry is made, whether it relates to a remediable or to an irreparable defect, it should be communicated but while doing so, the substance of the entire report including what may have been said in praise of the Officer reported upon should be communicated.

B. J. 20

W. B. Shakti

TO THE PERSONAL AND SYMPATHETIC CONSIDERATION OF
HON'BLE Shri V.V.GIRI, PRESIDENT OF INDIA.

To

Hon. Shri V.V.Giri,
President of India,
NEW DELHI

Humble request for Justice.

Through: Proper Channel.

(Advance copy forwarded to avoid Departmental Delay).

.....

Hon.Sir,

I most humbly approach you for justice which I failed to get through the Department as a result of ruthless Regionalism perpetuated by one of the top official of the Central Government Shri V.G.Kamath, Controller General of Defence Accounts New Delhi who was specially aided by another Shri K.Jagannathan (now D.C.D.A. in the office of C.D.A. (Navy) Bombay) in his anti-Andhra activities.

Hon.Sir, in collusion with Shri V.G.Kamat, the present C.G.D.A., the then D.C.D.A. I/C of P.A.O. (ORs) EME - Secunderabad, Shri K.Jagannathan recommended for my transfer from PAO (ORs) EME Secunderabad to P.A.O.(ORs) Corps of Signals Jabalpur on Administrative Reasons, but purely due to regional feeling. Hon. Sir, the practice rather to followed by the Authorities i.e. C.D.A. (ORs) South Madras for effecting transfers from one office to another office was Station Seniority. Sir, I beg to submit that I have joined this Department on 6.5.1964 and there were so many persons who have joined earlier to me and still they are serving there till date.

Hon. Sir, as soon as I was shown the transfer order order transferring me from Secunderabad to Jabalpur, I have represented to the personal attention of Shri V.G.Kamath, then Controller of the office of C.D.A.(ORs) South Madras in a lengthy appeal, that I was not Station Senior and to the

Received Sir
of this appeal.
1st
22/5/64

Recd. Mr.

- 21 -

28

best of my knowledge I never behaved in any manner unbecoming of a Govt. Servant and the transfer was not justified and requested for its cancellation. In the same appeal I have incidentally pointed out how some interested persons of the then D.C.D.A. I/C Shri K. Jagannathan behaved by not working properly and how I was asked to clear the arrears filed up by them and clearance done by me. Hon. Sir, in the same appeal I requested the authorities, that I may be permitted to know my DEFECTS which were responsible for my transfer from Secunderabad to Jabalpur so that I may have an opportunity to overcome those DEFECTS. But to my surprise Sir, the authorities found it convenient to issue cyclostyled readymade reply by informing me that the request for the cancellation of transfer could not be acceded to and never cared to go through the irregularities pointed out by me, and I was also not informed of my DEFECTS. I may be permitted to submit Sir, that all through my service in Secunderabad till the date I was relieved of my duties, I was never served with any memorandum nor called for any explanation for any DEFECTS or otherwise on my part.

Respected Sir, after some time I was served with an extract of my confidential report for the year 1970. In that I was informed that the Section Officer has remarked that I was not enthusiastic to undertake greater responsibilities. It is submitted Sir, I was never asked to perform the duties other than the clerical and I was not at all aware of the remark. In the same extract I was informed by the remark made by the Head of the Office i.e. Shri K. Jagannathan "HE IS A GOOD CLERK, BUT LITTLE ARGUMENTATIVE". Hon. Sir, I may be permitted to submit, that the section in which I worked in the office of the PAO (ORS) EME Secunderabad was never under the Head of the Office in general and especially under Shri K. Jagannathan, and I am unable to come to a conclusion how I have entered with an argument and in what context. After I was served with the extract, I have appealed to the Office of the CDA(ORS) South Madras

J. Jagannathan

for the substantiation of the above remarks. Sir, to my surprise, I was informed that no action is being taken on my application as I have not applied within the stipulated period from the date of communication of adverse remarks. Sir, by this I have come to know, how sympathetic and kind hearted the authorities of the office of C.D.A. (ORs) South Madras in safeguarding the interests of the officers who have made the above comment for by SPOILING MY CONFIDENTIAL REPORT.

Respected Sir, due to the conditions beyond my control, i.e. due to the severe illness of my father-in-law who is above seventy years, and due to the advanced stage of pregnancy of my wife I could not report for duty immediately as soon as I was relieved of my duties at Secunderabad. This fact I have submitted to the authorities. In spite of taking sympathetic and realistic stand, the authorities imposed a fine - postponing my increment of pay by one year. By the imposition of the above penalty, the authorities deprived me of becoming permanent employee and thus I was fined twice for no fault of mine due to the circumstances which were beyond my control. Hon. Sir, in this connection, I may be permitted to mention that two Kannadigas; Shri H.P. Nagaraj and Shri Syed Noor Ahmed who were transferred to Jabalpur never reported for duty for years together and their transfer orders were subsequently cancelled and no action of whatever kind was taken against them as they belonged to the Region of Shri V.G.Kamat, the present C.G.D.A. Hon. Sir when I have appealed for the reasons for not confirming me in the present cadre for which I was due on 2.12.1971 and the punishment imposed by the authorities had effect from 28.5.1973, the authorities have put forward a fantastic reason - because in future I may get punishment, permanency was not accorded and were gone to the extent of by informing that no fruitful purpose will be served by representing to the Government.

Hon. Sir, three full years have been passed. But to

Y. Venkatesh

my bad luck, I am not permitted to know my DEFECTS which prompted the authorities to transfer me from Secunderabad to Jabalpur on Administrative Grounds. For all these years I am put to untold mental torture as I am not in a position to know my DEFECTS and over come them. By not disclosing me of my DEFECTS I fear Sir, that the authorities will force me to commit the same mistakes and award punishments and spoil my career for life long. Sir, It is not only my opinion, but my sincere desire, that Crime should not be ^{mix} ~~not~~ with Crime. Though I was put to great trouble Financially because I could not earn my meagre livily hood in the absence of peace of mind for all these years. I am having faith that justice will prevail and come to my rescue.

Hon. Sir, I also submit, that I am not making the allegation for the simple reason that I was transferred from Secunderabad to Jabalpur. The then D.C.D.A. I/C of P.A.O. (O&S). EME Secunderabad Shri K. Jagannathan was so Regionalist, though the people of his Region who never worked for months together and accumulated the work willfully are relieved of their burden and allowed to enjoy and the people of other region were asked to handle those tasks under threats and were put to untold miseries. Hon. Sir, I was also one of such persons.

Further, it is also submitted Sir, that Shri K. Jagannathan, swallowed Canteen Amounts to the extent of Rs. one lack and there was neither enquiry nor anything and he was allowed to get rid of that.

Hon. Sir, that I may be permitted to mention, that one person belonging to his region had Court proceedings and punishments. This was deliberately withheld by the above officer and was not brought to the notice of the Higher Authorities and at a later stage he was recommended for deputation.

Hon. Sir, It is also submitted that

Handwritten signature

I am not making the allegations against the officer because I was recommended for transfer.. The above I.D.A.S. Officer, Shri K.Jagannathan, is so anti Andhra, that he never closed the office when ever an Andhra Dignitary passed away and Govt. of Andhra Pradesh declared holiday in honour of him. Sir, it is very difficult to narrate what atrocities and irregularities were done by the above officer. But, it can be said, that he never respected law and never behaved in a lawful manner.

Hon. Sir, with a vengeance to spoil the reports of Andhras he succeeded in doing so with the blessings of Shri V.G.Kamath I.D.A.S. who was then the C.D.A. and now the C.G.D.A.

Hon. Sir, in one instant thirty persons all Andhras transferred from Secunderabad to out side far away stations to provide accommodation to the men belonging to the region of Shri V.G.Kamath, who were found excess in the office of the C.D.A.(ORs) South Madras. Sir, by this action, Shri V.G.Kamat not only abused the power vested with him, made misuse of the funds by making double transfers which could have been avoided.

Hon. Sir, in one case, one Shri L.Srinivasa Prasad, a son-in-law of Shri V.G.Kamat's friend serving at Bangalore, was transferred to Jabalpur to serve his tenure. But, to the surprise of all, and against the norms prevailing in this department, the above person, with-in one month of his reporting at Jabalpur was retransferred for the simple reason as already submitted above.

Hon. Sir, I have waited for all these years with the hopes that good counsels will prevail on the authorities and justice will be done to me. Sir, to my bad luck in stead of prevailing good counsels, worst counsels prevailed on them and as time passed on their determination of spoiling and crushing me also grew up.

V. S. S. S. S.

Hon. Sir, Shri V.G.Kamat, the present Controller General of Defence Accounts, started a ruthless regionalism way back in 1970 when he was C.D.A. (ORs) South Madras. He had transferred a large number of Andras from D.A.D. Offices in Secunderbad to Jabalpur on grounds other than of Station Seniority and filled the vacancies by transferring persons from Bangalore and Madras.

One Kannadiga, Shri Premchand was selected for appointment as care taker /Security official of the office of CDA (ORs) South Madras, and was transferred from Jabalpur as though none were available in the office of CDA (ORs) South Madras.

Hon. Sir. while rejecting the requests of Andras for transfer from Jabalpur to Secunderbad, Shri V.G.Kamat, transferred so many Kannadigas to their Choice Station as if their cases were worth consideration. I may be permitted to submit some of the names of the individuals who got transfer when he was CDA (ORs) South Madras :

1. Shri C.S.Avadhani.
2. Shri S.Sempangi.
3. Shri G.P.Chandran.
4. Shri R.Narayana Rao.
5. Shri James Aroki Swamy.
6. Shri Maria Dass .

Hon.Sir, after becoming C.G.D.A., in the name of some unknown policy, best known to him Shri V.G.Kamat transferred the following Kannadigas at Govt. expense when there were many people who were willing to go at their own expense and also of deserving cases.

1. Shri T.J.R. Wilson.
2. Shri S.Selvaraj.
3. Shri B.V.Ananta Ramaiha.
4. Shri Shah Mohiuddin.
5. Shri Subbanna.
6. Shri Gerga.

Handwritten signature

Apart from these, many many more were transferred from Jabalpur to Bangalore for simple reason as they happens to be Kannadigas.

1. Shri H.V. Murugendrappa.
2. Shri C.E. Raveendra.
3. Shri C.H. Ramash.
4. Shri C.Govinda Rao
5. Shri M.S. Krishna Murthy.
6. Shri M.R. Hanumantrao.
7. Shri D.Parasuraman.

Hon.Sir, these are only very few examples which are widely known and talked about in the office i.e. P.A.O. (Ors) Corps of Signals Jabalpur. If a thorough investigation is made, many more will come to the light about the performances of Shri V.G.Kamat as CDA and CGDA.

Hon.Sir, In the light of the information furnished by me, I humbly request, that an investigation may kindly be caused to be conducted in respect of the policies, activities of Shri V.G.Kamat and Shri K.Jagannathan during his golden tenure as Dy.CDA I/C PPO(ORS) EME Secunderabad so that justice may be not only done to me but also to the thousands of the needy.

Hon. Sir, as already submitted, that I have been put to great mental torture. It is my humblest request, that I may not be allowed to succumb to my mental torture and thus make my family members as orphans. Sir, I have to leave my wife who underwent a major CAESAREAN operation and aged father-in-law at Hyderabad to their fate because of the ruthless policies of Shri V.G.Kamat. It is not known Sir, in the absence of the help of me, how my family will survive there, and I am not in a position to move them to this place because of their ill health.

V. G. Kamat - 6

It is my humblest request Sir, I may be transferred to any one of the offices of D.M.D. located at Hyderabad i.e. Office of the Pension Pay Master, Office of the Local Audit Officer Etc. to save my family from becoming ORPHANS and me from sacrificing my family members.

Hon. Sir, this humble servant may not be forced to the conclusion that JUNGLE LAW is prevailing in this Country.

Hon. Sir, with a ray of hope I am preferring this appeal that justice will be done to me and justifiable transfer orders issued. ~~xxxxx~~

I shall remain Sir,

Thanking you, Sir,

Jabalpur.

Yours most humble servant.

Dt/- 22-5-1974

M.V. Seshalaiah
(M.V. Seshalaiah) OP U.D.C.
A/C No. 8296800

Copy to:-

Smt. Indira Gandhi,
Prime Minister of India,
New Delhi.

Hon. Madam,

As a Champion of the rights of the poor, and Middle Class people, I believe your Honour will care for the victims of regionalism, and do justice to me and thousands of others.

(Advance Copy forwarded to avoid departmental delay).

ix

From:-

M.V. Seshalaiah,
P.A.O. (Ops) Corps of Signals,
JABALPUR. (M.P.)

page

M.V. Seshalaiah

32

:: 28 ::

ANNEXURE-A-VIII

Confidential

No. AN/121/Con.
PAO(ORs) Corps of Signals,
Jabalpur.

Dt. 30.10.74.

Shri. M.V. Seshaiiah,
LIGH 47/3RT
Vijayanagar Colony,
Hyderabad-500 078.

Sub: Transfer - Estt. - D.A.D.

- - -

With reference to your application dt. 22.5.74
addressed to the President of India Hon'ble Shri. V.V. Giri,
it has been intimated by the CDA(ORs), South, Madras that
Ministry of Finance(Defence) to whom the appeal dated
22.5.74 was forwarded have informed that the appeal has
been withheld under the existing orders.

Sd/-

ACCOUNTS OFFICER.

// TRUE COPY //

M. S. Seshaiiah
(SIGNATURE OF THE
APPLICANT)

P. M. S.

- 29 -
REGD. POST WITH ACK. DUE

ANNEXURE A-IX

33

TO THE PERSONAL ATTENTION OF
THE CONTROLLER GENERAL OF DEFENCE ACCOUNTS
RAMAKRISHNA JRAM
NEW DELHI

Subj: Discipline - Estt. D.A.D.

Ref: Correspondence resting on A.C.D.A. I/c P.A.O. (ORS)
Corps of signals Jabalpur No. AN/119/Con/8296800
dt.6-7-1976 forwarding C.G.D.A. order bearing No.
30014 (311)76-AN/F dt.17-6-1976 and No.Admin. Order
No.108 dt.12-7-1976.

