

Annexure 4

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
AT HYDERABAD

ORIGINAL APPLICATION NO. 710/97

DATE OF ORDER : 09-06-1997.

Between :-

1. Lakshmana Rao

.. Applicant

And

Union of India rep. by

1. Secretary - Min. of Defence,
HQ P.O. New Delhi - 110 011.

2. Engineer-in-Chief, Army Head Quarters,
Kashmir House, HQ P.O., New Delhi - 110 011.

3. The Chief Engineer, Southern Command,
Pune 411 001.

.. Respondents

Counsel for the Applicant : Shri KSR Anjanayulu

Counsel for the Respondents : Shri Kota Bhaskar Rao, Addl. CCSC.

CERTIFICATE:

THE HON'BLE SHRI H. RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI D.S. JAI PARAMESHWAR : MEMBER (B)

(Order per Hon'ble Shri H. Rangarajan, Member (A)).

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(Order per Hon'ble Shri R. Rangarajan, Member (A)).

Heard Shri K.S.R. Anjanayulu, counsel for the applicant
and Shri Kote Bhaskar Rao, standing counsel for the respondents.

2. The applicant in this O.A. joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 1-10-1944. At that relevant time there were only two grades ~~were~~ available viz LDC and UDC. In 1944 on account of restructuring of the department, ^{three grades namely} A, B and C. This classification of A, B and C was done ⁱⁿ pursuance to the instructions of the unified scales introduced by the then Govt. of India memorandum dt. 19-6-1944. Thereafter Varadacharyu ^{the} Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new pay scales were introduced some time in the year 1947. As a result of which all the 3 grades were abolished and in their place 2 grades viz LDC and UDC were introduced. The recommendations of Varadacharyu ^{the} Pay Commission were accepted by the Respondents with effect from 1.1.1947. It is an undisputed fact that A and B grade clerks were equated with the clerk of UDC whereas C grade clerks were equated to LDC and their pay scales were Rs. 80-220 for UDC and Rs. 55-130 for LDCs respectively. At the relevant time, the applicant was serving as Grade B ~~as~~ and that his contention is that he should be treated as UDC as on 1-1-47. Though he was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the applicant as LDC thereby down grading his position. This, the applicant submits ~~is~~ is contrary to the recommendations of

....3.

the commission.

This U.A. is filed for the following reliefs:-

- (i) to direct the respondents to classify him as WDC with effect from 1.1.1947;
- (ii) to re-fix his pay in the scale of WDC and grant increments as and when due;
- (iii) to calculate the difference in arrears of pay arising due to re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt.4.11.87 (Annexure-4 to OA) and also as ordered in the LAT Bombay in OA 1037/92 dt.28.9.95 and 15.4.96 (Annexure-7, page-1A to OA) and also in OA 501/93 of Calcutta Bench Judgement dt.3.1.94 and to pay other consequential benefits arising out of the above.

4. It is an admitted fact by both sides that this U.A. is Judgement in OA 1037/92 of covered by the/Bombay Bench of the Tribunal. But the learned counsel for the respondents submit that the applicant has filed the representation to follow the judgement of the Bombay Bench of the Tribunal read with the judgement of the Supreme Court dt.4-11-87 in Civil Appeal No.4201/85 in regard to payment of arrears. He further submits that a direction may also be given to dispose of the representation following the judgement of the Bombay Bench and Supreme Court. In fact this would mean that the respondents have to follow the directions fully and except that they have no other alternative. Instead of giving such a direction, this Bench itself can give direction to follow the Judgement of the Bombay Bench of LAT and Supreme Court in regard to payment of arrears. In view of the above, the OA is

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disposed of at the admission stage itself directing the respondents to follow the judgement of the Bombay Bench of CAT in UA 1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt.4.11.87 in Civil Appeal No.4201/95.

5. U.A. ordered accordingly at the admission stage itself.
No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

प्रमाणित अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
पुणे
HYDRABAD BENCH

0.10.10/2
2/c/10
10/10

Annexure 5

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Telephone: 625781/2704

COURT CASE
MOSRAJ GENT.

