

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

RECORD SECTION INDEX SHEET

G.A.No. 869 / 1996

a) Applicant(s) G. Sridharanarayana
Versus

b) Respondent(s) The Secy - Civil Engineer (Roads)
Patancheru

sl.No. Description of Documents. page No.

Part I

Order Sheet

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Original Application

8-7-96

3-12

Material Papers

13-27

Order dt.

1-10-96

28-33

Counter Affidavit.

Reply Affidavit.

Order dated.

Part II

Duplicate Order Sheet.

" Application.

" Material Papers

" Order dt.

" Counter Affidavit.

" Reply Affidavit.

" Order dated.

Part III

Vakalat

Notice Papers.

Memo of Appearance.

Chavali
28/10/96

Pranab
28/10/96



CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:

O.A. NO 869 1996.

G. Suryanarayana Applicant (S)

V E R S U S

The Sub. Div. Engineer (P) Rajahmundry & 30th

Respondent (S)

Date	Office Note	Orders
<u>23/7/96</u>		<p>Mr. S. Rama Krishna Rao, for the applicant and Ms. Shama for Mr. K. Ramulu, for the respondents.</p> <p>Notice before admission list it on 2.8.96. Ms. Shama submitted that she will be filing memo of appearance today.</p> <p style="text-align: right;">HRRN R(A).</p> <p>Admit. list it for trial hearing below admissions on 16/9/96.</p> <p style="text-align: right;">HRRN R(A)</p>
<u>2/8/96</u>		

Urgent.

NBA

20/7/96
20/7/96
20/7/96
20/7/96
20/7/96

OA. 869/96.

①

DATE

OFFICE NOTE

ORDERS

17-9-96.

Mr. S. Ramakrishna Rao, learned counsel for the applicant and Mr. M.D. AIP for Mr. K. Ramulu, learned counsel for the respondents.

Reply is yet to be filed.

The learned standing counsel prays for two weeks time for filing the reply. Let it on 1-10-96 for orders. No further time for filing reply will be given.

HRRN
M(A)

1-10-96.

OA is ordered vide the orders on separate sheets. No cost.

HRRN
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

ORIGINAL APPLICATION NO 869 of 1996.

Shri S. Suryanarayana Applicant(s)

V E R S U S

Sub Dist. Engr (Phones)
Rajchomundray & 3 Others Respondent(s)

The application has been submitted to the Tribunal by
Shri S. Ramakrishna Rao Advocate/~~party in person~~


under section 19 of the Administrative Tribunal Act, 1985 and
the same has been scrutinised with reference to the points
mentioned in the check list in the light of the provisions in
the Administrative Tribunal (Procedure) Rules 1987.

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

[Signature]
Scrutiny Asst. 7/6

[Signature]
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. *87*
12. Has the Index of documents been filed, and pagination done properly. *87*
13. Has the applicant exhausted all available remedies. *87*
14. Has the declaration as required by item NO. 7 of form, I been made. *87*
15. Have required number of envelopes (file size) bearing full address of the respondents been filed. *87*
16. (a) Whether the relief sought for, arise out of single cause of action. *87*
(b) Whether any interim relief is prayed for. *87*
17. In case an MA for condonation of delay in filed is it supported by an affidavit of the applicant. *87*
18. Whether this case can be heard by single Bench. *87*
19. Any other point. *—*
20. Result of the scrutiny with intial of the scrutiny clerk. *May be filed*


Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

Dairy NO. 2/41

Report in the Scrutiny of Application.

Presented by..... *J.R.K. Rao*Date of Presentation. *8/9/16*
Applicant (S)..... *S. Suryanarayana*
Respondent (S)..... *S.D.E(P), ROY & 3 others.*
Nature of grievance..... *Grant of leave*
No of applicants..... *1*NO. of Respondents... *4*

CLASSIFICATION

subject..... *Grant of leave* (NO.) Department..... *Telecom.* (NO.)

1. Is the application in the proper form, *57*
2 (three complete sets in paper books form in two compilations.
2. Whether name, description and addressed of all the parties been furnished in the cause title. *57*
3. (a) Has the application been duly signed and verified. *57*
(b) Have the copies been duly signed. *57*
(c) Have sufficient number of copies of the application been filed. *57*
4. Whether all the necessary parties are impleaded. *57*
5. Whether english translation of documents in a language other than english or Hindi been filed. *57*
6. Is the application on in time. (See Section 21) *57*
- 7.. Has the Vakalatnama/Memo of Appearance/authorisation been filed. *57*
8. Is the application maintainability. *57*
(U/s 2, 14, 18, or U.R. 8 etc.)
9. Is the application accompanied IPO/DD, for Rs. 50/- *57*
10. Has the impugned orders Original, duly attested legitable copy been filed. *57*

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

INDEX SHEET

O.A.NO. 869 of 1996

CAUSE TITLE G. Suryanarayana

VERSUS

SDE, (B) Rajahmundry & 30th

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3.	Vakalat	1
4.	Objection Sheet	
5.	Spare Copies 4 (four)	
6.	Covers 4 - A	

Reg: - To direct the Respondents to grant the leave applied for by the applicant from 25.10.95 till date payment of salary as per eligibility Hyderabad Bench : At Hyderabad (3)

Singh

OA No. 869 of 1996

Between:

SINGLE MEMBER CASE

G. Suryanarayana

Grant of leave
... Applicant

A N D

The Sub Divisional Engineer (Phones),
Rajahmundry and three others.