Respected Sir,

I, the undersigned come across a piece of correspondence of PAO (ORS) Corps of Signals, Jabalpur No. AN/121/Con dt.30-10-1974 in response to my representation made to the President of Indian Union requesting the Highest Executive to help me and also to bundle out me from the illwill filled officials - whose aim was to DESTROY me by ALL COSTS and by ALL MEANS, containing the information - that as per the existing orders, the representation was WITH HELD. Sir, for all these years I am eagerly awaiting for the out come of the REPRESENTATION - i.e., THE HIGHEST EXECUTIVES consideration towards the same. But, I am very sorry to bring to your kindest notice Sir, till date nothing has come out. Having lost patience to wait any more, this humble sole now brings this matter to your kindest attention to know about the FATE with which the REPRESENTATION has met. For your ready and on hand reference, I am herewith enclosing a Xerox copy of the No. AN/119/CON dt.30-10-1974.

In this connection Sir, I may be permitted to bring to your kindest attention about the way in which the HIGHEST COURT of this DHARMA BHOCMI i.e., THE SUPREME COURT OF INDIA has behaved itself - rather to put into how the HIGHEST COURT restricted itself, when the MERCY PETITION of the condemned persons involved in the MURDER

Contd....2.

Handwritten signature

of the PRIME MINISTER of INDIA i.e., Late Smt. INDIRA GANDHI - was pending before the HIGHEST EXECUTIVE OF THIS KHARMA BHOOMI - i.e., THE PRESIDENT OF THE INDIAN UNION. Though found guilty to the best of my knowledge by all the COURTS - i.e., from the LOWEST to the HIGHEST - THE SUPREME COURT OF INDIA of our country not only restricted itself but also shown utmost patience for the simple reason, that the MERCY PETITION was pending with the HIGHEST EXECUTIVE - that too not from the ordinary citizen but from the CONDEMNED PERSONS. Sir, I came to know all this through Newspaper and not from any special source.

Sir, after coming across this restricted behaviour of the HIGHEST COURT, when a petition was pending before the HIGHEST EXECUTIVE - I feel, that I am also had a right to be HEARD and to be DECIDED by the HIGHEST EXECUTIVE.

Hence Sir, I may be permitted to bring to your kindest attention about my personal opinion - THE HIGHEST COURT OF this LAND happens to belong to the JUDICIARY - might have something in their minds about functioning and powers of the HIGHEST EXECUTIVE - and might have thought of something, and might have come to the conclusion and restricted itself with the sole aim, that it would be BEST on their part to wait for the outcome of the PETITIONS pending before the HIGHEST EXECUTIVE of this LAND, i.e., OUR COUNTRY and shown so much patience and consideration.

Sir, I may be permitted to bring to your kindest attention since you Sir, happens to be part or may be something that of the EXECUTIVE - I am of the opinion Sir, that you have acted in a manner which simply force others to think i.e., like me to the understanding - that you need not wait for the outcome of the PETITION

Contd....3.

McBeehath

which was pending before the HIGHEST EXECUTIVE - the reason for your action best known to you. Sir, these are purely my personal opinions and any how Sir, I wish to know from you - THE REAL POSITION. Sir, I also request you to let me know whether my petition was HEARD AND DECIDED upon and if so, the outcome of the same.

Sir, for all these years I am, as I mentioned above, eagerly awaiting for the outcome of my PETITION represented to the HIGHEST EXECUTIVE - and have not sought for the finalisation of my accounts - i.e., PAY AND ALLOWANCES and also the G.P. FUND ACCOUNT.

Sir, last may not be least - atleast by now, you will be kind enough to let me know the FATE with which my REPRESENTATION made to the HIGHEST EXECUTIVE i.e., THE PRESIDENT OF THE INDIAN UNION - had met and I am also of the earnest HOPE Sir, that your kindness may not put me to further difficulties - i.e. forcing me to run to the all pillars and corners for the sake of obtaining JUSTICE.

I am full of HOPE Sir, that you will be kind enough and shall definitely put an end to my difficulties by your kind and sympathetic QUICK action.

I shall remain Sir, with the best HOPE, that you act early and let me know your kind response to my representation now being made to you.

Thanking you Sir,

Yours faithfully,

Encl: 1

DATE: 14-6-1989.

HYDERABAD.

Ac. Sh

(M.V. SESHAIAN)

Q.P. U.D.C. A/c No.8296800

Copy to the Financial Adviser, L-16-B-47/3RT, VIJAYANAGAR COLONY, Ministry of Finance (Defence), Govt. of India, New Delhi, for information and sympathetic consideration with a Xerox copy bearing No. AN/121/CON/ of PAO (ORS) Corps of Signals, Jabalpur, dt. 30-10-1974.

2. The Controller of Defence Accounts (ORS) South, Teynampet, Madras - 600 018.
3. The A.C.D.A. Incharge, PAO (ORS) Corps of Signals, Jabalpur, Madhya Pradesh.

P. J.

M. Seshaiyan

CONFIDENTIAL/REGISTERED

No. AN/I/28/Genl./Corr/Wt-II
O/o the CGDA (ORs) Central
177, Civil Lines
NAGPUR :: 440 001

Dated :: 07-11-89

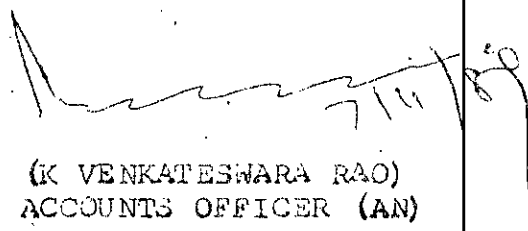
REC'D. GENL.
16-11-89

To
Shri M V Seshiah
Ex-G.Pt. Auditor, A/c. No. 8296800
LICH 47/3 RT
Vijayanagar Colony
HYDERABAD :: 500 457

Sub : Discipline

In this context, I am directed to state by the CGDA, New Delhi that the representation dated 14-6-89 addressed to the CGDA, preferred by you has been considered and since the issues relate to a very old period (nearly thirteen years), no action can be taken now to revive the case and hence your case has been closed.

Please acknowledge receipt.


(K VENKATESWARA RAO)
ACCOUNTS OFFICER (AN)

TT Deshkar

9-11-89

:: 33 ::

ANNEXURE A-XI

Regd. Ack. Due

Confidential

AN/121/Con.
PAO(ORs) Corps of Signals,
Jabalpur dt.12.2.74.

To

Shri. M.V. Seshalaiah,
L.I.G.H. 47/3 RT,
Vijayanagar Colony,
Hyderabad - 500 025.

Sub: Transfer - Estt. - DA.D.

- - -

It has been intimated by Main Office that the circumstances under which you were transferred from PAO(ORs), EME, Secunderabad to Jabalpur can not it is regretted be communicated to you due to administrative reasons. This fact was already communicated to you vide this Office No. AN/119/CON/8296800 dt.5.11.73.

Sd/-

(C.P. SWAMI)
ACCOUNTS OFFICER(AN)
PAO(ORs) Corps of Signals,
Jabalpur.

// TRUE COPY //

VER. S. G. S.
(SIGNATURE OF THE
APPLICANT).

P.M.

Regd Ack. Due

No: AM/104
Pay Accounts Office (ORs)
Corps of Signals
Jabalpur
Dated: 27.7.74

To

Sri M.V. Seshachari, Lt. Col. H. 47/3 R.T.
Vijay Nagar Colony, Hyderabad.

Subject :- Absence without leave

You have been absent from duty without any report w.e.f. 22.7.74.
Please state why the cause of your absence has not been reported to this office as per para 231 OM Part I. In case you are sick, please furnish a Medical Certificate from a registered Medical practitioner by return of post. Failure to comply with the above instructions immediately will be viewed very seriously.

10/3/6

Sd/- A.O. (A.W.)
A.G.D.A. i/c

P. A. S.

Registered/Confidential

No. AN/120/Con.
Dated: 24.8.74
PAO(ORs) Corps of Signals,
Jabalpur.

To

Shri. M.V. Seshaiiah,
QP UDC A/c No. 8296800,
LIGH 47/3 RT,
Vijayanagar Colony,
Hyderabad-500 025.

Sub: Confidential Reports on Clerks
Communication of Adverse Remarks.

- - -

With reference to your application dated 1.7.74 it has been intimated by the CDA(ORs) South, Madras-18 that your request has been carefully examined and it is stated that your ACR for 1973 was treated as adverse on account of the following remarks by the reporting Officer contained against column 10 of the report.

"He takes leave and extends thereafter on the grounds of ill health. Thus he can not be relied upon for any task work on account of his absence though on account of sickness".

Main Office has therefore stated that the above remarks do not require any amendment in view of the fact that you were absent for very long periods during the year 1973 on grounds of ill-health.

Sd/-

SHADI LALL MALHOTRA
A.C.D.A. I/c,
P.A.O.(ORs) Corps of Signals,
Jabalpur.

// TRUE COPY //

Shri. Seshaiiah
(Signature of the Applicant)
PM

Regd. Ack. Due

No. AN/Pay/104
PB(Ors) Corps of Signals,
Jabalpur.

To

Dt. 28.8.74,

Shri. M.V. Sessaiah,
LICH 47/3RT,
Vijayanagar Colony,
Hyderabad-500 078.

Sub: Leave - D.A.D. Establishment

Ref: Your application dated 23.7.74 forwarding M.C.
dated 22.7.74 for 54 days from 22.7.74.

You were sanctioned EL/HPL for 21 days from 1.7.74 to 21.7.74 and were due to report for duty on the expiry of that leave. Instead of reporting you have sent another application requesting an extension of leave upto 13.9.74 with a medical certificate dated 22.7.74 from Dr. G.V. Pantulu.

2. As you were continuously on leave on medical certificate from 6.10.73 onwards, you were directed to report to the Civil Surgeon for medical examination under this Office No. AN/Pay/104 dated 22.4.74. But you reported for duty in this Office on 29.4.74 with a fitness certificate dated 27.4.74. The history of your service with this Office shows that within a period of three years, you remained absent from duty for 790 days in three instalments of 282 days, 271 days and 237 days.

3. Taking the aforesaid facts into consideration, you are, directed to appear before the Civil Surgeon/ Supdt., Osmania Hospital, Hyderabad for medical examination. Current spell of your absence from 22.7.74 to 13.9.74 will be considered for regularisation only on receipt of a report of medical examination from the Civil Surgeon.

Sd/-

A.C.D.A., I/c.

// TRUE COPY //

M. S. Sessaiah
(SIGNATURE OF THE
APPLICANT)

M. S.

REGISTERED ACK DUE

No. AN/PAY/104,
PRO(ORS) CORPS OF SIGNALS,
JABALPUR,

4th DECEMBER, 1974.

To

Shri M.V.SESHATAH,
LIC H 47/3, RT,
Vijayanagar Colony,
HYDERABAD - 500078

Sub: Leave D&D Establishment

Ref: Your application dated 21-9-74 and 15-11-74 enclosing
Medical Certificates dated 20-9-74 and 10-11-74

It is noted that instead of complying with the instructions issued by this office to you in accordance with Rule 19(3) of CCS Leave Rules, 1972 vide this office even Nos. dated 31-8-74, 10-10-74 and 4-11-74, to appear before Civil Surgeon, Osmania Hospital, Hyderabad for Medical Examination, you have forwarded further two Medical Certificates (1) dated 20-9-74 and (11) dated 10-11-74 for extension of leave upto 10-1-75. Your entire absence from 22-7-74 is being treated as absence without proper sanction of leave and the same will be considered for regularisation only on receipt of a report from the Civil Surgeon, Osmania Hospital, Hyderabad. You are, therefore, once again directed to appear before the Civil Surgeon for Second Medical Opinion and furnish a report to this office. Failure to comply with the above instructions will render yourself liable for disciplinary action.

Your TA Bill received in this office has been forwarded to Main Office for necessary action.

(SHADI LAL MALHOTRA)

ASSTT. CONTROLLER OF DEFENCE ACCOUNTS I/c

9
4/12

T. S. Senapati

PM 7⁰⁰

REGISTERED ACK DUEAN/119/CON/8296800
PAO(ORs) Corps of Signals,
Jabalpur, 10 January 1975.

TO

Shri M.V. Sessaiah,
QP Auditor A/c No. 8296800
House No. L.I.G.H 47/3 R T
Vijaynagar Colony,
HYDERABAD - 28

Sub : Leave - D.A.D. - Establishment.

Ref : Your letter dated 15-11-1974 and
in continuation of this office No.
AN/Pay/104 dated 4-12-74.

-oooOoo-

The last spell of extension of your leave on Medical certificate expired on 10-1-75. However, it is seen that you have neither reported for duty nor informed the reasons for remaining absent as required under Para 231 O.O. Part I. You are hereby directed to report for duty within 7 (seven) days from the date of receipt of this communication failing which you will render yourself liable for disciplinary action under CCS (CO&A) Rules 1965. In case you are sick, you are hereby directed to appear before the Superintendent, Osmania Hospital Hyderabad within 3 (three days) from the date of receipt of this communication for examining your fitness or otherwise to resume duties. This direction is issued as per the existing orders according to which the leave granting authority, at its discretion, may secure second medical opinion in regard to sickness of the Government Servants seeking leave/extension of leave on medical grounds.

2. Please note that you are being treated as absent from duty with effect from 22-7-74 and further to comply with either of the directions issued above will render you liable for disciplinary action as already communicated to you.

(SHADI LALL MALHOTRA)

ASSTT. CONTROLLER OF DEFENCE ACCOUNTS I/C.

Registered Ack Due Confidential

Copy to :-

The Superintendent,
Osmania, Hospital, Hyderabad (A.P).
Please refer to this office No. AN/Pay/104 dated
4-12-74 and intimate whether Shri M.V. Sessaiah had appeared before
you or not for examination. A very ~~max~~ early reply is requested.

2. The CDA(ORs) South,
Teynampet, Madras-18.

(SHADI LALL MALHOTRA)
A.C.D.A.

PM

M.V. Sessaiah

To

The A.C.D.A., I/c,
P.A.O(ORs) Corps of Signals,
JABALPUR.

Sir,

Sub: LEAVE - Grant of.

Ref: Office No.AN/119/CON/8296800 dt.15.1.75

- - -

My Father-in-law, aged 73 years has under continuous treatment from May, 1974 for the general weakness and also for the prevention of PARALYSIS. But he has been attacked with the Paralysis during August, 1974 and completely bed ridden. As there is no body to look after him, I have to stay here for some more time to enable him to recover and perform the journey to Jabalpur. Hence, I request you, to kindly grant me leave for a period of 22 days (twenty two days) w.e.f. 25.1.75 to 15.2.75 (both days inclusive).