Dakshin Karmn Mukhiyalaya
Engineer Shakti
HQ Southern Command
Engineers Branch
Pune-411 001

171301/17/JUDGEMENT/EIR (Pay Coord)

01 Sep 97

1997

Chief Engineer
Pune Zone
PUNE-411 001

Chief Engineer
Hyderabad Zone
Parade Grounds
Sardar Patel Road
SECUNDERABAD-500 003

Chief Engineer (Navy)
26, Assaye Building
Colaba,
MUMBAI-400 005

IMPLEMENTATION OF COURT JUDGEMENT
RECLASSIFICATION OF "B" GRAD
FROM 01-01-1947

1. Reference this HQ letter No. 171301/16/Legal Cell/
EIR (Pay Coord) dated 07 Jun 97 excluding Chief Engineer
Hyderabad Zone, Secunderabad.
2. The OAs in respect of individuals as per Appendix 'A'
to this letter have been disposed off by CAT Mumbai/CAT
Hyderabad in favour of the applicants vide Judgement dated
11 Jun 97.
3. Further, some applicants have also filed MP in
CAT Mumbai, and revision of earlier Court Judgement is
expected shortly.
4. To implement the Judgement well in time and to avoid
contempt of court, following action need to be taken by all
respondents/Zonal CES on a TOP PRIORITY basis:-
 - (a) Obtain Judgement from CAT Mumbai/Hyderabad for
all cases pertaining to their Zone.
 - (b) Obtain legal opinion of respective CGS on the
Judgement delivered by CAT Mumbai/Hyderabad.
 - (c) Prepare Statement of Case covering all aspects
and forward the same alongwith one copy of the Ca.
Judgement, legal opinion and the relevant documents
direct to the D-In-C's Branch, New Delhi (with a copy
of all these documents to "Legal Cell" of this HQ)

contd....2/-

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17 MTD
ALLAHABAD.

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Govt Orders/Sanction for implementation of Government which involved the following action

Indication of pay fixation was 1-1-1947 and submission to audit authorities.

(i) Approval of pay fixation.

(ii) Preparation and submission of pension claim to CDA based on the drawn and due statement.

(iv) Obtaining Govt Sanction for charged expenditure.

(v) Payment of arrears to the applicants.

(vi) Revision of pension and other terminal benefits.

As soon as pay fixation is initiated by this HQ, your HQ will be directed to collect the pay fixation proforma and Service Books from this HQ for handover to the concerned audit authorities for their approval.

(c) Meanwhile, instruct all the last formations where served/retired to keep the arrears bill ready alongwith pay drawn and due statement from 1-1-1947 upto the date of retirement. Claim is required to be submitted to the audit authorities alongwith the Service Book, approved pay fixation copy, pay drawn and due statement, amendment to LPC alongwith the Govt Sanction for their audit.

(f) In case of non-availability of paid DVs/ pay bills, entries made in the Service Book be taken for preparation of pay drawn and due statement and if need be, paid DVs held by audit authorities may be verified for this purpose.

(g) On receipt of CDA's approval, publish casualty (sample PTO attached for reference) in PTO and submit respective audit authorities and get it passed by personal liaison.

(h) Also instruct formations to get all above actions completed in all respect by personal liaison and render co-operation to audit authorities if asked by them to avoid contempt of court at later date.

(j) Zonal CEs are responsible to progress the case for obtaining the charged expenditure from E-in-C's Branch/Ministry of Defence through their audit auth.

(k) Any other action other than those referred above, in implementation of Judgement within stipulated period should also be taken promptly. Please also note that sufficient time should also be given to this HQ to obtain the revision of pensionary awards from CDA(P) Allahabad.

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SECTION

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(3) Instances of instructions to return service books to this HQ alongwith the copy of approval for fixation, and LPO duly filled & LPO sent to the authorities with a copy of PTO under which casualty awards fixed & pay and subsequent steps of settlement have been notified for processing of pension and gratuity claims.

5. All above court cases are to be monitored at Zonal HQ level and weekly progress report should be submitted on every Saturday through fax for perusal of CC/CC(P) of this HQ on same date.

6. Please ask receipt.

Jasbir Singh
(Jasbir Singh)
Col
Col (P) (P) (P)
For Chief Engineer

INTERNAL
COPY

1. Pay Fixation
(LIR)

-- Please collect all Service Books of above named indls as per Appendix 'A' to this letter from NE Group and keep the pay fixation ready duly completed in all respect, so that these pay fixation cases can be handedover to the Zonal CEs for getting approval from the respective audit authorities.