TELECOM Telecom
... Respondents (C)

CHRONOLOGICAL STATEMENT OF EVENTS

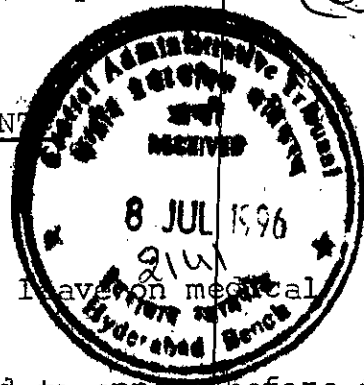
<u>Sl. No.</u>	<u>Date</u>	<u>Events</u>
1.	25.10.95	The applicant applied for leave on medical grounds.
2.	15.12.95	The applicant was directed to appear before the DM & HO, Kakinada and the applicant appeared before the authority, who had issued a certificate to continue to be on leave.
3.	5.1.96	The applicant was again subjected to medical exam by the DM & HO, Kakinada.
4.	16.1.96	The applicant was again directed by the second respondent to appear before the DM & HO.
5.	23.2.96	The Hon'ble Tribunal directed the respondents to make payment of the leave salary and allowances as per eligibility.
6.	26.2.96	The applicant was subjected to further tests by the second respondent.
7.	21.3.96	The applicant represented to the GM, Telecom, Rjy to make payment of the leave salary as directed by the Hon'ble Tribunal.
8.	26.3.96	The applicant was again subjected to medical exam and was directed to appear before the P&T Dispensary, Rajahmundry on 2.4.96.
9.	3.4.96	The applicant was referred by the P&T Dispensary to appear before the DM & HO for several tests and the DM & HO also opined that the applicant should be given rest. The P&T Dispensary had confirmed the opinion of the DM & HO and recommended for leave. In spite of the medical reports, the applicant was not granted the leave applied for and was not paid the leave salary and allowances as per his eligibility.

Hence, this application before the Hon'ble Tribunal seeking redressal of his grievances.

Hyderabad.

Dated: 4.6.96

COUNSEL FOR THE APPLICANT



Recd
8/7/96
For R. Dary

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :: AT HYDERABAD

OA No. 869 of 1996

Between:

G.Suryanarayana

...Applicant

A N D

The Sub Divisional Officer (Phones),
Rajahmundry and three others.

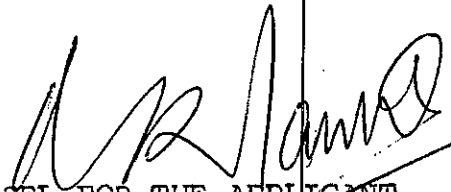
...Respondents

I N D E X

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3.	RC No.Spl/E-V/95 dt. 11.12.95 of the DM & HO, Kakinada.	II	10
4.	Memo No.E-3/LM-PM/90-96/338 dt. 27.12.95 of the second respondent addressed to DM & HO, Kakinada.	III	11
5.	Representation of the applicant to the second respondent dt. 8.1.96.	IV	12
6.	Memo No.E-3/LM-PM/90-96/341 dt. 5.1.96 of the second respondent addressed to the DM & HO.	V	13
7.	Memo No.E-3/LM-PM/WM/95-96/12 dt. 19.2.96 of the second respondent.	VI	14
8.	Representation of the applicant dt. 28.2.96 to the second respondent.	VII	15
9.	Copy of the order in OA 1280/95 dt. 23.2.96 of this Hon'ble Tribunal.	VIII	16 - 17
10.	Representation of the applicant dt. 21.3.96 addressed to the GM, Telecom, Rajahmundry.	IX	18 - 19
11.	Memo No.2-a/5/95-96/17 dated 26.3.96.	X	20
12.	Memo No.3/96-97/ dated 2.4.96 of the Medical Officer, P & T Medical Board.	XI	21
13.	Memo No.PTD/Disc/HC/96-97 dt. 24.4.96 of the Chief Medical Officer, P & T Dispensary.	XII	22
14.	Representation of the applicant dated 30.4.96 to the Chief Medical Officer, P & T Dispensary, Rajahmundry.	XIII	23

Hyderabad

Dated: 17.6.96


COUNSEL FOR THE APPLICANT

Application Filed w/s 19 of CAT Act 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA No. 869 of 1996

Between:

Gudala Suryanarayana, S/o Sambaiah,
aged about 37 years, working as Wireman,
Test Desk/Main Distribution Frame,
Telecom Deptt., Sanchar Bhavan,
Rajahmundry.

...Applicant

A N D

1. The Sub-Divisional Engineer [Phones],
Sanchar Bhavan, Rajahmundry.
2. The Sub Divisional Engineer (Phones),
Amalapuram.
3. The Divisional Engineer (Telephones),
(Maintenance), Rajahmundry.
4. The General Manager, Telecom,
East Godavari Telecom District,
Rajahmundry.

...Respondents

DETAILS OF THE APPLICANT:

Address for service of summons/
notices etc on the applicant:

Sanka Ramakrishna Rao,
Advocate, 1-1-1230/9,
Andhra Bank Lane, Chikkada-
pally, Hyderabad.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE OA IS MADE:

"This Application is against the inaction on the part of the respondents to make payment of leave salary due to the applicant in spite of the interim orders of this Hon'ble Tribunal dated 23.9.96 in OA 1282/95 and in view of the eligibility of the applicant for medical leave and payment in lieu thereof".

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which this applicant wants redressal is within the jurisdiction of the Tribunal under section 14 (1) (b) (ii) of the Administrative Tribunals Act, 1985.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in section 21 (1) (a) of the Administrative Tribunals Act, 1985.

G. Suryanarayana

4.1.1 It is respectfully submitted that the applicant joined the Telecom Deptt as Mazdoor (Casual) during the year 1978. He was promoted as regular mazdoor in the year 1983. The applicant, having been passed the departmental examination, was promoted to the cadre of Wireman during the month of Jan, 1990. Ever since, the applicant has been working deligently and sincerely without any complaints whatsoever from the superiors.

С. Скрыпачев

leave on medical grounds for the following spells:

- 1st spell for 30 days from 25.10.95 to 23.11.95
- 2nd spell for 15 days from 24.11.95 to 8.12.95
- 3rd spell for 15 days from 9.12.95 to 23.12.95
- 4th spell for 10 days from 16.12.95 to 25.12.95
- 5th spell for 20 days from 26.12.95 to 14.1.96
- 6th spell for 10 days from 15.1.96 to 24.1.96
- 7th spell for 20 days from 25.1.96 to 13.2.96
- 8th spell for 15 days from 14.2.96 to 28.2.96
- 9th spell for 15 days from 29.2.96 to 14.3.96
- 10th spell for 20 days from 15.3.96 to 24.4.96.