Thanking you Sir,

Yours faithfully,

Sd/-

(M.V. SESHAIAN)

A/c.No.8296800.

Date: 25.1.75.

Hyderabad.

// TRUE COPY //

M. V. Seshaiyan
(SIGNATURE OF THE
APPLICANT).

PM

tele

:: 40 ::

ANNEXURE A-XVIII

To

The A.C.D.A., I/c,
P.A.O(ORs) Corps of Signals,
JABALPUR.

Sir,

Sub: LEAVE - Grant of.

Ref: Office No. AN/119/CON/8296800 dt. 15.1.75
and in continuation of my leave appeals
dt. 25.1.75 and 17.2.75.

- - -

My father-in-law who is suffering from PARALYSIS has not yet recovered from his illness and he is not in a position to perform the journey. It is also informed, that my elder son Chi. Srinivasa Rao is suffering from JAUNDICE of severe nature and is under treatment. Biscuits, tonics and others, he is being given regularly. In these circumstances, It is not possible for me to report for duty on the expiry of my leave requested upto 15.3.75. Hence, I request that I may kindly be granted leave for a further period of 27 days (twenty seven days only) w.e.f. 16.3.75 to 11.4.75 (both days inclusive).

Thanking you Sir,

Yours faithfully,

Sd/-

(M.V. SESHIAH)

A/c. No. 8296800.

Hyderabad.

Dt. 17.3.75.

// TRUE COPY //

M/S. Subair
FORWARDED OF
THE APPLICATION.

p 7/2

Regd. Post Ack. Due

To

The A.C.D.A. I/c,
P.A.O(ORs) Corps of Signals,
JABALPUR.

Sir,

Sub: LEAVE - Grant of.

Ref: Office No. AN/119/CON/8296800 dt. 8.4.75

- - -

Vide my leave application dt. 25.1.75; 17.2.75 and 17.3.75 (copies enclosed) which were sent by ordinary post, I had already kept informed the circumstances which forced and prevented me from joining duty on founding fit by the Supdt. Osmania General Hospital. It is now also brought to your kind notice that my elder son who is suffering from JAUNDICE since 13.3.75 has not yet recovered fully and still undergoing treatment. It is also submitted that my father-in-law though recovered to some extent, is not in a position to perform the journey. As there is nobody to look after them and also to keep a close watch on my son, preventing him from eating oil stuffs for his early recovery so that I have to stay here for some more time. Hence I request that I may kindly be granted leave for a further period of 28 days (twenty eight days) w.e.f. 12.4.75 to 9.5.75 (both days inclusive of).

Thanking you Sir,

Yours faithfully,

Sd/-

(M.V. SESHIAH)

A/c No. 8296800.

Hyderabad,

Dt. 11.4.75.

Encls: 5 (five including one M.C.).

// TRUE COPY //

Handwritten:
SIGNATURE OF THE
APPLICANT.

Handwritten:
PM

Lab

Recd on
14.6.
74.

Regd. Ack. Due
CONFIDENTIAL

No. AN/110/Con/8296800
PAO(ORs) Corps of Signals, Jabalpur
11th June 1975

To

Shri M.V.Seshaiah,
I.I.G. H 47/3 R T
Vijayanagar Colony
HYDERABAD-500028

Sub : Discipline - Establishment - D.A.D

-0-

C.D.A(ORs) South, Madras-18 confidential memo No. AN/II/22440 dated 2.6.75 together with annexures I, II, III and IV are forwarded herewith.

Your reply should reach this office within 10(ten) days from the date of receipt of this memo. Meanwhile an acknowledgement in token of having received CDA(ORs) South, confidential No. AN/II/22440 dt. 2.6.75 may please be forwarded to this office by return of post.

(SHADI LALL MALHOTRA)

A C D. A. I/C.

P.A.O. (ORs) CORPS OF SIGNALS

PM

No. AN/II/22440
Government of India,
Defence Accounts Department,
Office of the Controller of Defence
Accounts (ORs) South, Teynampet,
MADRAS-18. Dated: 2-6-1975.

MEMORANDUM

The undersigned proposes to hold an inquiry against Shri M.V.SESHAIAH, QP Auditor (8296800) under Rule 14 of the Central Civil Service (Classification, Control and Appeal) Rules 1965. The substance of the imputations of misconduct and misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

2. Shri M.V.SESHAIAH, QP Auditor is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri M.V.SESHAIAH, QP Auditor is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS (CC&A) Rules 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Shri M.V.SESHAIAH, QP Auditor is invited to Rule 20 of the Central Civil Services (Conduct) Rules 1964 under which no Government servant shall bring or attempt to bring ~~may~~ any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri M.V.SESHAIAH, QP Auditor is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules 1964.

6. The receipt of this Memorandum may please be acknowledged.

(P.C.Thomas)

C.D.A.(ORs) SOUTH, MADRAS.

Shri M.V.SESHAIAH,
QP Auditor (8296800)
PAO(ORs) Corps of Signals,
Vml/
Jabalpur

PCF

PCB

48

Office of the ODA(ORs) South,
Madras. 18 Dt. 30th May 1975.ANNEXURE-I

Articles of charge framed against Shri M.V.Seshaiah, QP. Auditor (A/c No.8296800) serving in the PAO(ORs) Corps of Signals, Jabalpur.

Article of charge - I

THAT the said Shri M.V.Seshaiah, QP Auditor (A/c No.8296800) while serving in the PAO(ORs) Corps of Signals, Jabalpur was granted leave for 21 days from 1.7.74 to 21.7.74. He did not join duty on the expiry of leave but requested for extension of leave for 54 days from 22.7.74. to 13.9.74, supported by medical certificate. When Shri M.V.Seshaiah was asked to appear before the Civil Surgeon Osmania General Hospital Hyderabad for second medical opinion he did not do so but submitted another application on 15.10.74 requesting a further extension of leave for 56 days. When the PAO informed him that his absence can be regularised only after the second medical opinion is received, Shri Seshaiah had appeared before Civil Surgeon. Even after he was declared fit to rejoin duty by the competent medical authority he continues to remain absent on the grounds of sickness of his family members. Shri M.V. Seshaiah has thus been absenting himself without proper sanction of leave from 22.7.74 onwards and has not complied with the orders of his superior officers- of conduct unbecoming of a Govt. servant.

Annexure-II

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Shri M.V.Seshaiah, QP. Auditor A/c No.8296800.

Shri M.V.Seshaiah, QP Auditor A/c No.8296800 while serving in the PAO(ORs) Corps of Signals, Jabalpur was granted ~~xxx~~ leave for 21 days with effect from 1.7.74 to 21.7.74. He did not join duty on 22.7.74 on the expiry of the leave granted but submitted an application for extension of leave for 54 days from 22.7.74 to 13.9.74 supported by medical certificate. The PAO(ORs) Corps of Signals, Jabalpur directed Shri Seshaiah under his letter No. AM/ pay 104 dated 28.8.74 and 10.10.74 to appear before the Civil Surgeon Osmania ~~xxxxxx~~ General Hospital for second medical opinion. Shri Seshaiah did not appear before the Civil Surgeon as directed but submitted yet another application on 15.10.74 for a further extension stating that he had already submitted an application on 21.9.74 supported by a medical certificate for the grant of another extension for 56 days. In reply to this letter of 15.10.74 from Shri Seshaiah, the PAO informed him vide his letter dated 4.11.74 that his absence from 22.7.74 can be regularised only after the second medical opinion is received. In other words the PAO has intimated that Shri Seshaiah should appear before the Civil Surgeon Osmania General Hospital and obtain his certificate/ report to enable the office to regularise the absence from 21.7.74. Instead of complying with the directive Shri Seshaiah in his letter dated 15.11.74 questioned the propriety of the action of the AGDA i/c PAO(ORs) Corps of Signals, Jabalpur in directing him to appear before the Civil Surgeon, requested that he may be granted another extension for 63 days with effect from 9.11.74 to 10.1.75. The PAO

W.S. Gait

again directed him in his letter No.AN/Pay/104 dt. 4.12.74 to get a second medical opinion. Shri Seshhaiah however did not appear before the Civil Surgeon for the second medical opinion till 25.1.75. It is seen from a letter No.MED/MO/15544/25 dated 17.3.75 from the Supdt. Osmania General Hospital Hyderabad that Shri Seshhaiah appeared before him on 25.1.75 and that the individual was declared fit for service. As Shri M.V.Seshaiah did not rejoin duty even after being declared fit for service by the competent Medical Authority, in his letter No.AN/119/Con/8296800 dated 8.4.75 asked Sri Seshhaiah to explain as to why he did not join duty when he was declared fit for service and also directed him to join duty forthwith. He was also informed that the matter will be reported to higher authorities for taking further action. Instead of joining duty as directed by the PAO Shri Seshhaiah continued to remain absent. In a letter dated 21.4.75 Shri Seshhaiah has stated that he had submitted application for sanction of leave on 25.1.75, 17.2.75 and 17.3.75 and thus kept the officer informed of the reasons for his absents. He had further stated that his son was seriously sick and that his personal care was required and therefore sought a further extension for 20 days from 12.4.75 to 9.5.75. Shri M.V.Seshaiah is thus continued to remain absent without proper sanction of leave from 22.7.74. Taking into account the above facts, Shri M.V.Seshaiah is considered to have absented himself from duty without duly sanctioned leave, so he is guilty of disobedience of the orders of his superior officers and of conduct unbecoming of a Govt. servant.

Annexure-III

List of documents by which the articles of charge are proposed to be sustained.

1. PAO(ORs) Corps of Signals, Jabalpur letter No.AN/Pay/104 dt. 27.7.74.
2. Shri Seshhaiah's letter dt. 23.7.74 to the PAO(ORs) Corps of Signals, Jabalpur
3. PAO(ORs) Corps of Signals, Jabalpur letters No.AN/Pay/104 dt. 28.8.74 and 10.10.74
4. Shri Seshhaiah's letter dated 15.10.74 to the PAO Corps of Signals, Jabalpur.
5. PAO(ORs) Corps of Signals, Jabalpur letter No.AN/Pay/104 dt. 4.11.74.
6. Sri M.V.Seshaiah's letter dated 15.11.74 to the PAO
7. PAO(ORs) Corps of Signals, Jabalpur letter No.AN/Pay/104 dt. 4.12.74
8. Supdt. Osmania General Hospital Hyderabad letter No.MED/MO/15544/25 dt. 17.3.75 to the PAO(ORs) Corps of Signals, Jabalpur
9. PAO's letter No.AN/119/Con/8296800 dt. 8.4.75 to Sri Seshhaiah
10. Sri Seshhaiah's letter dt. 11.4.75 to the PAO.

Annexure-IV

List of witnesses by whom the articles of charge are proposed to be sustained.

- NIL -

PM/10

H.B. Seshhaiah

RECORDED DELIVERY SYSTEM ACK.DUE

To

The A.C.D.A, I/c,
P.A.O(ORs) Corps of Signals,
JABALPUR.

Sir,

Sub: DISCIPLINE - Establishment - D.A.D.

Ref: Office Confidential No. AN/119/CON/8296800
dt. 11.6.1975 forwarding Main Office Memorandum
No. AN/11/22440 dt. 2.6.1975.

It is the ANNEXURE-III to the above Memorandum that from the lot of documents by which the article of charge is proposed to be sustained, it appears that the Office letter No. AN/PAY/104 dt. 27.7.74 has not been received by me and on its receipt, might have been misplaced. So, it is requested, a copy of the same may please be forwarded to enable me to submit my representation. It is also requested that I may be informed whether the above letter was sent by Registered post, if so, No. and date of Registration may be furnished to enable me to take up the matter with the Postal Authorities.

It is also submitted that I am not in receipt of Office No. AN/PAY/104 dt. 28.8.74 mentioned at para 3 of the Memorandum. A copy of the same may please also be furnished. Further it is submitted that in the Office letters bearing Nos. AN/PAY/104 dt. 10.10.74, AN/PAY/104 dt. 4.11.74; AN/PAY/104 dt. 4.12.74, no mention has been made regarding the Office communication bearing No. AN/PAY/104 dt. 27.7.74. In the absence of the above two letters, it is submitted, it may not be possible for me to submit my representation to the satisfaction of the Superiors. So, it is requested that the same may please be furnished at an early. On receipt of the same, the representation will be made as early as possible.

Thanking you Sir,

Yours faithfully,

Sd/-

(M.V. SESHAI AH)

A/c No. 8296800.

Copy to:-

The C.D.A(ORs) South, Madras (Through Proper Channel), for information Sir, it is submitted, that vide Para 5 of Memorandum No. AN/11/22440 dt. 2.6.75, that I have brought

Contd.... 2

some political pressure to influence the superior Authority. It is requested, that I may be permitted to know the nature and source of pressure to enable me either to deny or admit the same. Further, it is also submitted that I am not in possession of CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964 and in the absence of clear knowledge of the same, it is feared that I may not be in a position to represent my case to the satisfaction of the Superiors. So, it is requested, atleast the two Rules bearing No.14 and 20 mentioned in the above MEMORANDUM may be made available, to enable me to do the needful. It is submitted that on receipt of the same, the representation will be made for the kind consideration of the Authorities.

Thanking you Sir,

Yours faithfully,

Sd/-

(M.V. SESHAIAH).

A/c No.8296800

Hyderabad,
Dt.16.6.1975.

Address:

M.V.Seshaiah,
L.I.G.H. 47/3 RT,
Vijayanagar Colony,
Hyderabad-500 028.

// TRUE COPY //

M.V. Seshaiah
(SIGNATURE OF THE
APPLICANT).

PM 12

No. AN/119/Con/8296800
PAO(ORs) Corps of Signals,
Jabalpur.

To

**Bhri.M.V.Seshaiah,
L.I.G.H. 47/3RT,
Vijayanagar Colony,
Hyderabad-500 078.**

Sub: Discipline - Estt. - D.A.D.

Ref: Your letter dt.16.6.75 addressed to this Office with copy to CDA(ORs)South,Madras.

1990 1991 1992

This Office Memo Nos. AN/104 dt. 27.7.74 and AN/Pay/104 dt. 28.8.74 have already been sent to you under Regd. Post vide registration No. A/715 dt. 29.7.74 and A/1339 dt. 2.9.74 respectively. However copies of the same are forwarded herewith as requested by you.