2. Pen Gp-I

-- For necessary action, on receipt of PTO notifying the casualties of approved pay fixation for initiation of revision of pension awards in r/o above named indls. These awards are required to be obtained by personal liaison with CCDA(P) Allahabad, within time limit given by CMT.

3. EIO(S)

-- Please take appropriate action to keep the arrears bill ready alongwith the pay drawn and due statement in r/o affected indls of this HQ and get them passed from CDA SC Pune by personal liaison on receipt of approved pay fixation proforma. The case for charged allotment expenditure should also be initiated at your level to obtain the Govt. Sanction.

4. Legal Cell

-- For information.

5. LIH(R-DPC)

-- As per the judgement, seniority & promotion has to be considered & benefits arising out of promotions is also to be given to the applicants. As such, please examine the promotion aspects in r/o all affected indls as mentioned in Appendix 'A' to this letter.

2. EI(Rec) be kept intimated on the progress of DPC for taking necessary action at their end.

Contd.....4/-

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and interpretation and necessary action, along with a copy of Appendix 'A' ONLY.

100-411

LES No. 11 and
Designation

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1	2	3	4	5	6	7	8	9
			COMPTD. PUNE:					
9.	Shri VD Purnane, O/S	29.12.74	CE SC Pune	793/96	11.05.97			
10.	Shri AB Parlekar, O/S	30.04.79	"	"	"			
11.	Shri AK Patil, O/S	26.02.81	"	"	"			
12.	Shri NS Desai, UDC	31.07.81	"	"	"			
13.	Shri MM Gandhi, UDC	12.12.70	C&E Pune					
14.	Sat KM Dani, w/o Lt. Shri D. Inchev, UDC	(Vol. Retd) 31.10.80	C&E Pune (CE Pune Zone)					
15.	Shri KV Vasudevan, OT	31.07.82	CE SC Pune	194/97				
16.	Shri T. Krishnan Fair, AO II	29.02.84	"	"	"			
17.	Shri T. Ramani, AO II	03.04.80	CE Pune Zone	348/97				
18.	Shri SD L. Ramgar, O/S	30.11.78	CE SC Pune	1206/96				
19.	Shri NV Vardac, UDC	31.08.79	"	"	"			
20.	Shri FK Fair, UDC	31.08.79	RM Khadga- wasli	195/97				

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SC PUNE-411/001

COURT CASES 'B' GRADE CLERKS WEF 1-1-1947

Appendix 'A'

Sr. No.	IES No. Name and Designation	Date of Retirement	Last formation where served/retired	Sl. No. & Date	Date of Judgement	MP NO. & Date	Date of Judgement of MP	Remarks
1	2	3	4	5	6	7	8	9

CHIEF ENGINEER (NAVY) MUMBAI:-

1.	12055 Shri R. Nair	31.12.85	CWE Mumbai	461/94	11.06.97			
2.	11610 Shri F. Ramanna Shetty, OS-II	31.05.81	GE(P) No.1 Mumbai	"	"			
3.	3459754 Shri Karuvankhat Chandran Nair, AOII	31.05.79	CE(Navy) Mumbai	"	"			
4.	31257 Shri RG Kulkarni, UDC	31.05.79	GE(North) Mumbai	"	"			
5.	32024 Shri Jappu Shanker, UDC	30.06.78	LGMS. Mumbai	"	"			
6.	31883 Smt S. S. D. Daywant, O/S	31.12.76	GE(North) Deolali (CS Pune Zone, Pune)	"	"			
7.	30980 Shri Gopal Krishna Avchar, O/S	31.03.74	GE(North) Mumbai	"	"			
8.	32157 Smt Manorama Bade, W/O Late RD Bade, O/S	31.12.80	CWE(NW) Mumbai	"	"			

12/-

CHIEF ENGINEER HYDROELECTRIC POWER, SECUNDERABAD:

21. Shri H. Lakshman Rao, O/S	30.09.82	CWE (A.P) Hyderabad Secunderabad	710/97	09.06.97
22. Shri S. Rama Rao, UDC	01.12.67	GE Golconda	711/97	"
23. Shri N. Vishwanathan, UDC	31.08.74	CWE (A.P) Secunderabad	712/97	"
24. Shri K. Thirumurthy, O/S	30.06.82	CWE Sec'bad	713/97	"
25. Shri K. Venkatram, UDC	31.05.76	CWE Sec'bad	714/97	"
26. Shri T. Satyanarayana, O/S	31.05.83	GE Golconda	715/97	"
27. Shri CV Gopalakrishna Rao, O/S	31.12.82	GE (South) Secunderabad	723/97	16.06.97

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SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE ZONE
PUNE-411 001

FIRST PAGE
SPECIAL PART II ORDER
SER.NO.19/S/96
Dated 20 SEPTEMBER 1996

LAST SPL.PART II ORDER PUBLISHED SER.NO.10/S/96 DATED 10 SEP 96.

LES No	Name	Category & Grade	Date wef.	Casualty Particulars
1				
2				
3				
4				
5				
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PART II
(SPL. CENTRALISED)

FIXATION ON PAY/RE-FIXATION OF PAY CONSEQUENT
ON RE-CLASSIFICATION OF FIRSTWILE 'D' GRADE
CLERK AS UNDER DIVN. CLERKS WEF.01 JAN 47

REF CE PZ PUNE SPL.
PTO.NO.10/S/1/96
DATED 19 AUG 96

32090 Shri. KP
MAHESHWARI UDC TY
(LDC Opt) 01 Jan
40 (FN)

(REMOVED ON 22 MAR 90 (AM))
UNDER COL.NO. 5 & 6

Pay fixed/re-fixed of
pay, Consequent on
re-classification of
erstwhile 'D' Grade Clerks
as UDCs wef.01 Jan 40
at Rs.90/-pm, in the
scale of Rs.80-5-120-ED-
U-200-10/2-220, with
date of next increment
on 21 Sep 48, provided
no non-qualifying
service intervenes.

21 Sep 1954 Gtd.annual increment
of Rs.9/-pm, raising
pay from Rs.120/- to
Rs.129/-pm, in the
above scale.
(ALLOWED TO CROSS ED)
21 Sep 1955 Gtd.annual increment
of Rs.9/-pm, raising
pay from Rs.129/- to
Rs.138/-pm, *
21 Sep 1956 Gtd.annual increment
of Rs.9/-pm, raising
pay from Rs.138/- to
Rs.147/-pm, *
21 Sep 1957 Gtd.annual increment
of Rs.9/-pm, raising
pay from Rs.147/- to
Rs.156/-pm, *
21 Sep 1958 Gtd.annual increment
of Rs.9/-pm, raising
pay from Rs.156/- to
Rs.165/-pm, *

Gtd. annual increment
on NOTIONAL BASIS of
Rs.5/-pm, raising pay
from Rs.90/- to 95/-pm,
in the scale of Rs.80-5-
120-EU-2-200-10/2/220.
Gtd.annual increment of
Rs.5/-pm, raising pay from
Rs.95/- to 100/-pm, *
Gtd.annual increment of
Rs.5/-pm, raising pay from
Rs.100/- to 105/-pm, *
Gtd.annual increment of
Rs.5/-pm, raising pay from
Rs.105/- to 110/-pm, *
Gtd.annual increment of
Rs.5/-pm, raising pay from
Rs.110/- to 115/-pm, *
Gtd.annual increment of
Rs.5/-pm, raising pay from
Rs.115/- to 120/-pm, *

* All increments gtd. from
21-09-40 to 21-09-50 is
on NOTIONAL BASIS ONLY.

Adm. Officer
.....2/-

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U-256-2

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE ZONE

on : PUNE- 411 001

SECOND PAGE
SPECIAL PART II ORDER
SER.NO.19/S/96
Dated 20 SEPTEMBER 96

PART II (CONTD)
(SBS CENTRALISED)

FIXATION OF PAY/RE-FIXATION OF PAY (CONTD)

1. Casualty contd. from last page No.1

Shri K. Mahajag, UDC ty
(LDC Opt)
contd.....

01 Jul
59 (FN)

Pay fixed under C.D.S.
Revised pay Rules-1960
Pay fixed at Rs.216/-
per month with effect
from 01 Jul 59 (FN), in
the scale of Rs.130-150-
160-0-200-ED-0-256-ED-
0-200-10-300, with date
of next increment on
21 Sep 59, provided no
non-qualifying service
intervenes.