Instead of accepting the medical opinion of the DM & HO, surprisingly, the second respondent had directed the applicant to appear for medical check up once again. During the period between the 5th and 9th spells of leave, the applicant was directed to report to the DM & HO, Kakinada on 5.1.96, 16.1.96 and 26.2.96. As per the instructions, of the second respondent, the applicant reported at the office of the DM & HO on 5.1.96 and 26.2.96. Since the applicant is in badly need of money for his subsistence and to maintain his family, as he was on leave without pay and allowances for more than 5 months he obeyed the orders of the second respondent and visited the DM & HO on 5.1.96. But unfortunately, as the DM & HO was on camp at Rampachodavaram, the applicant was not examined and this fact was informed to the second respondent telegraphically. As the applicant was literally starving, on 8.1.96 he submitted a representation to the second respondent requesting him to make payment of pay and allowances for the leave period as 5 months have already been passed without pay and allowances, duly enclosing therewith the leave due letter of the deptt dt. 11.8.95, in which the leave account of the applicant was also forwarded.

4.3. It is further submitted that the second respondent, who is bent upon harrassing the applicant, instead of taking action on the medical reports and representations of the applicant, had again directed the applicant to appear for medical check up on 16.1.96. Since the

E. Suryanarayana

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applicant was not paid any allowances for several months, he informed the second respondent to grant him TA to visit the medical authorities as directed, well in advance. But he was not paid TA advance in spite of applying sufficiently in advance. The applicant has taken his difficulties in strides and as per the directions of the second respondent appeared before the medical authorities on 26.2.96 and 27.2.96 but the DM & HO is a touring officer, who has to administer the entire district. As such he was on tour on both these days and this fact was informed to the second respondent by the applicant for further instructions.

4.4. It is further submitted that at this stage, the applicant was in receipt of the interim orders in OA 1280/95 and with fond hope, he had represented to the General Manager to order for payment of his leave salary vide representation dated 21.3.96. No action has been taken on this representation and it is learnt that in order to avoid payment, the respondents are silent on the ground that the leave of the applicant was not settled by the respondents.

4.5. It is further submitted that in contravention to all rules and for the reasons best known to the second respondent, in furtherance of his harassment of the applicant, finally thought fit to refer the applicant to appear before the Medical Officer, P&T Dispensary, Rajahmundry on 2.4.96. Accordingly, the applicant attended the dispensary, who had referred the applicant's case to the Govt HQrs Hospital at Rajahmundry. On 3.4.96 when the applicant attended the Govt HQrs Hospital, Rajahmundry, medical check up was conducted and tests were conducted with samples of blood, urine and stool and consequently on 5.4.96, the test results were declared by the Govt Hospital duly prescribing medicines and giving the medical opinion that it is necessary for the applicant to have rest and issued certificate to this effect. Then with these reports, the applicant appeared before the P&T Dispensary, who have referred him to the Govt Hospital, Rajahmundry. The P&T Dispensary having gone through the report of the Govt Hospital had concurred with the opinion of the Govt Hospital and in turn advised the applicant to take rest and apply for leave as per the certificates issued by the Govt Hospital. These reports and

By. Suryanarayal

medical certificates were submitted to the second respondent by the applicant. Having done all this exercise, the respondents have failed to prove that the applicant was medically fit for duty but it is incumbent on them to accept this many medical opinions and should have granted leave duly making payment of the leave salary for all the spells mentioned above. In spite of the whole exercise, though the applicant had 240+15 days of EL and more than 150 days of Half Pay Leave to his credit, the entire leave was not sanctioned by the respondents nor the payment was made for the leave availed by him so far. The representation made to GM, Telecom, Rajahmundry on 21.3.96 had not been replied so far by the respondents. Hence, the applicant has no other alternative except to approach this Hon'ble Tribunal seeking redressal of his grievances.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1. It is submitted that consequent on the illegal transfer of the applicant, the name of the applicant was struck off from the strength of AE, Phones, Rajahmundry. The applicant had submitted his leave applications and medical certificates to the DE, Telecom (MTC), Rajahmundry as per the procedures in vogue. The vindictive attitude of the respondents is very well seen that the applicant was directed to apply for leave to the SDE (T), Amalapuram, even though the applicant had not joined the said sub-division consequent to his transfer, as he was on medical leave from the time that he had been transferred. It is a futile exercise on the part of the respondents to direct the applicant to submit his leave applications, medical certificates and anything in this regard to the second respondent, even without joining of the sub-division of the second respondent. Surprisingly, from the very beginning, the second respondent has been directing the applicant to appear for medical examination and subjecting the applicant to undergo various tests in various hospitals. The second respondent, assuming jurisdiction, had suffered the applicant, even without his joining the sub-division and had been directing the applicant to appear for medical tests, ~~which~~ without ascertaining and obtaining prior permission/intimation by the medical authorities, on the dates which were not convenient to the medical authorities themselves. Had the second respondent taken prior permission/intimation from the

By. Suryamahal

(10)

medical authorities to have the applicant medically examined on the dates suitable to them, the applicant would not have been subjected to various trips to the Govt Hospital, resultantly had to retain back as the DM & HO and the concerned authorities were not available at the HQrs of the Hospital due to their pre-occupation with the State Govt programmes such as P.V.P (Prajala Vaddaku Palana). Obviously, the respondents are not happy on the applicant's approach to this Hon'ble Tribunal on transfer matter. In order to compel the applicant to join duty, the respondents have resorted to dubious methods of subjecting the applicant to various medical tests and denying him the leave salary apart from payment of TA advance for attending the medical check ups. It is a matter of course that an official having sufficient EL/HPL at his credit, should be granted leave and there was no need for referring the official for second and third medical opinions and consequent the leave salary is paid to the official. In the present case, the applicant has at his credit 240+15 days of EL and more than 150 days of HPL. In the case of the applicant, the normal procedures were set at rest and a peculiar procedure was adopted by the respondents to harass the applicant with vindictive motives subjecting him to various harassments by way of subjecting him to medical tests for several times, not granting leave and not making payment of the leave that he has availed, in spite of the fact that the leave availed and the leave applied are supported by medical certificates. It is further submitted that this Hon'ble Tribunal was pleased to direct to sanction the leave and to make payment of the leave salary, instead of obeying the orders of this Hon'ble Tribunal, various misleading avenues were made in order to harass the applicant and force him to join duty at Analapuram. The whole exercise seems to be to subserve their interests thwarting the benefit of the orders granted by this Hon'ble Tribunal.