Sd/-

(V. GÖPALAN)
ACCOUNTS OFFICER, I/c.

// TRUE COPY //

// TRUE COPY //

Stamp: (S) SINGAPORE
APPLICANT

PN 100

ANNEXURE - A - 53
XXV

REGISTERED ACK DUE

AN/119/CON/8296800
OFFICE OF THE A.C.J.A.I/C,
PAO(ORs)CORPS OF SIGNALS:
JABALPUR 15 JULY 1975.

To

Shri M.V.Seshaiah,
LIG H 47/3 R.T.
Vijayanagar Colony,
HYDERABAD - 500078

Sub : Discipline - Estt - DAD.

Ref : In continuation of this office even No.
dated 24-10-75.

— 0 0 0 0 0 —

It has been stated by you in your application dated 16-6-75 addressed to this office and copy to CDA(ORs)South (vide endorsement portion thereof) that as para 5 of CDA(ORs) South memorandum No. AN/II/22440 dated 3-6-75 you have been charged with having brought some political influence to bear on superior authority and that you should be informed of the nature and source of the pressure that you have brought to bear on a superior authority. In this connection you are informed that you have misunderstood Para 5 of the memo ibid, you have not been charged with having brought any outside influence to bear upon a superior authority, but it has merely been stated that representation if any is received on your behalf from another person in respect of any matter dealt within these proceedings, such representation will be viewed as violation of the provisions of Rule 20 of the CCS(Conduct) Rules 1964 and action would be taken against you for this.

2. As regards your request regarding furnishing of extracts of Rule 14 of the CCS (CC & A) Rules 1965 and Rule 20 of the CCS (Conduct) Rules 1964 it has since been intimated by the CDA(ORs)South, that the same cannot be acceded to. However it is stated that these rules are reproduced in Chaudhiri's Compilation of the ~~CCSR~~ volume II which is readily available in the market.

3. You are hereby directed that the written statement of defence if any, should be submitted within 10 days of the receipt of this letter. Please note that no further extension of time will be allowed to you for submission of your written statement of defence.

(SHADI LALL MAIHOTRA)

A.C.D.A.I/C.

Palmer Co.

PM

RECORDED DELIVERY SYSTEM ACK. DUE

To

The A.C.D.A, I/c,
P.A.O(ORs) Corps of Signals,
JABALPUR.

Sir,

Sub: DISCIPLINE - Estt. - D.A.D.

Ref: Office No.AN/119/CON/8296800 dt.15.7.75

- - -

Vide the MEMORANDUM of the Office of the C.D.A(ORs) South, Madras No.AN/11/22440 dt.2.6.1975, supported by Annexure-1 to 4, it is submitted that vide Annexure-II it was intimated by the above said Officer that I was absent without valid sanction of leave w.e.f. 22.7.74. In this connection, it is submitted that I had proceeded on leave w.e.f. 1.7.74 on medical grounds and my leave was sanctioned on the basis of the medical certificate issued by a REGISTERED MEDICAL PRACTITIONER and not by a person in Government service. The nature of the ill was shown in the leave application as JAUNDICE and the purpose of the leave sought was for further treatment at Hyderabad and also for family case. On the expiry of the period of leave, and being not recovered from the above illness, I had submitted another MEDICAL CERTIFICATE for a further period of 54 days w.e.f. 22.7.74 and sent the same to the Office on 23.7.74. In the meantime, I came to know from the C.T.I. furnished vide Office No.AN/104 dated 27.7.74, I was advised to send a MEDICAL CERTIFICATE from an REGISTERED MEDICAL PRACTITIONER and not preferably from a Government Doctor, in case I was not finding well. But, it is submitted, the requirement was already been fulfilled by sending the Medical Certificate issued by a

Contd... 51

M. S. S. S.

Registered Medical Practitioner on 23.7.74. To my surprise and in contradiction of this our statement made. Vide No.AN/104 dt.27.7.74(as per C.T.I. received by me) and after the lapse of a full month, the Superiors vide their No.AN/PAY/104 dt.28/30(not clear)-8-74 have directed me to appear before the CIVIL SURGEON/SUPDT. OSMANIA HOSPITAL, Hyderabad for medical examination (as per the C.T.C. received by me). I would appear from Para II of the above memo that when I was directed to appear before the Civil Surgeon for medical examination vide No.AN/APY/104 dt.22.4.74, I had reported for duty on 29.4.74 with a fitness certificate dt.27.4.74. It is submitted that it would appear from the above memo just to avoid unhealthy situation, I was reported for duty on 27.4.74. It is also submitted that the arrangement for the journey to Jabalpur was made much earlier than the receipt of the above memo dt.22.4.74 and I submit that I am having sufficient proof about that

I. Further, it is also submitted that I am in receipt of a memo under No.AN/PAY/104 dt.31.8.74(the date was not clearly typed and the memo initiated by the Auditor also clearly supports the above date) which is identical in every respect as far as the matter is concerned to the memo No.AN/PAY/104 dt.28/not clear-8-74(CTC) received by me vide No.AN/119/CON/8296800 dt.24.6.75. It is submitted that I may be informed the emergency of the situation necessitating the Superiors in sending the two identical memos. Further it is submitted that as per the information furnished vide Para-II of the above two memos that the Superiors are of the opinion that the

Contd... 52

[Handwritten signature]

Medical Certificates issued by the Registered Medical Practitioners other than those who are in Government service are not genuine. If such is the case, it is requested to inform me, what made the Superiors to grant me leave on the production of the medical certificate issued by a medical practitioner who is not in Government service.

II. Having the opinion that the Medical certificates issued by a medical practitioner who is not in Government service can not be relied upon, why the Superiors have not directed me immediately on receipt of my medical certificate dt.22.7.74, to appear before the Civil Surgeon/Supdt. Osmania Hospital for examination by the fastest mode of communication, preferably by telegram and waited for a full month on its receipt and then only asked me to appear before above personnel.

III.(a) It is also submitted that it would appear from the above mentioned two memos bearing No.AN/PAY/104 dt.28/(not clear)-8-74 and dt.31.8.74, it was not clear whether I have to appear before the Civil Surgeon/Supdt. Osmania Hospital at my own cost or at Government expense and there is also no mention of addressing, the above personnel for my examination. It is requested to inform me ~~xxxx~~ in the absence of clear instruction how an inferior (subordinate) can not on his own accord. Further it is also requested that the number and title of the Rules as per which, the Superior had directed me to appear before the Civil Surgeon/Supdt. Osmania Hospital may be intimated along with the copies of the Rules. I had already informed the Superiors that I am not in possession of any Rules. In this connection, it is also submitted

Contd... 53

Perthair

47

that the Book Shops to which I am having access have informed me that they are not even heard of Chandhari's Compilation (this refers to Para-II of Office No. AN/119/CON/8296800 dt.15.7.75). So, the Superiors are requested to furnish me with the copies of the relevant rules authorising them in directing the inferiors(subordinates) to appear before Civil Surgeon/Supdt. of Government Hospitals and also the extracts of Rule-14 of CCS(CC&A) Rules,1965 and Rule-20 of CCS(Conduct) Rules,1964. The furnishing of the extracts of the above Rules are once again requested to enable me to go through them in detail for answering the Memorandum of the Office of the C.D.A.(ORs) South, Madras in DEFINITE terms as required. Since the answers to the Memorandums have to be given in Definite terms, the knowledge of the above Rules is must which may please be noted.

(b) It would appear from Para-II of Office No. AN/PAY/104 dt.28/(Not clear)-8.74 and dt.31.8.74, that the Superiors have calculated ~~my~~ very patiently the number of days I was absent during a period of three years. But, I am sorry to submit that the Superiors have conveniently left over the actual amount of pay and allowances I lost during the long absence and with the help of pay bills available in the Pay Section, the loss of pay and allowances may be calculated and intimated to their Superiors of the Office of the CDA(ORs) South, Madras for consideration. It is also requested that the Superiors of PAO(ORs) Corps of Signals, may be kind enough to inform me, the responsibility fixing on me for this huge loss.

Contd... 54

Handwritten signature/initials

IV. In view of the extraordinary delay in directing me to appear before the Civil Surgeon/Supdt. Osmania Hospital vide Superiors No. AN/PAY/104 dt. 28/(not clear)-8-74 and dt. 31.8.74. I may be informed the grounds on which they have come to the conclusion that I was absent without proper leave w.e.f. 22.7.74, and the same was recommended to their Superiors of the Office of C.D.A(ORs) South, Madras.

V. It is also requested to inform me in clear terms, whether the practice followed in my respect in sanctioning leave on the production of a medical certificate from a Registered Medical Practitioner who is not in Government service/on private affairs;

Calling for the Medical Certificate of Registered Medical Practitioner, if not reported for duty on the expiry of the sanctioned leave;

And directing to appear before the Civil Surgeon/Supdt. Government Hospital for medical examination applies to all the inferiors(subordinates) without any exemption i.e., either by sex; region or religion.

It is once again submitted that the above points are brought to their consideration in DEFINITE terms of the superiors of the Office of the PAO(ORs) Corps of Signals to enable me to answer the MEMORANDUM issued by the Office or the CDA(ORs) South, Madras vide their No. AN/11/2 dt. 2.6.75. Since the Superiors have directed me to submit the replies in DEFINITE TERMS for the charges made vide the above memorandum, it is once again requested that the Superiors of the Office of the PAO(ORs) Corps of Signals shall and without fail go through all the above points

Contd... 55

Pal. shail

and inform me in DEFINITE TERMS. On receipt of the information in DEFINITE TERMS the replies shall be submitted in DEFINITE TERMS.

With reference to Para 3 of their No. AN/119/CON/8296800 dt.15.7.75, it is submitted that the clarification sought vide my letter dt.16.6.75 are to enable me to submit my replies in DEFINITE TERMS and I have not requested for any extension of time.

Further, it is also submitted with reference to Para-I of the above memo dt.15.7.75, I am not in receipt of C.D.A.(ORs)South, Memorandum No. AN/11/22440 dt.3.6.75. A copy of the same may please be furnished.

It is further submitted that under reference the memo No. AN/119/CON/8296800 dt.15.7.75 has been shown as is in continuation of Office even No. dt.24.10.75 which may please be checked.

Awaiting for an early reply in DEFINITE TERMS, to enable me to reply to the MEMORANDUM in DEFINITE TERMS.

Thanking you Sir,

Yours faithfully,

Sd/-
(M.V. SESHIAH)
(A/c No. 8296800).

Copy to:-

The C.D.A(ORs)South, Madras.

Sir,

I. Vide Para-I of Superiors of P.A.O(ORs) Corps of Signals No. AN/119/CON/8296800 dt.15.7.75, the information furnished was not clear. Vide my letter dt.16.6.75 I have requested the Superiors of the Office of the C.D.A(ORs) South, Madras the nature and source of pressure brought upon the Superiors in furtherance of my service conditions,

for sketch

either directly by me or by some body connected with me either through political persons or through outside influence. The only clear point which was informed vide the above letter was, I mistook Para-5 of Memorandum No. AN/11/22440 dt. 2.6.75 as far as it is concerned with the outside influence and was informed that I was cleared of the above charge. Because of the clear information furnished, it is submitted that the Superiors allowed me to come to my own conclusion in clear, concrete and absolute terms that I am cleared from one of the two charges made vide Para-5 of the above Memorandum. Now, it is highly requested that the Superiors of the Office of the CDA(ORs) South, Madras will be kind enough in informing the NATURE AND SOURCE of pressure brought upon the SUPERIORS in furtherance of my service conditions while serving under the Government in clear and concrete terms to enable me either to deny or admit the charge levelled against me.

II (a) After being asked to note the orders of the Office of CDA(ORs) South, Madras No. AN/700 dt. 26.3.71 transferring me from PAO(ORs) EME, Secunderabad to PAO(ORs) Corps of Signals, Jabalpur. In the appeal dt. 16.4.71, submitted by me to the attention of the Superiors among other things, I have brought to the notice about the huge arrears accumulated in the Section i.e., LIG 15. This inferior(subordinate) may please be intimated whether any action was for the investigation for the lapses or merely acted on the report submitted by the Superior of PAO(ORs) EME, Secunderabad. The reasons for not ordering for an investigation on the clear facts furnished by me may also please be intimated.

W. S. Chate

(b) It is submitted that four full years have been passed since I was transferred from Secunderabad. To my badluck, till today, the Superiors have not informed me of my fault, which forced them to take the penal action of transferring me from Secunderabad to Jabalpur and I was not relieved of my anxiety in knowing my fault. Superiors of the Office of the PAO(ORs)Corps of Signals vide Para-3 of their No. AN/119/CON/8296800 dt. 15.7.75 expressed their anxiety to enable their Superiors of the Office of the C.D.A(ORs)South, Madras for the imposition of the penalty on me as recommended by them, stating that no further extension of the time can be granted. Superiors of the Office of the CDA(ORs)South, Madras though may not equate my anxiety of several years in knowing my fault while I served with Office of the PAO(ORs), EME, Secunderabad w.e.f. 6.5.1964 till the date of my transfer to that of the anxiety of the Superiors of the Office of PAO(ORs) Corps of Signals of few days, but shall consider my anxiety and Superiors consciousness shall prevail on them and shall intimate me of my fault during the service rendered at Secunderabad. Since twice the Superiors have expressed the regrets, the expression of the same may not be avoided.

III. It is submitted that vide the extract of the Confidential report for the year ended with December, 1970, furnished to me vide PAO(ORs)Corps of Signals, Jabalpur No. AN/120/CON dt. 23.2.72, that I have been charged with the following adverse remarks.

COL.10 - He is not enthusiastic to undertake greater responsibilities.

COL.13 - He is a good Clerk but a little argumentative.

Contd... 58

Handwritten signature

On enquiry I came to know that the remark made vide Col.10 was of the Accounts Officer and that of Col.13 was of the INCHARGE of the Office. It is submitted to substantiate the above adverse remarks in clear and concrete terms. The above clarification was sought by me long ago. But was turned down since my case was given undue importance, I request the Superiors that their Superior consciousness may allow them to enable me to know the circumstances under which I have behaved in the above manner.

While communicating me the above adverse remarks, it has also been intimated that the C.D.A. has not taken these remarks as adverse. If such is the case, i.e., CDA has not taken them as adverse remarks, this inferior(subordinate) may please be informed, the circumstances under which the same were allowed to remain in the C.R and the necessity of communicating the same to me through PAO(ORs) Corps of Signals after the lapse of nearly one year.