5.2. It is also a matter of surprise that there is no communication from the respondents to the applicant that the leave applied for by him was denied or not granted. In the absence of any such communication it has to be deemed that the leave was granted to the applicant according to the eligibility w.e.f, 25.10.95 and therefore, the applicant is entitled for payment of leave salary and allowances w.e.f, 25.10.95 as per his eligibility.

G. Suryanarayal

(16)

6. DETAILS OF REMEDIES EXHAUSTED: ~~On the directions of~~
~~the Hon'ble Tribunal in the case of M. S. Srinivasan vs. M. S. Srinivasan~~
 Aggrieved against in action of Respondents to sanction Medical leave
~~which was sanctioned~~ the applicant represented to the GM, Telecom,
 Rajahmundry on 21.3.96 requesting him to grant leave as applied for
 and to make payment of the leave salary and allowances there of as
 he was suffering without payment for several months, which was not
 responded and the respondents are keeping silent. ~~in spite of the order~~
~~of the Hon'ble Tribunal~~. Therefore, the applicant has no other alter-
 native and efficacious remedy except approaching this Hon'ble Tribunal
 for redressal of his grievances.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he had not previously filed
 any application, writ petition, or suit regarding the matter in respect
 of which this application has been made before any other court or
 any other authority or any other Bench of the Tribunal nor any such
 application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT: In view of the facts mentioned in para 4, the
 applicant prays for the following reliefs:

It is respectfully prayed that the Hon'ble Tribunal may be
 pleased to direct the respondents to grant the leave applied for by
 the applicant from 25.10.95 till date ~~and~~ to make payment of the salary
 and allowances as per his eligibility, as the applicant is suffering
 for pay and allowances for the last 5 months declaring the action of
 the respondents as arbitrary, unwanted, frivolous and is only a
 vindictive action of the respondents and in violation of the rules and
 be pleased to pass such other and further order or orders as the Hon'bl
 Tribunal may deem fit and proper in the circumstances of the case.

9. INTERIM RELIEF: It is respectfully prayed that the Hon'ble
 Tribunal may be pleased to direct the respondents to make immediate
 payment of the salary and allowances for any of the spells of leave,
 as an interim measure in order to sustain himself and his family,
 pending disposal of the OA and be pleased to pass such other and further
 order or orders as the Hon'ble Tribunal may deem fit and proper in
 the circumstances of the case.

By S. S. Yamayal

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10. NOT APPLICABLE
11. Particulars of the Postal Order:
 - a. PO No: 809567550
 - b. Date: 25-6-96
 - c. Fee: Rs.50/-
 - d. Name of the Office of issue: G.P.O. HYD
 - e. Name of the office payable at: G.P.O.
12. LIST OF ENCLOSURES: AS PER INDEX *1 for 50/-*

VERIFICATION

I, Gudala Suryanarayana, S/o Sambaiah, aged about 37 years, working as Wireman, T_est Desk, Main Distribution Frame, Telecommunications, Rajahmundry, do hereby verify that the contents of paras 1 to 4 and 6 to 12 are true to my personal knowledge and para 5 believed to be true on legal advice and that I have not suppressed any material facts.

Hyderabad

Dated: 4.6.96

G. Suryanarayana

SIGNATURE OF THE APPLICANT

[Signature]
COUNSEL FOR THE APPLICANT

Ant

(98)

DEPARTMENT OF TELECOMMUNICATIONS

From

To

Sub-Divisional Officer,
Telecommunications,
Amalapuram - 533201.
E-

The District Medical & Health
Officer, Kakinada.

E-3/LM-PM/90-96/330

dated 6.12.95

Sir,

Sub: Referring the case of Shri G.Suryanarayana,
Wireman, Telephones, transferred from Rajahmundry.
to Amalapuram Telephone Exchange.

Sri G.Suryanarayana, Wireman, who has transferred from
Rajahmundry to the Telephone Exchange, Amalapuram has been on
leave on medical grounds continuously from 25.10.95. The Medical
certificate issued by Dr.K.V.Rangaprasada Rao, RMP - Tummalaya,
Rajahmundry for 30 days w.e.f., 25.10.95 and also 15 days from
24.11.95 in originals are herewith sent. Sri G.Suryanarayana
Wireman is directed to appear before you for medical check up
on 15.12.95.

Hence, you are requested to kindly check up the official
and intimate the genuineness of his health. The medical certifi-
cate enclosed may please be returned after verification.

Yours faithfully,

Sd/-
(P.S.N.Murthy)
Sub-Divisional Officer,
Telecom, Amalapuram-533201
Phone: 21200

Encl: As above 2 MCs in originals.

Copy to:

1. G.Suryanarayana, Wireman, Telephones, Sidhardhanagar,
Rajahmundry. He is directed to appear before the DM & HO,
Kakinada on 15.12.95 for medical check up without fail.
2. DE, Telecom (Mtge), Rajahmundry, f/f/o/i,
3. SDE, Phones, Amalapuram, f/i
4. GM, Telecom, Rajahmundry, f/f/o/i.

///TRUE COPY///

T.C
B

Annexure I

Government of Andhra Pradesh
Medical & Health Department,

-:-

From
Dr. T. Appanna, M.B.B.S.,
Dist. Medical & Health Officer,
East Godavari, Kakinada.

To
The Sub Divisional Officer,
Telecommunications,
Amalapuram.

Re. No. Spl./E5/95, dated .12.95.

Sir,

Sub: Medical examination of Sri G. Suryanarayana, Wireman,
Telecom, Amalapuram - Regarding.

Ref: Your Lr. E5/LM-PM/90-96/330 dated 6.12.95.

I enclose herewith the medical examination report in respect
of Sri G. Suryanarayana, Wireman, Telecom, Amalapuram.

Yours faithfully,

Dist. Medical & Health Officer,
East Godavari, Kakinada.

Copy to Sri G. Suryanarayana,
Wireman, Telecom, Amalapuram.

T.C. L

DEPARTMENT OF TELECOMMUNICATIONS

From:

To

Sub-Divisional Officer,
Telecom, Amalapuram.

The District Medical &
Health Officer, Kakinada.

No. E-3/LM.FM/90-96/338

dt. 27.12.95

Sir,

Sub: Referring the case of Sri G.Suryanarayana, Wireman,
Telephones transferred from Rajahmundry to
Amalapuram, Telephone Exchange.

Sri G.Suryanarayana, Wireman, Telecom, who has been transferred from Rajahmundry to Amalapuram Telephone Exchange extended his leave on medical grounds for a period of 10 days w.e.f., 16.12.95 and further extended for 20 days w.e.f., 26.12.95. The medical certificates issued by the Medical Officer, Govt Distt. Hospital, Rajahmundry and Civil Asstt. Surgeon, Govt Distt HQrs Hospital, Rajahmundry are herewith sent in originals. Sri G.Suryanarayana, Wireman, Telecom is directed to appear before you for medical check up on 5.1.96. Hence, you are requested to kindly check up the official and intimate the genuineness of his health.

The medical certificates enclosed may please be returned after verification without fail.

The medical certificates sent vide this office lr.no. E-3/LM.FM/90-96/338 dt. 6.12.95 may also kindly be returned as the same are required for settling the leave case of the official.

Yours faithfully

Sd/-
(PSN Murthy)
SDO, Amalapuram

Encl: A/a 2 MCs in original.

Copy to:

1. G.Suryanarayana, Wireman, Telephones, Sidhardhamagar, Near Sarangadhara Metta, D.No.63-4-17, RMY. He is directed to appear before the DM&HO, Kd on 5.1.96 for medical check up without fail.
2. GM, Telecom, Rjy f/f/o/i.
3. DE, Telecom, Mtce, (Rural)-Rmy, f/f/o/i.
4. SDE, Phones, Amalapuram F/o.

///TRUE COPY///

T.C
/

SACIV (12) 16

From

G Suryanarayana
Wireman, Telecom
(on transfer to Amalapuram)
Ramadaspetta PG
Sidhardha Nagar
RAJAHMUNDRY-533 105

ALV

To

The Sub-Divisional Officer
Telecom
AMALAPURAM

Sir,

Sub: Medical Examination Report of D.M. & H.O. Kakinada -
submission for settlement of leave case and
affecting of pay and allowances - regarding.

I submit for favour of your kind Honour that I was directed
for 2nd Medical opinion at D.M. & H.O. Kakinada.

I have attended accordingly. The D M & H O authorities
have forwarded the report of the Medical Examination, as a
token of my attendance a letter bearing No.RC No.Spl./E5/95
dt. -12-95 from the said Office has also been given
to me.

I am forwarding the same for early settlement of my
leave case expecting that your goodselfs be pleased to cause
the payment of my leave salary avoiding the misery of starvation
of my family.

Thanking you Sir,

Yours faithfully,

G. Suryanarayana
(G. SURYANARAYANA)

Rajahmundry,

D/ 8-01-96.

Encl: 1. Letter of leave at credit.

Copy to D & E Telecom Maintenance
Pushkarghat, Rajahmundry.

TTC
L

DEPARTMENT OF TELECOMMUNICATIONS

ANV 13
17

From:

To

Sub-Divisional Officer,
Telecommunications,
Amalapuram - 533201.

The District Medical &
Health Officer,
Kakinada.

No.E-3/LM-FM/90-96/341

dated 5.1.96

Sir,

Sub: Referring the case of Sri G.Suryanarayana,
Wireman-Telephones, transferred from
Rajahmundry to Amalapuram Telephone Exge.

Ref: This office lr.No.E-3/LM.FM/90-96/338
dt. 27.12.95.

Sri G.Suryanarayana, Wireman-Telephones who has been transferred from Rajahmundry to Amalapuram, Telephone Exchange, was directed to appear before you on 5.1.96 for medical checkup as he has been continuously on leave on medical grounds wef., 25.10.95. The said official telegraphically informed to this office that he attended your office on 5.1.96 and you are on camp.

Hence, Sri G.Suryanarayana, Wireman-Telephones is again directed to appear before you for medical check up on 10.1.96 and as such you are requested to check up the official and inform the genuineness of his health. The medical certificates enclosed to the letter cited under reference may please be returned after verification without fail alongwith the medical certificate already sent vide this office lr.No.E-3/LM.FM/90-96/330 dt. 6.12.95 as they are required for settling the leave case of the official.

Yours faithfully,

Sd/-
(PSN Murthy)
Sub-Divisional Officer, Telecom
Amalapuram - 533201
Phone: 21200

Copy to:

1. Sri G.Suryanarayana, Wireman, Telephones, Siddardhanagar, Rajahmundry. Near Sarangadharametta, D.No.63-4-17-RMY. He is once again directed to appear before the DM&HO, KD on 10.1.96 for medical checkup without fail.
2. GM, Telecom, Rajahmundry f/f/o/i
3. DE, Telecom (MtgeP, Rajahmundry f/f/o/i
4. Sr.AO (Pay&TA), o/o the GM.T, RMY for information.

///TRUE COPY///

T.C
M

DEPARTMENT OF TELECOMMUNICATIONS

Regd. Post

From:

To

Sub-Divisional Officer,
Telecommunications,
Amalapuram- 533201.

The District Medical &
Health Officer,
Kakinada.

No.E-3/LM.PM-WM/95-96/12

dated 19.2.96

Sir,

Sub: Referring the case of Sri G.Suryanarayana, Wireman
Telephones transferred from Rajahmundry to Amala-
puram Telephone Exchange.