IV (a) With reference to the non confirmation in the Clerical grade of Defence Accounts Department, it has been intimated by PAO(ORs) Corps of Signals under their No.AN/110/CON dt.24.8.73 in reply to my application dt.13.7.73 to the CDA that the confirmation could not be notified in respect of the unreserved category appointed/promoted between 1.1.64 and 31.12.64, was due to the fact that a disciplinary case was pending against me because of my long absence from duty. But it is submitted, that the long absence from duty has been regularised by debiting earned leave upto the admissible period and Half pay leave to the full extent standing to my credit. By the above regularisation, my absence from duty w.e.f.25.4.71 and definitely upto the date of 31.12.71 was covered and treated for all purposes that sanctioned leave and pay and allowances were claimed and paid to me. In the light of the above regularisation and by the covering of the entire required period i.e., 25.4.71 to 31.12.71 by leave and not by loss of pay, it is submitted ~~that~~ that if still the Superiors are of the opinion that my case can not be considered for confirmation w.e.f. 1.12.71, I may please be informed of the decision duly supported by the relevant authority.

63

(b) It is also submitted that the penalty imposed on me vide the Superiors of the Office of the CDA(ORs)South, Madras No. T/AN/517 dt. 30.5.1972 stopping one increment of pay without cumulative effect for one year took effect on my increment due to me w.e.f. 28.5.1973 and could not have any effect on my increment of pay due w.e.f. 28.5.72 (after taking into account loss of pay for a period of 22 days not covered by any leave) which was due and was not granted by the time of the imposition of the above penalty. Since the above penalty could not have any effect on the increment of pay due to me just prior to the date of the imposition of the above penalty, I am not in a position to understand, how the penalty had effect on my confirmation in the clerical cadre for which I was due some months back. This may please be clarified in clear, concrete and absolute terms. It is also submitted that the above penalty was imposed for my long absence of 282 days and till date I am not in a position to understand how far I am responsible for that long absence.

V. In the ACR for the year 1973, vide Col. 13, I have been categorised as an AVERAGE CLERK. Among other things submitted to the Superiors of the Office of the CDA(ORs)South, Madras for consideration vide my application dt. 1.7.74, I had sought clarification on the above remark. But to my surprise, in the reply furnished to me by the Superiors of the Office of PAO(ORs) Corps of Signals vide their No. AN/120/CON dt. 24.8.74, that the above point was not at all touched. The circumstances under which the above point was not dealt with may please be intimated. The grounds furnished by the Superiors of the Office of PAO(ORs) Corps of Signals in support of their above remark may please be intimated in clear terms.

VI.(a) L.T.C. claim for self for the block year 1972-73 amounting to Rs. 88.70 was submitted for admitting in Audit and payment thereafter. At the time of the audit of the above claim it appears that the Superiors have come across an entry made in the service book that I have already availed LTC for self for the block year 1972-73 and vide their No. P/IV/1483 dt. 13.6.74 I had been asked to intimate the circumstances under which a certificate was issued that any other claim was not preferred for that above block year. Vide my

Handwritten signature

64

application dt.29.6.74 I had clarified that I have not availed any claim for the block year 1972-73 and requested the Superiors for the admission and passing of the same. For my surprise this time unable to maintain this earlier stand the Superiors have come forward with another fantastic reason that my journey from Hyderabad to Markapur can not be considered as genuine and it has been intimated under their No.P/IV/1483/VI dt.30.7.74/1.5.74 while returning the above claim for resubmission on production of a certificate given by a responsible person of my native place while returning my claim, under their above memo, the Superiors completely ignored their own remark made under their No.P/IV/1483 dt.13.6.74. It is cannot my desire to know, how the Superiors have come to the conclusion that I had the intention of cheating the Government by submitting two claims for the same block year i.e., 1972-73 and the action taken for this lapse.

(b) It is submitted that my native place is not a small village to be aware of the arrival of each and every person nor I am such an important person to take note of my arrival and departure. It would appear from the above memos that the sole intention of the Superiors was awarding punishment under one reason or the other, on not admitting the claim on some reason or the other. It has been intimated vide Para-3 of their No.P/IV/1483/VI dt.30.7.74/1.8.74 that the question of waiver was not automatic and cannot be given as a matter of course. I may be informed how many times I was granted sick waivers and the claims were admitted and payments were made.

VII(a) Vide my leave application dt.17.3.75 and 11.4.75 it has been intimated that due to the nature of the severeness of the JAUNDICE (and not my son was seriously sick as was reported by the Superiors of the Office of PAO(ORs) Corps of Signals and also intimated to me vide Annexure-II to the Memorandum No.1AN/11/22440 dt.2.6.75) I have informed my inability in reporting for duty on being found fit. Vide Annexure-I to the above Memorandum it has been informed that due to the sickness of my family members, I remained absent from duty. It is informed that my father-in-law of 73 years old, got paralysis attack and was completely bed ridden. The same fact was informed to the Superiors of the Office of the PAO(ORs) Corps of Signals. In turn, the Superior of the PAO termed it as mere sickness and intimated the Superiors of the Office of the CDA(ORs) South accordingly.

Contd... 61

J. B. S. S. S.

(b) Now it is submitted to the Superiors of the Office of the C.D.A(ORs), Madras to inform me in clear and direct terms that I have to leave my family members i.e., my son and father-in-law to their fate and join duty since I was directed to report for duty.

(c) It is put to the Superiors of the Office of the CDA(ORs), South, Madras, to inform me in clear terms, how far I am responsible for the long absence from duty because of my transfer from Secunderabad to Jabalpur and the loss of pay sustained by me from the date of my transfer to Jabalpur besides disciplinary actions for no fault of mine.

I earnestly hope, that the Superiors will consider all the above points and shall reply in DEFINITE terms since I had been ordered to answer in DEFINITE TERMS to the charges levelled against me vide their MEMORANDUM No. AN/11/22440 dt. 2.6.75. I hope, the Superiors shall set the principle of intimating me to all above points in Direct and DEFINITE TERMS.

Awaiting an early reply in Direct and DEFINITE Terms to the above points to enable me to answer in DEFINITE TERMS to the above Memorandum, so that the Superiors both at Jabalpur and Madras can be relieved of their anxiety in awarding the punishment for which actness and action initiated to enable me to help the Superiors for fulfilling their wish of awarding penal punishment on me. I am again earnestly request the Superiors both at Jabalpur and Madras, for furnishing the information sought above in DIRECT and DEFINITE terms at their earliest.

Thanking you Sir,

Yours faithfully,

Sd/-

(M.V. SESHAIAH)
A/c No. 8296800

Hyderabad,
Dt. 23.7.75.

From:
M.V. Seshaiyah,
LIGH 47/3RT, Vijayanagar Colony,
Hyderabad-500028(A.P.).

// TRUE COPY //

P.M.

Handwritten signature
(S. G. N. R. on the application)

62

ANNEXURE - A - XXVII

Recd on 27/8/75
CONFIDENTIAL
REGISTERED ACK DUE

AN/119/CON/8296800
OFFICE OF THE A.C.D.A.I/C,
PAO(ORs) Corps of Signals,
Jabalpur, 23rd August 1975.

To

Shri M.V.Seshiah
LIG H 47/3 R T
Vijayanagar Colony,
HYDERABAD - 500078

Sub : Discipline - Establishment-D.A.D.

Ref : Your No. Nil dated 23-7-75.

-ooOoo-

The correct date of CDA(ORs)South memo No.AN/II/22440 quoted in para 1 of this office No.AN/119/CON/8296800 dated 15-7-75 is 2-6-75 and not 3/6/75. The date "3/6/75" occurring in line 4 of para 1 of this office letter dated 15-7-75 may accordingly be amended to read as "2-6-75"

/read In this office letter AN/119/CON/8296800 dt.15.7.75 against Reference for the date "24-10-75" please/as "24/6/75". The typographical error is regretted.

[Signature]
(V.GOPALAN)
ACCOUNTS OFFICER (AN)

[Signature]
12/8
23/8

[Signature]
M. Seshiah

[Signature]
M. Seshiah

67

OFFICE MEMO / P.O. NO. 111

No. AT/119/COM/226800
OFFICE OF THE P.O. NO. 11/3,
P.O. (ORS) CORPS OF SIGNALS,
Jabalpur

26.9.75

To

Shri L.V. Seshalaiah,
H/O 47/3 R.T. Vijaynagar Colony,
Hyderabad - 500028

Sub : Discipline - Att - P.D.

3x(ORS)South, Madras-18 two orders Nos AT/11/22440
dated 12-9-75 and AT/II/22440 dated 12-9-75 are forwarded
herewith.

The date, time and venue of the inquiry will be
intimated to you by the inquiry officer through this office
in due course.

Please acknowledge receipt of both the communications
from 3x(ORS)South, b. return of post.

Encl (2 copies)

(SHARILAL KUMHARA)

A.C.D. 11/3

P.O. (ORS) CORPS OF SIGNALS

26/9

PMF

64-

Annexure - A - XIX

68

NO.AN/II/22440

Office of the

Controller of Defence Accounts(ORs) South
Teynampet, Madras-600018.

Dated the 12th Sep. '75.

O R D E R

Whereas an inquiry under Rule 14 of the C.C.S (C.C & A) Rules 1965 is being held against SHRI M.V. SESHAIAN, QP.AUDITOR (A/C NO.8296800).

And whereas the undersigned considers that an Inquiry Authority should be appointed to inquire into the charges framed against the said SHRI M.V. SESHAIAN, QP.AUDITOR(A/C NO.8296800).

Now, therefore, the undersigned, in exercise of the powers conferred by sub-rule-2 of the said rule, hereby appoints SHRI T.R.NEDUNGADI, ACDA I/c, PAO(ORs) EME, SECUNDERABAD-21 (A.P), as the INQUIRY AUTHORITY to inquire into the charges framed against the said SHRI M.V. SESHAIAN, QP.AUDITOR (A/C NO.8296800).

(P.C. THOMAS)

CONTROLLER OF DEFENCE ACCOUNTS (ORs) SOUTH.

✓ Copy to:-

1. Shri M.V.SESHAIAH,
Qp.Auditor (A/C NO.8296800)
PAO(ORs) Corps of Signals,
J a balpur (MP)
2. Shri T.R.NEDUNGADI,
ACDA I/c, PAO(ORs) EME,
Secunderabad.

Laxman

Handwritten signature

PM to

- 65 -

ANNEXURE - A -

XXX

No. AN/II/22440

Office of the CDA (ORs) South

Toynampet, Madras-18

Dated the 19 September 75

ORDER

Whereas an inquiry under Rule 14 of the C.C.S. (C.C. & A) Rules 1965 is being held against SHRI M.V.SESHAIAH, QP.AUDITOR (A/c No. 8296800).

And whereas the undersigned considers that a Presenting Officer should be appointed to present on behalf of the undersigned the case in support of the articles of charge.

Now, therefore, the undersigned in exercise of the powers conferred by sub-rule 5(c) of rule 14 of the said rule, hereby appoints SHRI K.S.RAJAGOPALAN ACCOUNTS OFFICER of PAO (ORs) A.O.C. SECUNDERABAD as the PRESENTING OFFICER.

[Signature]

(P.C. THOMAS)

CONTROLLER OF DEFENCE ACCOUNTS (ORs) SOUTH

[Signature]

Copy to :-

1. Shri K.S.Rajagopalan,
Accounts Officer,
Office of the PAO (ORs) AOC,
Secunderabad. (AP).
2. Shri T.R.Nedungadi,
A.C.D.A.in-charge,
PAO (ORs) R.M.E.,
Secunderabad-21. (AP).
- ✓ 3. Shri M.V.Seshaiah,
QP.Auditor,
A/c No.8296800,
PAO (ORs) Corps of Signals,
Jabalpur (MP).

aar

PM

T. Desai

— 66 —

ANNEXURE A

(76)
XXXI

CONFIDENTIAL
LOGD ACK DUE

AN/113/CGI/8296800
OFFICE OF THE A.C.D.A.I/C,
PAO(ORS) Corps of Signals,
Jabalpur
1st October 1975.

To

Shri H.V. Seshalaiah
QP Auditor, A/c No. 8296800
LIG II 47/3 R.T.
Vijaynagar Colony,
Hyderabad - 500028

Sub : Discipline - Estt - D.A.D.

Ref : In continuation of this office
evon no. dated 26-7-75.

-00000-

dated 25-9-75 addressed to you received AN/113/CGI/8296800
Wedungadi, A.C.D.A.I/C, PAO(ORS) EME, Secunderabad (Inquiry
officer) intimating the date, time and venue of the proposed
inquiry into the charges framed against you is forwarded
herewith.

The enclosed acknowledgement may please be signed in
token of having received the "Memorandum" and forwarded to
this office by return post.

of

Shadi Lal
(SHADI LAL MAHOTRA)
ASSTT CONTROLLER OF DEFENCE ACCOUNTS I/C

10/10

W. B. Bhandari

Pras

~~Confidential~~

No. AN/97/Inq/8296800

Dated: 25th. September 1975. *Al*MEMORANDUM

Sub:- Discipline : Estt. : D.A.D.

.....

With reference to the Order of the C.D.A. (ORs) South, Madras bearing No. AN/II/22440 dated 12.9.75, appointing the undersigned as Inquiry Officer to enquire into the charges framed against Shri M.V. Seshalaiah, QP. Auditor, A/c No. 8296800, the said Shri M.V. Seshalaiah is hereby informed that:-

- i) The Inquiry will be held by the undersigned on the 20th. Oct. 75 at Secunderabad in the PAO (ORs) E.M.E., Secunderabad, commencing from 1130 hrs.
- ii) At the enquiry, oral evidence will be heard regarding such of the allegation as are not not admitted by him in his written statement.
- iii) He will be entitled to cross-examine the witness(es) that he may be examined in support of the charges and also give evidence in person.
- iv) He should submit the list of witnesses, if any, he desires to be examined on his behalf. In case he proposes to call the witnesses in support of his defence, he is advised to secure their willingness/concurrence to offer themselves as witnesses well in advance of the date of inquiry.
- v) If he fails to appear at the Inquiry on the appointed date and time, the inquiry will be held ex parte.

T.R. Nedungadi

(T.R. Nedungadi)

A.C.D.A., I/c P.A.O. (ORs) E.M.E., SEC' BAD.