Ref: This office lr.No.E-3/LM.PM/90-96/341 dt. 5.1.96.

Kindly refer this office letter cited above Sri G.
Suryanarayana, Wireman-Telephones who has been transferred from
Rajahmundry to Amalapuram Telephone Exchange extended his leave
on medical grounds for the following periods:

1. EL on MC for 30 days w.e.f., 25.10.95 to 23.11.95
2. Extended for 15 days " 24.11.95 to 8.12.95
3. " 1/2 pay leave " 9.12.95 to 15.12.95
for 15 days
4. -do- 10 days " 16.12.95 to 25.12.95
5. -do- 20 days " 26.12.95 to 14.1.96
6. -do- 10 days " 25.1.96 to 24.1.96
7. -do- 20 days " 25.1.96 to 13.2.96
8. -do- 15 days " 14.2.96 to 28.2.96

The medical certificates issued by Civil Assistant
Surgeon of Govt Distt HO, Hospital, Rajahmundry are herewith sent
with originals from Sl.No.6 to 9. Sri G.Suryanarayana, Wireman-
Telephones is directed to appear before you for medical checkup
on 26.2.96. Hence, you are requested to kindly checkup the
official and intimate the genuineness of his health.

The medical certificates enclosed may please be returned
after verification alongwith the medical certificates sent vide
this office lr.No.E-3/LM.PM/90-96/330 dt. 6.12.95 and lr.No.E-3/
LM.PM/90-96/338 dt. 27.12.95 without fail as the same are required
for settling the leave case of the official.

Yours faithfully,

Sd/-
(PSN Murthy)
SDO, Amalapuram.

Copy to:

1. G.Suryanarayana, Wireman, Telephones, Siddardha Nagar, Near
Sarangadharametta, D.No.64-4-17-RMY. He is once again directed
to appear before the DM&HO, KD on 26.2.96 for medical chekcup
without fail.
2. GM, Telecom, Rjy f/f/o/i
3. DE, Telecom (Mtce), Rjy f/f/o/i
4. Sr.AO (Pay &TA), O/o GM T, Rmy for information.

///TRUE COPY///

From:
G. Suryanarayana,
Wire man, Telecom,
(on Transfer),
Sidhardha Nagar, Ramachandrapeta (P.O.)
RAJAJE MUNDRY.

To
The Sub-Divisional Officer,
Telecom,
AMALAPURAM.

Sir,

Sub:- Referring for medical check up - Requesting to
give minimum sufficient time in order to attend
before DM & HO, KD - Regarding.

Ref:- Your letter No.E-3/LM-PM-WM/95-96/12th at Amalapuram
the 19.2.96.

I humbly beg to submit that I was directed vide the
above referred letter to attend before DM & H.O for medical
checkup.

But your letter was in receipt at about 1345 Hrs. on
26.2.96; which duration of time is not at all enough to
carry out your orders.

Even then after contacting and contending with the
advise of Sri.Y.S.N.Murthy S.S., O/o S.D.O.Telecom, Amalapuram
at Phone No.21200. I went on 27.02.96 for appearing before
D.M. & H.O K.D accordingly.

But It is learnt that the D.M. & H.O. is on camp to
Amalapuram and I waited till evening and returned back.

Also the O/o D.M. & H.O Officials told me that I must
be once again be directed duly with out which there is no
possibility to me medically check.

Therefore I request you sir to kindly examine the
photostat copy of the cover of the above letter to satisfy with
the reason stated above and there by a date may be given
sufficiently in advance enabling me to carry out your orders.

Thanking you Sir,

RAJAJE MUNDRY.
Dt: 28-02-1996.

Yours faithfully,

G. Suryanarayana
(G.SURYANARAYANA)

28.2.96

ANNUL
No. 195

NOT INSURED

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Signature of Receiving Officer

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AN VIII 176
(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD
-DA. 1280/95.

Date of order: 23.2.1996.

Between:-

Gudala Suryanarayana ... Applicant.

And

1. The Sub Divisional Engineer (Phones),
Santhar Shevan, Rajahmundry.
2. The Divisional Engineer, Telephones
(Maintenance, Rajahmundry.
3. The General Manager, Telecommunications,
East Godavari Telecom District,
Rajahmundry.

... Respondents.

Counsel for the Applicant: Mr. S. Ramakrishna Rao

Counsel for the Respondents: Mr. K. Ramulu, CGSC.

CORAM:

HON'BLE SHRI H. RAJENDRA PRAASAD, MEMBER ADMINISTRATIVE

Hon'ble Tribunal made the following orders:-

Since sufficient time has been granted for
filing counter in this case and since it has been clearly
indicated on 13.2.96 that a counter has to be filed before 23.2.96, it is not considered necessary to grant two weeks
time for filing counter as requested by Sri. K. Ramulu.
It may be ensured that counter, if any shall be filed on
or before 7-3-96, failing which the facts as averred by
the applicant shall be regarded as correct and the case acco-
dingly disposed of.

It was mentioned on behalf of the applicant today
that certain spells of leave have already been sanctioned
but he has not received pay for the relevant period.

Learned Counsel for the petitioner may have these facts
checked and if any leave salary is due to the applicant,
action may be taken to disburse the same before the case
comes up for final disposal on 9-3-96.

.....2

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY. Registrar (Judl)

COURT OFFICER

कैलाश प्रसाद सिंह

Central Administrative Tribunal

हैदराबाद न्यायमंडल

HYDERABAD RENE 10

Copy to:-

6. One spare copy.

4. One spare copy.
Are filing cabinets in the office since it has been clearly
indicated that a master copy is to be filed before
kku.

KKU.

T. C. Reynolds

19
But to my misfortune the D.M & H.O was on camp, and the same matter was communicated through a letter dated 28.2.1996. In which letter I also requested the SDO Telecom to be kind enough to direct me at least giving sufficient time enabling me to travel and reach before D.M and H.O in time. But there after I don't have any direction.

But sir, I have appealed many times to order kindly for payment of my pay and allowances stopped since December, 1995., for no reason. Having been tired and having no other go appealed the Hon'ble Central Administrative Tribunal for giving a favourable order.