(Inquiry Officer)

REGISTERED/ACK.DUE

To

✓ Shri M.V. SESHALAIAH
Qp. AUDITOR, A/c No. 8296800
P.A.O. (ORs) Corps of Signals,
JABALPUR (M.P.)

*M. Seshalaiah**PM*

ACKNOWLEDGEMENT

Received ACDA, PAO(ORs)E.M.E. Secunderabad letter No.
1/97/IIO/2296800 dated 25-9-75 through ACDA I/C, PAO(ORs)
Corps of Signals, Jabalpur under their No. AN/119/CON/8296800
dated 1st Oct 1975.

Secunderabad
dated

Signature

Name : H.V. Seshalaiah

Grade : CP Auditor

A/c No. 8296800

PM.

REGISTERED ACK DUE

CONFIDENTIAL

To

AN/119/CON/8296800
OFFICE OF THE A.C.D.A.I/C,
PAO(ORs) Corps of Signals,
Jabalpur,

28 October 1975.

Shri M.V.Seshaiah,
QP Auditor, A/c No. 8296800
L.I.G.H. 47/3 R.T.
Vijayanagar Colony,
Hyderabad - 500028

Sub : Discipline - D.A.D. - Es-tt

Ref : In continuation to this office
even No. dated 1-10-1975.

-ooOoo-

Memorandum bearing Confidential No. AN/97/INQ/8296800
dated 20-10-75 addressed to you received from Shri T.R. Nendungadi,
A.C.D.A.I/C, PAO(ORs) EME, Secunderabad (Inquiry Officer) intimating
date, time and venue of the next hearing is forwarded herewith.

The enclosed acknowledgement may please be signed in
token of having received the 'Memorandum' and forwarded to
this office by return post.

Encl 2

(SHADI LALL MALHOTRA)
ASSTT CONTROLLER OF DEF. ACCOUNTS I/C.

bol
28/10

P.M. 7.10.

CONFIDENTIAL

- S -

No. AN/97/INQ/8296800

Pay Accounts Office (ORs) E.M.E

SECUNDERABAD

500021

1975

DATED: 10 October

MEMORANDUM

Sub:- Discipline : Estt. - D.A.D.

Pursuant to the orders of CDA (ORs) South, Madras bearing No. AN/II/22440, dt. 12.9.75, appointing me as Inquiry Officer to inquire into certain charges against Shri M.V. Seshaiah, Qp. Auditor, A/c No. 8296800, the said Shri M.V. Seshaiah was informed under my No. AN/97/INQ/8296800, dt. 25th. September, '75 that the inquiry would be held by me on Monday the 20th. October, '75 in the PAO (ORs) EME Secunderabad at 1130 hrs. He was also informed that at the Inquiry oral evidence would be heard regarding such of the allegations as were not admitted by him and that he would be entitled to cross-examine the witnesses that might be examined in support of the charges and also give evidence in person. Shri Seshaiah was also informed that he should submit the list of witnesses, if any. He desired to be examined on his behalf and he was advised to secure the willingness/concurrence of such witnesses to offer themselves as witnesses well in advance of the date of inquiry. He was also informed that if he failed to appear at the Inquiry on the appointed date, time and place, the Inquiry would be held ex-parte.

2. Accordingly, the inquiry was commenced on 20.10.'75 at 1130 hrs. in the PAO (ORs) EME, Secunderabad. Shri Seshaiah did not present himself before the Inquiry officer. The Presenting Officer Shri K.S. Rajagopalan, A.O., was, therefore asked to produce the evidence was produced by the Presenting Officer and thereafter the case has been adjourned to 19th. November, 1975 at 1400 hrs. in the PAO (ORs) EME, Secunderabad. Shri Seshaiah is hereby given another opportunity to present himself before the Inquiry at 1400 hrs. on 19.11.'75 and to give oral evidence on the charges and allegations ~~xxx~~ as are not admitted by him. Shri Seshaiah may, for the purpose of preparing his defence, inspect within ten days of this order the documents mentioned in the list of documents sent to him with the articles of charge under C.D.A. (ORs) South, Madras Confdl. No. AN/II/22440, dated 2.6.75 and available with Shri KS Rajagopalan, A.O., PAO (ORs) AOC Secunderabad, the Presenting Officer, and also submit a list of witnesses to be examined on his behalf.

3 Shri Seshaiah is also informed that he should apply within 15 days of this order for access to any documents which are in the possession of Govt. but are not mentioned in the list of documents sent to him with the articles of charge, indicating the relevance of the documents to the presentation of his case.

4 Shri Seshaiah is also informed that he should note and comply with the instructions contained in the memo of the Inquiry Officer bearing Confdl. No. AN/97/INQ/8296800 dated 25th. Sept. 75. If Shri M.V. Seshaiah fails to appear before the Inquiry Officer on 19.11.75 at the appointed place and time, the inquiry will be held ex-parte.

Regd. ACK. DUE/

T.R. NEDUNGADI
Inquiry Officer 20/10

A.C.D.A., I/c P.A.O. (ORs) EME, SEC'BA

PTO

PTO

W. Seshiah

A C K N O W L E D G E M E N T

Received A.C.D.A.I/C, PAO(ORs) EME, Secunderabad letter
No. AN/97/INQ/8296800 Dated 20-10-75 through A.C.D.A.I/C, PAO(ORs)
Corps of Signals, Jabalpur.

Hyderabad

Dated

Signature

Name : M.V. Seshaiiah,

Grade : QP Auditor

A/c No. : 8296800

~~XXXXXXXX~~

07/12

76

Confidential

Registered Ack Due

AN/113/CON/3236800
MAC(ONS) Corps of Signals,
Jabalpur,
6th March 1976.

To:

Shri M.V. Seshiah,
E/GH 47/3 RT
Vijayanagar Colony,
Hyderabad 500028.

Sub : Discipline - DAD - Establishment.

Ref : In continuation to this office even
No. dated 27.2.76.

Please refer to this office letter cited under reference
and forward the acknowledgement duly signed in token of having
received the memorandum by return of post.

Prakasham

(A.V. PRAKASHAM)
ACCOUNTS OFFICER (ADMIN)

24/3

PMW

*Received
1.3/76*

CONFIDENTIAL
NOT ACK DUE

-73-

ANNEXURE - A - XXXVIII

79

A4/119/COE/3296800
FAO(ORS) Corps of Signals,
Jabalpur,
27th Feb. 1976.

To

Shri H.V. Seshiah,
CP Auditor, A/c No. 3296800
L/GH 47/3 RT.
VIJAYANAGAR COLONY
HYDERABAD - 500028

Sub : Discipline - DAD - Establishment

Ref : In continuation of this office memo
of even No. dated 10-11-75 addressed
to you.

-ooOoo-

Show cause notice bearing CGDA New Delhi No. 30014(311)/
76-AJ/F dated 28-1-76 addressed to you provisionally imposing
the penalty of "removal from service" on you along with the
inquiry officers' report is forwarded herewith.

2. The enclosed acknowledgement may please be signed by
you in token of your having received the documents and the
same forwarded to this office by return of post.

3. Your attention is specifically drawn to para 3 of
the show cause notice. Your representation, if any, should
be made in writing and forwarded to this office urgently
with a view to transmitting the same to the CGDA within
the stipulated period of 15 days.

Encls 8

V. Krishnamurthy
(V. KRISHNAMURTHY)
ACCOUNTS OFFICER I/C.

PMF

Substant

No. 30014(311)/76-AN/F

Office of the Controller General of Defence Accounts, New Delhi-22.

Dated the 28/12 January, 1976.

78

MEMORANDUM

A copy of the inquiry report submitted by the officer appointed to inquire into the charges against Shri M.V.Seshaiah, Quasi-Permanent Auditor (Account No.8296800) serving in the organisation of Controller of Defence Accounts(O.Rs)South, Madras, is enclosed.

2. On a careful consideration of the inquiry report aforesaid, the undersigned agrees with the findings of the Inquiry Officer and holds that article (4) of charge is/~~not~~ proved. The undersigned has, therefore, provisionally come to the conclusion that Shri M.V.Seshaiah is not a fit person to be retained in service

and so the undersigned proposes to impose on him the penalty of removal from service

3. Shri M.V.Seshaiah is hereby given an opportunity of making representation on the penalty proposed, ~~but only on the basis of the facts stated in the inquiry report.~~ Any representation which he may wish to make on the penalty proposed will be considered by the undersigned. Such representation, if any, should be made in writing and submitted so as to reach the undersigned not later than fifteen days from the date of receipt of this memorandum by Shri M.V.Seshaiah

4. The receipt of this Memorandum should be acknowledged.

J.B. Martin
(J.B. Martin)
CONTROLLER GENERAL OF DEFENCE ACCOUNTS.
12/1/76.

To

Shri M.V.Seshaiah, Quasi-permanent Auditor (Account No.8296800)
through the Controller of Defence Accounts (ORs) South, Madras.

J.B. Martin

Report of Inquiry into the charge framed against
Shri M.V. Seshalaiah (P. Auditor A/c No. 8296800 serving
in P.A.O. (ORs) Corps of Signals, Jabalpur.

Pursuant to the orders of the CDA (ORs) South
Madras under his No. AN/II/22440 dt. 12th September '75
appointing me as Inquiry Officer to enquire into the
article of charge against Sri M.V. Seshalaiah serving in
PAO Corps of Signals Jabalpur, the said Sri Seshalaiah
was informed under my No. AN/97/INQ/8296800 dt. 25th
September 1975 sent under PAO Corps of Signals Jabalpur
No. AN/119/Con/8296800 dt. 1st October 1975 that:-

i) the inquiry would be held by me on 20th
October 1975 at Secunderabad in the PAO EME Secunderabad
commencing from 11.30 hrs.,

ii) that at the inquiry oral evidence would
be heard regarding such of the allegations as were
not admitted by him in his written statement,

iii) that he would be entitled to cross-examine
the witness(es) that might be examined in support of
the charges and also give evidence in person,

iv) he should submit a list of witnesses he
desires to be examined on his behalf, and if he pro-
posed to call the witnesses, he was advised to secure
their willingness/concurrence to offer themselves as
witnesses well in advance of the date of inquiry, and

v) that if he failed to appear at the inquiry
on the appointed date and time, the inquiry would be
held ex-parte.

2. I commenced the enquiry (in the P.A.O. E.M.E.
Secunderabad) on the date and time as notified above.
Sri Seshalaiah did not appear before me at the inquiry.
It was seen that the inquiry officer's notice dated
25.9.75 sent through the PAO Corps of Signals, Jabalpur
had been received by Sri Seshalaiah.

3. As Shri Seshalaiah failed to appear before the
inquiry officer, the Presenting Officer Shri K.S. Raja-
gopalan, A.O., was asked by me to produce the evidence
by which he proposed to prove the article of charge.
The Presenting Officer presented the Govt. case and
produced the evidence before me.

4. Thereafter an order was passed under my No.
AN/97/INQ/8296800 dated 20th October 1975 permitting
Shri Seshalaiah for the purpose of preparing his defence
to:-

i) inspect within 10 days of the order the
documents specified in Annexure III accompanying the
article of charge sent to him;

ii) submit a list of witnesses to be examined
on his behalf; and

o contd.....2

M. Seshalaiah

111) give a notice within 15 days of the order for the discovery or production of any documents which are in the possession of Government but not mentioned in Annexure III accompanying the article of charge. Sri Seshalaiah was asked that he should indicate the relevance of the documents required by him to be discovered or produced by the Government.

5. The Inquiry was then adjourned to 14.00 hrs. on 19.11.75 at PAO EME Secunderabad and Sri Seshalaiah was informed that if he failed to appear before the inquiry on that date, the inquiry would be held ex-parte. Sri Seshalaiah was also informed that he should note and comply with the instructions contained in my memo bearing even No. dated 25th September 1975. The Inquiry officer's letter No. AN/97/INQ/8296800 dt. 20th October 1975 sent through PAO Corps of Signals Jabalpur was also received by Sri Seshalaiah.

6. As decided above, the inquiry re-commenced at 14.00 hrs. on 19.11.75 in the PAO EME Secunderabad. Sri Seshalaiah did not present himself even on this date nor did he send any communication explaining his inability to attend the inquiry. The inquiry officer, therefore, proceeded with the case ex-parte.

7. The charge framed against Shri Seshalaiah is that he, while serving in PAO Corps of Signals Jabalpur was granted leave for 21 days from 1.7.74 to 21.7.74. He did not rejoin duty at the end of the leave but requested for its extension for 54 days from 22nd July 1974 to 13.9.1974 supported by a medical certificate. When Sri Seshalaiah was asked to appear before the Civil Surgeon, Osmania General Hospital, Hyderabad, for a second medical opinion, he did not do so, but submitted another application dt. 15.10.74 asking for a further extension of leave for 56 days. On being informed that his absence could be regularised only after the second medical opinion was obtained, Sri Seshalaiah appeared before the Civil Surgeon, Osmania General Hospital, Hyderabad, who declared him fit to rejoin duty. He continued to remain absent pleading sickness of his family members and he has been absent continuously since 22.7.74 without proper sanction of leave and complying with the orders of his superior officers to rejoin duty. He is also charged of conduct unbecoming of a Government servant on that account.

8. The statement of imputation of misconduct or misbehaviour in support of the charge against Shri Seshalaiah is that at the end of 21 days sanctioned leave from 1.7.74 to 21.7.74, he did not report for duty on 22.7.74 but extended his leave further for 54 days from 22.7.74 to 13.9.74 producing a medical certificate.

/ but even thereafter Shri Seshalaiah contd.....3
did not rejoin duty.

R. V. Shankar

The PAO Corps of Signals, Jabalpur, directed Sri Seshalaiah under his letters No. AN/Pay/104 dt. 28.8.74 and 10.10.74 to appear before the Civil Surgeon, Osmania General Hospital, Hyderabad for a second medical opinion. Sri Seshalaiah instead of appearing before the Civil Surgeon as directed, submitted another application on 15.10.74 for a further extension stating that he had already submitted an application on 21.9.74 supported by a medical certificate for another extension of 56 days. Thereupon the PAO Corps of Signals Jabalpur intimated Sri Seshalaiah in his letter dt. 4.11.74 that he should appear before the Civil Surgeon, Osmania General Hospital, Hyderabad to enable the PAO to regularise the absence from 22.7.74. Instead of complying with this directive Sri Seshalaiah in his letter dt. 15.11.74 questioned the propriety of the action of the ACDA I/c PAO Corps of Signals Jabalpur in directing him to appear before the Civil Surgeon. He also requested that he be granted another extension for 63 days from 9.11.74 to 10.1.75. Although the PAO again directed Sri Seshalaiah under his No. AN/Pay/104 dt. 4.12.74 to appear for a second medical opinion Sri Seshalaiah did not appear before the Civil Surgeon until 25.1.75. On 25.1.75 Sri Seshalaiah was declared fit for service by the Civil Surgeon, but even thereafter Sri Seshalaiah did not, rejoin duty. The PAO in his letter No. AN/119/Con/8296800 dt. 8.4.75 therefore asked Sri Seshalaiah to explain for his not reporting for duty and again directed him to rejoin duty forthwith. He was also informed that on his failing to do so, the matter would be reported to higher authorities for further action. Sri Seshalaiah, however, continued to remain absent. In a letter dated 11.4.75 he stated that he had submitted applications for extension of leave on 25.1.75, 17.2.75 and 17.3.75 and thus kept the office informed of the reasons for his absence. He also stated that his son was seriously sick and his personal care was required and therefore he sought a further extension of leave for 28 days from 12.4.75 to 9.5.75. Sri Seshalaiah thus continues to remain absent from duty from 22.7.74 without duly sanctioned leave and is therefore charged with continuous absence from duty without leave, disobedience of orders of his superiors and of conduct unbecoming of a Government servant.

9. The documents by which the article of charge was proposed to be sustained were the following, and were produced by the Presenting Officer.

- 1) PAO(ORs)Corps of Signals Jabalpur letter No. AN/Pay/104 dt. 27.7.74. (Ex.P-1)
- 2) Sri Seshalaiah's letter dt. 23.7.74 to the PAO Corps of Signals Jabalpur. (Ex.P-2)
- 3) PAO Corps of Signals Jabalpur letters No. AN/Pay/104 dt. 28.8.74 and 10.10.74. (Ex.P-3 & P-4)
- 4) Sri Seshalaiah's letter dt. 15.10.74 to the PAO Corps of Signals Jabalpur. (Ex.P-5)

contd....4

W. Seshalaiah

5) PAO Corps of Signals Jabalpur letter No. AN/Pay/104 dt.4.11.74. (Ex.P-6)

6) Sri Seshalaiah's letter dated 15.11.74 to the P.A.O. (Ex.P-7)

7) P.A.O.(ORs)Corps of Signals Jabalpur letter No.AN/Pay/104 dt.4.12.74. (Ex.P-8)

8) Supdt. Osmania General Hospital Hyderabad letter No.MRD/MC/15544/25 dt.17.3.75 to the PAO(ORs) Corps of Signals Jabalpur. (Ex.P-9)

9) PAO(ORs)Corps of Signals Jabalpur letter No.AN/119/Con/8296800 dt.8.4.75 to Shri Seshalaiah. (Ex.P-10)

10) Sri Seshalaiah's letter dt.11.4.75 to the PAO, Corps of Signals Jabalpur. (Ex.P-11)

10. The points to be determined in the inquiry were whether Sri Seshalaiah had remained absent from duty with effect from 22.7.74, whether he has not resumed his duties so far and continues to remain absent without proper sanction of leave from 22.7.74 whether he has been guilty of disobedience of orders of his superior officers and of conduct unbecoming of a Government servant.

11. Sri Seshalaiah was granted EL/HPL from 1.7.74 to 21.7.74 by ACDA I/c PAO Corps of Signals initially. He did not report for duty on the expiry of the leave on 22.7.74. PAO Corps of Signals therefore issued a memo under his No.AN/104 dt.27.7.74 addressed to the individual asking for the cause of his absence and requiring him to furnish a medical certificate in case he was sick. The individual's application dt. 23.7.74 was received supported by a medical certificate from Dr.G.V.Pantulu, RMP, requesting for grant of leave from 22.7.74 to 13.9.74. On this, the ACDA I/c PAO(ORs)Corps of Signals directed Shri Seshalaiah to appear before Civil Surgeon, Osmania General Hospital, Hyderabad for a second medical opinion vide his No.AN/Pay/104 dt.28/31.8.74 addressed to the individual (Regd.Ack.due). The individual has received this letter as he has made reference to it in his letter dt.15.11.74. The action of ACDA I/c PAO Corps of Signals in directing Shri Seshalaiah for a second medical opinion is in conformity with the provisions of Rule 19(3) of the Central Civil Services (Leave) Rules 1972 giving discretionary powers to leave sanctioning authorities to obtain a second medical opinion. No reply was received from the individual and ACDA I/c PAO Corps of Signals Jabalpur again reminded him under his No.AN/Pay/104 dt.10.10.74 to report to Civil Surgeon, Osmania Hospital, Hyderabad for examination.

contd.....5

M.S. Seshalaiah

- 5 -

(Ex.P-5)

12. The individual's reply dt.15.10.74 does not touch on the point of his medical examination by Civil Surgeon. On the other hand, he has intimated the fact of his having applied for further leave on medical grounds for 56 days from 14.9.74. Thereupon, the directive of medical examination by Civil Surgeon was again stressed by the ACDA I/c PAO(ORs) Corps of Signals in his letter No.AN/Pay/104 dt.4.11.74. The individual vide his reply dt.15.11.74 did not obey the orders of the ACDA, but, on the contrary, questioned the propriety of ACDA asking him to obtain a certificate from Civil Surgeon while on previous occasions his leave was regularised on the strength of medical certificates obtained from Regd. Medical Practitioners. Simultaneously he submitted another Medical Certificate from Dr.C.V. Pantulu, RMP, dt.10.11.74 in support of further extension of leave on medical grounds for 63 days from 9.11.74 to 10.1.75. The ACDA I/c PAO in reply drew the individual's attention to the provisions of Rule 19(3) C.C.S. (Leave) Rules 1972 and categorically informed him under his No.AN/Pay/104 dt.4.12.74 that the question of regularisation of leave would be considered only on receipt of a report from the Civil Surgeon, Osmania Hospital, Hyderabad.

(Ex.P-6)
(Ex.P-7)

(Ex.P-9)

13. Shri Seshaiiah was examined by Supdt., Osmania Hospital, Hyderabad, on 25.1.75 who declared him fit for duty with immediate effect. Supdt. Osmania General Hospital, Hyderabad No.MRD/SC/15544/75 dt.17.3.75 received in PAO on 25.3.75 refers. As, in spite of the Medical Certificate declaring him fit, Shri Seshaiiah did not report for duty, ACDA I/c PAO Corps of Signals wrote to the individual vide his No.AN/119/8296800 dt.8.4.75 asking him to explain why he had not reported for duty. Simultaneously, he also repeated his direction to him to report for duty forthwith. To this, the individual vide his letter dt.11.4.75 replied he had kept the office informed through his applications dated 25.1.75, 17.2.75 and 17.3.75 (copies received with his letter dt.11.4.75) about the circumstances which prevented him from joining duty on being declared fit for duty. These letters stated to have been sent by the individual by ordinary post were not received by PAO vide ACDA's No.AN/119/Con/8296800 dt.29.4.75 addressed to the CDA(ORs) South, Madras. From the individual's application dt.11.4.75 and the copies of applications dt.25.1.75, 17.2.75 and 17.3.75 sent along with it, it is seen that he sought for extension of leave on the following grounds.

(Ex.P-9)

(Ex.P-10)

(Ex.P-11)

contd.....6

Handwritten signature/initials

84

- 6 -

<u>Date of appli- cation</u>	<u>Period of leave</u>	<u>Cause</u>
25.1.75	25.1.75 to 15.2.75	To look after father-in-law who is bed-ridden with paralysis.
17.2.75	16.2.75 to 15.3.75	Father-in-law not fully recovered to perform journey to Jabalpur.
17.3.75	16.3.75 to 11.4.75	Father-in-law not recovered from illness. Son suffering from jaundice.
11.4.75	12.4.75 to 9.5.75	Son suffering from jaundice. Father-in-law though recovered to some extent is not in a position to perform journey.

From the above it is clear that the individual has been absenting himself without proper sanction of leave from 22.7.74 onwards and has not complied with the orders of his superior officers issued from time to time.

14. It is noticed that Shri Seshalaiah has sent two communications dt.16.6.75 and 23.7.75 addressed to the AODA I/c PAO Corps of Signals Jabalpur and copy to the CDA (CRS) South Madras. In these he has raised only certain irrelevant issues which have no connection with the charge framed against him. I do not therefore think that I should comment about them in this report.

15. It will be seen from the foregoing that Shri Seshalaiah has been absenting himself from duty from 22.7.74 on one pretext or other. Even when he was declared fit for duty by the competent medical authority viz. Civil Surgeon, Osmania General Hospital, Hyderabad he did not report for duty in spite of several communications and instructions sent to him by the PAO Corps of Signals Jabalpur. From the fact that he has not appeared before the Inquiry Officer and put forward any reasonable grounds justifying his absence or a defence for the article of charge levelled against him, it is clear that Shri Seshalaiah has no intention of rejoining duty. I am therefore of the opinion that the charge of absenting from duty without sanctioned leave and disobedience of the orders of his superior officers and of conduct unbecoming of a Government servant has been fully proved. In other words, the article of charge has been completely proved.

16. The prosecution exhibits mentioned in this inquiry report are enclosed.

Dt: 11/12/75

(T.R. NEDUNGADI)
INQUIRY OFFICER
A.C.D.A.

11.12.75

P.N. 100

[Handwritten signature]

ACKNOWLEDGEMENT

Received C.G.D.A. New Delhi Show Cause Notice No. 14(311)/76-AH-P dated 28th January 1976 alongwith Inquiry report through ACDA I/C, PAO(ORs) Corps of Signals, Jabalpur, under his No. AH/119/COB/1296800 dated 27-2-76.

Station :

Dated

Signature

Name M.V. Seshalaiah

Grade CP Auditor

A/c No. 8296800

By

Confdl./Regd.Ack.Due

No.AN/119/Con/8296800
PAO(ORs)Corps of Signals,
Jabalpur.

Dt. 6.7.76

To

Shri.M.V.Seshaiah,
No.LIGH 47/3 RT,
Vijayanagar Colony,
Hyderabad-500 028.

Sub: Discipline - Estt.-D.A.D.

Ref: In continuation of this Office Confidential
Memo of even No. dt.27.2.76 addressed to you.

- - -

It has been finally decided by the C.G.D.A.,
New Delhi as the competent disciplinary authority that
you should be awarded the penalty of "Removal from Service"
with effect from 1st July'76.

The order of the C.G.D.A., New Delhi in this
behalf bearing No.30014(311)/76-AN/F dt.17.6.76(in original)
is forwarded herewith.

The enclosed acknowledgement may please be signed
by you in token of your having received the CGDA's Order
dated 17.6.76 and the same forwarded to this Office by
return of Post.

Sd/-

(SHADI LALL MALHOTRA)
A.C.D.A., I/C.
P.A.O(ORs) CORPS OF SIGNALS.

// TRUE COPY //

PM

(Signature)
(Signature of P.A.O.
APPLICANT)

30014(311)/76-AN/F

Office of the Controller General of Defence Accounts, New Delhi-22.

Dt/- 17th June, 1976

ORDER

Whereas, in consideration of the record of disciplinary proceedings instituted against Shri M.V. Seshalaiah, Quasi-permanent Auditor (A/C No. 8296800) serving in the organisation of the Controller of Defence Accounts (Other Ranks) South, Madras, and of the individual not having made any representation in reply to the notice calling upon him to show cause against the action proposed to be taken in regard to him, the undersigned is satisfied that good and sufficient reasons exist for imposing upon the said Shri M.V. Seshalaiah the penalty of removal from service.

Now, therefore, the undersigned hereby removes the said Shri M.V. Seshalaiah from service with effect from 1-7-76.

(J.B. Martin)

17/6
CONTROLLER GENERAL OF DEFENCE ACCOUNTS

To

Shri M.V. Seshalaiah, Quasi-permanent Auditor

(A/C No. 8296800)

Through the Controller of Defence Accounts (Other Ranks) - South, Madras.

P 17/6

J.B. Martin

ACKNOWLEDGEMENT

Received C.G.D.A., New Delhi Order No. 30014(311)/
76-AN/F dated 17th June 1976 through the ACDA i/c PAO
(ORs) Corps of Signals, Jabalpur under his No. AN/119/Com/
8296800 dated 6th July 1976.

Station :

Dated :

Signature
(M.V. Seshaiiah)
Grade : Qp. Auditor
A/C No. 8296800

P M 70

PAY ACCOUNTS OFFICE (OTHER RANKS) CORPS OF SIGNALS: JABALPUR

12 JULY 1976.

ADMIN ORDER NO. 168

Sub : Discipline - Estt - DAD.

-00000-

The following penalty has been imposed by the CGDA, New Delhi as the competent Disciplinary Authority on Shri M.V.Seshaiah, CP Auditor, (A/C No.8296800).

"Removed from service with effect from 1-7-1976."

Shri M.V.Seshaiah has accordingly been struck off the strength of this office with effect from 1.7.1976.

(AUTHY : CDA(ORs)South, Madras-18 Part II.O.O. No.T/AN/701 dated 26.6.76.)

Sd/-X X X X X
(SHADI LALL MAHOTRA)
A.C.D.A.I/C.

AN/119/CON/8296800

Copy to :-

1. The CDA(ORs)South, Madras-18 (2 copies).
2. G/Pay - Leave (4 copies)
3. G/Cashier
4. G/Security
5. Guard file
6. Regd Ack Due

Shri M V.Seshaiah,
No.LIG H 47/3 RT
Vijaynagar Colony,
Hyderabad - 500028 (A.P).

A copy of the CDA(ORs)South, Madras Part II O.O.No.T/AN/701 dated 26.6.76 is enclosed. Please acknowledge receipt in the proforma enclosed.

(V.KRISHNAMURTHY)
ACCOUNTS OFFICER (AN)

P.M.

Subbar

OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS (ORs) SOUTH, MADRAS
PART II OFFICE ORDER NUMBER T/AN/701 dated 26.6.76.

Sub: Discipline -- Estt. -- DAD.
Shri. M.V. Seshaiyah, QP. Auditor,
A/c No. 8296800.

The following penalty has been imposed by the CGDA, New Delhi
as the competent disciplinary authority on Shri. M.V. Seshaiyah,
Quasi-Permanent Auditor (A/c No. 8296800).