The Hon'ble central administrative Tribunal pleased to order accordingly having gone through the entire matters. A photostat copy of the same is herewith enclosed for favour of your ready reference and kind perusal.

Therefore I request you sir to kindly order for my pay and allowances sanctioning duly my Leave as such I am having full length of leave at my credit.

For kind act of which I shall ever remain grateful.

Thanking you sir,

Yours faithfully,

C. Suryanarayana
(C. SURYANARAYANA) 21-3-96
WIREMAN, TELECO.

STATION: RAJAHMUNDRY

DATE: 2 21.3.96.

RECEIVED
DISPATCH CLERK

General Manager Telecom
Rajahmundry - 533 130

From

Gudala Suryanarayana, Emp. No. 12207,
Wardhan, Telecom.,
Siddhartha Nagar,
Rameswaram post,
RAJAHMUNDRY.

To

The General Manager,
Telecom.,
RAJAHMUNDRY.

Sir,

Sub:- Request for Orders for affecting of pay & Allowances
stopped since December, 1995 - Regarding.

Ref:- Orders of the Hon'ble Tribunal O/OA/ 1280/95
dt. 23.2.96.

I humbly beg to submit for favour of your kind perusal that
I have applied leave on Medical Grounds w.e.f. 25.10.95.
Afterwards I was directed to appear before D.M & H.O, Kakinada
for medical checkup on 15.12.1995.

Accordingly I attended. But I could not join at Amalapuram
on the following day on account of illness and I approached the
Government Hospital at Rajahmundry. After examining me and my
out patient child the Medical officer, Government District Hospital,
recommended leave and issued a Medical Certificate to that extent.

Since then I am attending the Government Hospital at
Rajahmundry and as per the Medical opinion and recommendation
of the Civil Assistant Surgeon. I am applying for leave on the
same grounds. But mean while again I was referred for Medical
check up directing me to attend before D.M & H.O, Kakinada on
5.1.1996. Accordingly I attended but the D.M & H.O is on camp.
Till evening I was there at the office and returned which matter
has been informed through a Telegram. Later on, I was again
directed to attend before D.M & H.O on 16.1.1996. For which
I applied for advance of T.A & D.A in advance. But I could not
be paid T.A advance in time, Hence having been unable to go with-
out money for minimum expenditure, I expressed my inability
through a Telegram.

Subsequently, I was again ordered to appear on 26.2.96
before D.M & H.O, Kakinada. This time the letter was in receipt
by to me on 26th Feb'96 at 1345 Hours., and the time left behind
was quite insufficient to reach Kakinada on the said date i.e.
and therefore informing this to O/O. SDO Telecom, Amalapuram
by phone, and after having been advised by them to attend
D.M & H.O Kakinada the next day i.e. on 27.2.1996. I
moved to Kakinada for appearing before D.M & H.O for Medical
checkup.

...n t

Annexure VII

ANX

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Rajal

प्र ध्यवहार

दूर संचार विभाग

Corr-22

Department of Telecommunications

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Sub-Divisional Officer,
Telecommunications,
Amalapuram. 533, 201

Sri G. Suryanarayana, Wireman.
Telecom. Department.
Sidhardhanagar, Ramdaspota post.
RAJAHMUNDRY.

Noble Agencies Hyd. 2

प्र संख्या No. Q-a/5/95-96/17

Date Dated at APM the 26-3-96

Sub:- Attending before Medical Officer,
P & T Dispensary, Rajahmundry for
Medical check up.

You are hereby directed to appear before the Medical
Officer, P&T Dispensary-Rajahmundry during working hours on dt.
2-4-96 for medical checkup without fail.

Sub-Divisional Officer,
Telecommunications,
Amalapuram.

Copy to:

- 1) Medical Officer, P&T Dispensary-Rajahmundry for information.
He may please checkup the official and intimate genuiness
of his health.
- 2) G.M. Telecom. Rajahmundry for favour of information. This is
w.r.to GMT-PY Lr. NoE/MCS/GSN/95-96/86 dtd. 22-3-96
- 3) D.E. Telecom. (Mce.) Rural Rajahmundry- E/E/C/1.

File

ANNEX

95
21

XI

ANNEXURE.. IX

DEPARTMENT OF POSTS :: INDIA ANDHRA PRADESH.

P&T DISPENSARY RAJAHMUNDRY.

No

3

96.92/

Dated at Rajahmundry The.

2/1/74

Sri/Smt

G. S. Srinivas

Beneficiary

of this Dispensary Vide Identity Card No 99. Who in my opinion is suffering from PUO - 3 Mts is referred to you for investigation and Diagnosis/Indicating the treatment indoor treatment since facilities for such investigation/Diagnosis/Indoor treatment are not available at the Dispensary.

Attention is invited in this connection to be instructions contained in the Ministry of Health & Family Planning Development of Health) Letter No 4025/23/73-MDm, Dated The 9th Aug 1975, addressed to all State Government, Union Territory Admin Etc, whereby Specialist Medical Officers are required, as per the instructions to prescribe Medicines included in the P&T Dispensaries, It is considered necessary to prescribe Medicine outside the formulary, such Medicines may be Marked as "ESSENTIAL" on the prescription itself with your signature.

It may please be noted that the Beneficiaries of this Dispensary are entitled for free supply of all Medicines supplied from this Dispensary and that except where a particular branch special Medicine which is considered essential marked as "ESSENTIAL" under your dated signature. This Dispensary is authorised to issue substitute included in the P&T formulary.

CHIEF MEDICAL OFFICER IN CHARGE

P&T DISPENSARY RAJAHMUNDRY.

Sd/-
G. S. Srinivas R. Jy

T. C. K.

भारतीय डाक विभाग/DEPARTMENT OF POSTS INDIA

कार्यालय/Office of the Chief Medical Officer, Enclosure
P & T Dispensary, Rajchurnagar

To
Sri G. Subramanyam/
Wireman, (Tel. Room Dept.)
Siddharthnagar, Ramdaspete
Rajchurnagar - 3

No: Pro/Dep/HC/96-97 Ref: At Regd 24-4-

Subj: - operation on Health Card
Submitted by G. Subramanyam
Ref: -

- The undersigned is directed to submit details of treatment and investigation etc. available with you in connection with medical certificates submitted by you to the department at the time of your appearance before undersigned on 2-4-96. No response has been received by you so far, you are once again asked to submit the same within 3 days, otherwise a decision will be taken in this regard. P. R. R.