"Removed from service with effect from 1.7.76"

(Authority:- CGDA, New Delhi No. 30014(311)/76-AN/F
dated 17th June 1976).

Sd/- (A.R. HALASYAM)
Dy. CONTROLLER OF DEFENCE ACCOUNTS (AN)
P.T.O.

PM/w.

-2-

AN/II/22440 Dated 26.6.76.

Copy to:

1. The CGDA, New Delhi-22. - With reference to his No.30014(311) 76-AN/F dated 19.6.76.
2. The CDA (Pensions) Allahabad (2 copies)
3. The ACDA I/c, PAC(ORs) Corps of Signals, Jabalpur(MP) - With a spare copy of the Part II OO for serving on Shri.M.V.Seshaiyah QP. Auditor (A/c No.8296800) and whose acknowledgement may please be obtained and forwarded to this office for record.

Please acknowledge receipt.

4. The AO I/c, Pay Section (Local) 2 copies.
5. The AO I/c, Pay IV Section (3 copies) 6. Guard File 7. PC File
8. Unit File 9. AN/Gp.III
12. AN/Gp.IV 13. AN/Gp. V Card Index.

S.K. Chari

(S.K.CHARI)

ACCOUNTS OFFICER (AN)

pvb/-

P.V.B.

93

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A. No. S 32 of 1996

^{with-767}
O.A.S.R. NO. 1534 of 1996.

Dt. of decision: 18-6-96

Between:

M.V. Sessaiah .. Applicant

and

1. Controller General of Defence Accounts,
R.K.Puram, New Delhi.
2. Controller of Defence Accounts (ORs),
Central, Nagpur.
3. Pay and Accounts Officer (Other Ranks)
Corps of Signals, Jabalpur (M.P.)

.. Respondents

Counsel for the applicant: Sri M.V. Sessaiah
(Party-in-person)

Counsel for the respondents: Sri K. Ramulu, Addl. CGSC

CORAM

Hon'ble Mr. Justice M.G. Chaudhari, Vice Chairman

Hon'ble Mr. H. Rajendra Prasad, Member (A) ⁸/₈₀

JUDGEMENT

ORDER (re. office objection)

(As per Hon. Mr. Justice M.G. Chaudhari, V.C.)

The applicant in person. Ms. Shyama for Sri K. Ramulu
seeks to appear for respondents.

[Signature]

BM

2. The applicant seeks to challenge the order dt.17-6-76 passed by the Controller General of Defence Accounts removing him from service as a result of findings arrived at a disciplinary proceeding held against him. The applicant was holding the post of Quasi-Permanent Auditor at that time. The order of removal became effective from 1-7-76. The applicant admits that he ~~is~~ stood removed from service from that date. The disciplinary proceeding was held U/r 14 of CCS (CCA) Rules, 1965. An appeal against the said order is provided U/r 23 of the aforesaid rules. The applicant, however, did not file any appeal at all at any time against the said order. The order thus assumed finality nearly two decades ago. The applicant has prayed for condonation of delay. Although ^{he} ~~is~~ contends that his appeal before the President of India had not been disposed of, ^{hence} technically there is no delay in filing the O.A. He also states that due to domestic problems and ill-health, as also harassment meted out by his superior officers, he could not venture to approach the High Court without explaining however as to why he had not filed an appeal U/r 23. The applicant submitted that he was ^{ignorant} ignored of the said rule and was confused and did not know that an appeal could be filed. Looking to the circumstances that the applicant is an educated person and had even purported

huk

95

-8-

to file an appeal to the President of India at the initial stage of the enquiry, it is unbelievable that he was ignorant of the rule. The representation which he had filed to the President of India was on 22-5-74 even prior to the charge sheet was served on him dt.2-6-75. From the copy of that representation we notice that ^{very} wild and reckless allegations ^{were} made by the applicant and it appears that the Ministry of Finance (Defence) did not forward the same to the President and had ^{withheld} withdrawn the same. Whatever ~~that~~ might be, that was not a proceeding challenging the impugned order and has no relevance.

3. The laches on the part of the applicant would be sufficient to refuse to entertain the O.A.

4. However, we are of the view that the Tribunal has also no jurisdiction to entertain the O.A. or to condone the delay in view of Sec.21(2)(1) ^{as} and the grievance had become barred by limitation on expiry of the period prescribed thereunder. ~~Admittedly~~, the applicant ^{could} would have approached the High Court for relief prior to the establishment of the Tribunal which admittedly he did not do


5. The application is thus totally misconceived and the objection raised by the Office that the O.A. is not maintainable is correct. In order to satisfy ourselves ^{and} that the applicant may ^{not} feel that his case was not considered by us, we have examined the merits of the O.A. and for the

hish

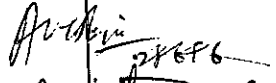
reasons noted above, ^{we} agreed with the objection raised by the office. The O.A. is accordingly rejected. The M.A. is also rejected.

Ms. Shyama to place on record the Memo of Appearance of Mr. K.Ramulu for the respondents within a period of two weeks, failing which the office shall struck off the appearance of ^{Mr. Ramulu} Ms. Shyama from the records.


(H. Rajendra Prasad)
Member (A)


(M.G. Chaudhari)
Vice Chairman

Dt. 18-6-96
(Open Court dictation)


Deputy Registrar

kmv

To

1. The Controller General of Defence Accounts,
R.K.Puram, New Delhi.
2. The Controller of Defence Accounts (ORS),
Central, Nagpur.
3. The Pay and Accounts Officer(Other Ranks)
Corps of Signals, Jabalpur (M&P).
4. One copy to Mr.M.V.Seshaiah, Party-in-person,LIGH,
47/3RT Vijayanagar colony, Hyderabad.
5. One copy to Mr.K.Ramulu, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

8/197/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated 8/8-6-1996

ORDER/JUDGMENT

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

in

O.A.No. 595/96 - 767/96 - 8 M.A. 532/96

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

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm



2. The applicant seeks to challenge the order dt.17-6-76 passed by the Controller General of Defence Accounts removing him from service as a result of findings arrived at a disciplinary proceeding held against him. The applicant was holding the post of Quasi-Permanent Auditor at that time. The order of removal became effective from 1-7-76. The applicant admits that he is stood removed from service from that date. The disciplinary proceeding was held U/r 14 of CCS (CCA) Rules, 1965. An appeal against the said order is provided U/r 23 of the aforesaid rules. The applicant, however, did not file any appeal at all at any time against the said order. The order thus assumed finality nearly two decades ago. The applicant has prayed for condonation of delay. Although ^{He} ~~is~~ contends that his appeal before the President of India had not been disposed of, ^{hence} technically there is no delay in filing the O.A. He also states that due to domestic problems and ill-health, as also harassment meted out by his superior officers, he could not venture to approach the High Court without explaining however as to why he had not filed an appeal U/r 23. The applicant submitted that he was ^{ignorant} ignored of the said rule and was confused and did not know that an appeal could be filed. Looking to the circumstances that the applicant is an educated person and had even purported

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A.N. S 32 of 1996

O.A.S.R. NO. 1534 of 1996.



Dt. of decision: 18-6-96

Between:

M.V. Seshalaiah .. Applicant

and

1. Controller General of Defence Accounts,
R.K. Puram, New Delhi.
2. Controller of Defence Accounts (ORs),
Central, Nagpur.
3. Pay and Accounts Officer (Other Ranks)
Corps of Signals, Jabalpur (M.P.)

.. Respondents

Counsel for the applicant: Sri M.V. Seshalaiah
(Party-in-person)

Counsel for the respondents: Sri K. Ramulu, Addl. CGSC

CORAM

Hon'ble Mr. Justice M.G. Chaudhari, Vice Chairman

Hon'ble Mr. H. Rajendra Prasad, Member (A) *8/11*

JUDGMENT

ORDER (re office objection)

(As per Hon. Mr. Justice M.G. Chaudhari, V.C.)

The applicant in person. Ms. Shyama for Sri K. Ramulu
seeks to appear for respondents.

[Signature]

reasons noted above, ^{we} agreed with the objection raised by the office. The O.A. is accordingly rejected. The M.A. is also rejected.

Ms. Shyama to place on record the Memo of Appearance of Mr. K.Ramulu for the respondents within a period of two weeks, failing which the office shall struck off the appearance of ^{Mr. Ramulu} Ms. Shyama from the records.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक समीकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

kmv

Case Number 04-769/86
Date of Judgment 18-6-96
Copy made on 12-7-96
[Signature]

to file an appeal to the President of India at the initial stage of the enquiry, it is unbelievable that he was ignorant of the rule. The representation which he had filed to the President of India was on 22-5-74 even prior to the charge sheet was served on him dt. 2-6-75. From the copy of that representation we notice that ~~a~~ very wild and reckless allegation^{were} was made by the applicant and it appears that the Ministry of Finance (Defence) did not forward the same to the President and had ~~withdrawn~~^{withheld} the same. Whatever that might be, that was not a proceeding challenging the impugned order and has no relevance.

3. The laches on the part of the applicant would be sufficient to refuse to entertain the O.A.

4. However, we are of the view that the Tribunal has also no jurisdiction to entertain the O.A. or to condone the delay in view of Sec. 21(2)(1) ^{as} and the grievance had become barred by limitation on expiry of the period prescribed thereunder. ~~Admittedly~~, the applicant ^{could} would have approached the High Court for relief prior to the establishment of the Tribunal which admittedly he did not do.

5. The application is thus totally misconceived and the objection raised by the Office that the O.A. is not maintainable is correct. In order to satisfy ourselves ^{and} that the applicant ^{not} may feel that his case was not considered by us, we have examined the merits of the O.A. and for the

hish

FOR ORDERS OF THE HON'BLE TRIBUNAL

O.A.S.R.NO. 1534/96.

The above OA (S.R) has been filed by the applicant himself seeking "to call for the records relating to and connected with proc. NO. 30014 (311)/76-AN/F, dt. 17.6.76 and quash or set aside the same with consequential service, continuity of service, pay and allowances and all other benefits".

As seen from the material papers filed by the applicant, he is seeking to quash/set aside the removal order dt.17.6.76, against which he made representation to the higher~~er~~ authorities on dt.14.6.89, for that the department has replied vide Lr. dt.7.11.89, that "the issue related to a very old period (13years), no action can be taken now to revive the case and hence your case has been closed". The applicant along with the OA has filed condone delay petition, for 5 years & 5 months from 7.11.89 only.

But the office felt that since the cause of action had arisen as long back as, on 1.7.76, whether the OA is maintainable in OA and the office has also insist^{ed} ~~and~~ on filing of condone delay petition, right from the date of removal.

The office, has accordingly raised objection to the maintainability & limitation, for which the applicant replied as follows:-

" Though the removal was made on 1.7.76, the cause of action is stated to have been arisen on 1.7.76, in the year 1989. I made a representation and on 30.11.89 when I was informed that it is not practicable to reopen the case. Therefore, according to me the final cause of action arisen w.e.f. 30.11.89, and therefore the OA is maintainable. ~~For~~ The above stated reasons there is no need to correct the delay".

Submitted for orders as to the maintainability and limitation.

[Signature]
S.O.

[Signature]
REGISTRAR.

[Signature]
21/5
Registrar

FOR ORDERS OF THE HON'BLE TRIBUNAL

O.A.D.R.NO. 1534/96.

The above OA (S.R) has been filed by the applicant himself seeking "to call for the records relating to and connected with proc. NO. 30014 (311)/76-AN/F, dt. 17.6.76 and quash or setaside the same with consequential service, continuity of service, pay and allowances and all other benefits".

As seen from the material papers filed by the applicant, he is seeking to quash/setaside the removal order dt.17.6.76, against which he made representation to the higher~~er~~ authorities on dt.14.6.89, for that the department has replied vide Lr. dt.7.11.89, that "the issue related to a very old period (13years), no action can be taken now to revive the case and hence your case has been closed". The applicant along with the OA has filed condone delay petition, for 5 years & 5 months from 7.11.89 only.

But the office felt that since the cause of action had arisen, as long back as, on 1.7.76, whether the OA is maintainable in CAT and the office has also insisted~~ed~~ on filing of condone delay petition, right from the date of removal.

The office, has accordingly raised objection, with regard to maintainability & limitation, for which the applicant replied as follows:-

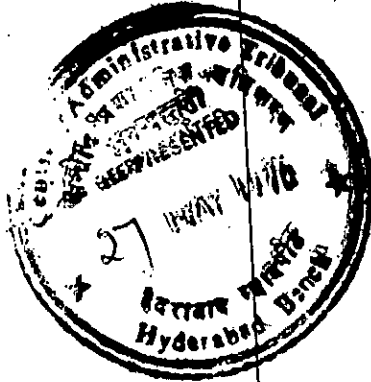
" Though the removal was made on 1.7.76, the action is stated to have been arisen on 1.7.76, in the year 1989. I made a representation and on 30.11.89 when I was informed that it is not practicable to reopen the case. Therefore, according to me the final cause of action arisen w.e.f. 30.11.89, and therefore the OA is maintainable. The above stated reasons there is no need to correct the delay".

Submitted for orders as to the maintainability and limitation.

[Signature]
REGISTRAR.

- 2 -

the case. Therefore, according to me;
the final cause of delay arises. W of 30.11.89
and therefore the OA is maintainable. For
the above stated reasons, there is no need to correct
the delay.



M. V. Seshaiyah
(M. V. SESHAIYAH)
PARTY IN PERSON.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. REGD. NO. 1534/96

Date: 8/1/96

To
Sir,

Sri M.V. Seshairish, ~~Adv.~~ Party.

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5(4) will follow.

- ① covering ptn. for M.A. to be filed, u/s. 2(3) DCA Act.
- ② All material papers are to be attested by gazetted officer.
- ③ Rule prov. in Para ③ to be given.
- ④ Para ③ needs revision.
- ⑤ Verification needs revision.
- ⑥ Since the cause of action is related to removal w.e.f. 1.7.76, how this OA is maintainable in this Tribunal?
- ⑦ Delay to be corrected.

DEPUTY REGISTRAR (JUDGE)

ITEMS 6 & 7 :- Though the removal was made on 1.7.1976, the cause of action is stated to have been arising on 1.7.76. In the year 1989 I made a representation and on 30.1.90 when I was informed that it is not possible to register the case. I was informed that it is not practicable.