Chief Medical Officer,
P & T Dispensary
Rajchurnagar-533 101.

For

From:

G.Suryanarayana,
Wireman, Telecom,
Sidardha Nagar,
Ramdaspetta (PO),
Rajahmundry.

To

The Chief Medical Officer,
Incharge, P & T Dispensary,
Rajahmundry.

Sir,

Sub: Submission of available details for opinion on
health certificates - Regarding.

Ref: Your lr.No.PTD/Discp/^{1st}Q/96-97 dt. 24.4.96.

....

As desired by you vide your letter cited supra in
reference colum I Iam herewith submitting some of the Diagnosis
and prescription papers given by medical officer, Govt Hqrs
Hospital, Rajahmundry.

- Enclosures: 1. 'OP' Chit of Govt Hospital dt. 16.12.95.
2. 'OP' Chit of Govt Hospital dt. 26.12.95
3. Diagnosis and prescription dt. 25.1.96
4. -do- -do- dt. 29.2.96
5. 'OP' Chit of Govt Hospital dt. 3.4.96
6. Photostat copy of P & T Dispensary book of
entry dt. 6.4.96.

The same may kindly be considered for favour of necessary
action and recommendation.

Thanking you, Sir.

Yours faithfully,

Rajahmundry
Dated: 30.4.96.

Sd/-
(G.SURYANARAYANA)

///TRUE COPY///

T.C
15

(28)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

C.A. No. 869/96

T.A. NO.

DATE OF DECISION 1-10-96.

G. Suryanarayana (PETITIONER (S))

Mr. S. Ramakrishna Rao ADVOCATE FOR THE PETITIONER(S)

VERSUS

① The Sub-Divisional Engineer,
(Phone), Sanchar Bhavan, Rajahmundry
and 3 others. RESPONDENT (S)

Mr. K. Ramulu, Add. Secy ADVOCATE FOR THE RESPON-
DENT (S).

THE HON'BLE Mr. Rangarajan : Member (A)

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgement ?
4. Whether the Judgement is to be circulated to the other Benches ?

Judgement delivered by Hon'ble

1
HRRW
M(A)

79

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

.. ***

O.A. 869/96.

Dt. of Decision : 01-00-96.

Gudala Suryanarayana

.. Applicant.

Vs

1. The Sub-Divisional Engineer
(Phones), Sanchar Bhavan,
Rajahmundry.
2. The Sub-Divisional Engineer
(Phones), Amalapuram.
3. The Divl. Engineer (Telephone),
(Maintenance), Rajahmundry.
4. The General Manager, Telecom,
East Godawari Telecom District,
Rajahmundry.

.. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. K. Ramulu, Addl. CGSC.

CORAM:

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

1

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-2-

ORDER

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

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.M.P.Ali for Mr.K.Ramulu, learned counsel for the respondents.

2. The applicant was transferred from Rajahmundry to Amalapuram. But he had not carried out his transfer and he filed OA.No.1280/95 on the file of this Bench challenging the transfer order. That OA was dismissed. However the applicant applied for medical leave on 10 occasions as indicated in Page-3 of the OA. It is stated that the pay ~~of~~ for the above spells though he has got leave to his account has not been paid treating that period as leave due to him on medical account.

3. This OA is filed praying for a direction to the respondents to grant leave applied ^{by} for the applicant from 25-10-95 to till date and to pay the salary and allowances as per his eligibility.

4. The respondents ^{have} ~~are~~ filed the reply. The reply is not very clear whether the leave applied for can be granted are not if medical certificate is produced. The learned counsel for the respondents submits that during the period mentioned in page-3 of the applicant he was on unauthorised absence and the medical authorities found him fit during that period. Hence the leave was not granted. The learned counsel for the respondents when questioned whether the respondents will grant him leave for the period he was certified as unfit by the medical authorities either of the P&T Dispensary or the State Government Dispensary (DMHO) the learned counsel for the respondents could not give any satisfactory reply.

..3

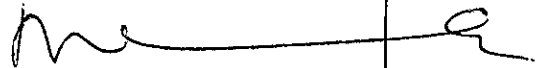


Before joining in
the new place
or posting

5. In view of the above circumstances, ~~I feel~~ the OA ~~can~~ be disposed of as follows:-

R-4 should look into this case of granting leave to the 10 spells indicated in page-3 of the OA. If he has a valid medical certificate issued either by the Doctor in the P&T Dispensary or the State Government Doctor (DMHO) that period should be treated as leave due to him either full pay or commuted leave as per his eligibility. He should be paid for that period within a period of three months from the date of receipt of a copy of this order.

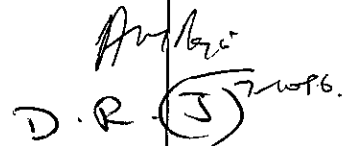
6. The OA is ordered accordingly. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 01th October 1996.
(Dictated in the Open Court)

spr


D.R. (J) 7-10-96.

..4..

O.A.NO.869/96

Copy to:

1. The Sub Divisional Engineer,
(Phones) Sanchar Bhavan
Rajahmundry.
2. The Sub Divisional Engineer,
(Phones), Amalapuram.
3. The Divisional Engineer, (Telephone),
(Maintenance), Rajahmundry.
4. The General Manager, Telecom,
East Godavari Telecom District,
Rajahmundry.
5. One copy to Mr.S.Ramakrishna Rao, Advocate,
CAT, Hyderabad.
6. One copy to Mr.K.Ramulu, Addl.CGSC,
CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

YLKR

22/10/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 1.10.96

ORDER/JUDGEMENT
O.A. NO. / R.A / C.P. No.

in

O.A. NO. 869/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