UNDER COL.NO. 5 & 6

21 Sep
1967 Gtd.annual increment of
Rs.10/-pm, raising pay
from Rs.200/- to 290/-
per month in the scale
of Rs.130-5-160-0-200-
ED-0-256-ED-0-200-
10-300.

21 Sep
1959

Gtd.annual increment
of Rs.0/-per month
raising pay from
Rs.216/- to 224/-pm, in
above scale.

21 Sep
1960 Gtd.annual increment of
Rs.10/-per month raising
pay from Rs.290/- to
Rs.300/-pm, in the above
scale.

21 Sep
1960

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.224/- to 232/-pm,

21 Sep
1961

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.232/- to 240/-pm,

21 Sep
1962

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.240/- to 240/-pm,

21 Sep
1963

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.240/- to 256/-pm,

21 Sep
1964

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.256/- to 264/-pm,

21 Sep
1965

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.264/- to 272/-pm,

21 Sep
1966

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.272/- to 280/-pm,

Agm Offr-II
.....3/-

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SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE ZONE

Station : PUNE- 411 001

THIRD AND LAST PAGE OF
SPECIAL PART II ORDER
SER.NO.19/S/96
Dated 20 SEPTEMBER 1996

PART II (CONTD)
(SBS CENTRALISED)

FIXATION OF PAY/RE-FIXATION ON PAY.. (CONTD)

1. Casualty contd. from page No.2. 01 Jan 1973

Shri KP Mahajan, USC Ty
(LDC Opt)

Contd.

Pay fixed under C.D.S.
(Revised Pay) Rules-1973
pay fixed at Rs.515/-pm,
wef.01 Jan 73 (FN) and
then re-fixed at Rs.530/-
per month wef.02 Jan 73
in the scale of Rs.330-
10-300-EJ-12-500-ED-
15-560, with date of
next increment on
02 Jan 1974, provided
no non-qualifying
service intervenes.

Further increments granted
as under:-

* 01 02-01-73 raising pay to Rs.530/-pm.
02-01-73 raising pay to Rs.545/-pm,
02-01-74 raising pay to Rs.560/-pm,
(Max)

* Since the individual retain more than
2 years at the maximum pay in the
revised scale (i.e. Rs.300/-), he is
entitled for 2 increments as on
02/1/73 in the revised scale under
RRM-1973.

Authy:- CDA SC Pune Letter No P/1/3/7055/Fix/P-22 dt 19 Sep 96
received under CE SC Pune letter No.170101/27/KP Mahajan/
EIR (P/F Op-III), dated 20 Sep 96.

" PART II ENDS WITH SER.NO. 1 "

No.18579/E10(S)

Dated - 20 Sep 96.

Distributions:-

CE SC Pune - 411 001, CDA SC Pune - 411 001 (pay/3/3)
Internal:- E10 (Pay), Cashier, Guar. Book,

NCI/*

Mahajan
(CN Dhagat)
Prashasan Adhikari -2
Adm Officer- II (Adm)
Kruto Mukhya Engineer
for Chief Engineer

SPECIAL PART II ORDER

Unit : CHIEF ENGINEER
PUNE ZONE
Station : PUNE- 411 001

FIRST AND LAST PAGE
SPECIAL PART II ORD
SER.NO.04/S/97
DATED 09 APRIL 1997

(LAST SPL.PART II ORDER PUBLISHED SER.NO.03/S/97 DATED 20 FEB 97)

Sl. No.	MSG No	Name	Category & Grade	Date wef.	Casualty Particulars
1	2	3	4	5	6

PART II
(SBs CENTRALISED)

RECLASSIFICATION OF PAY/RE-FIXATION OF PAY CONSEQUENT ON RE-CLASSIFICATION OF ERSTWHILE 'B' GRADE CLERKS AS UPPER DIVN. CLERKS WEF.01 JAN 47 (ADDENDUMS/AMENDMENTS)

REF. CEPZ PUNE SPL. P.T.2.
NO.19/S/01/96
dated 20 Sep 96 add the
THE FOLLOWING:-
UNDER COL.No. 5 & 6

1. 32090 Shri KP UDC Ty
MAHAJAN (LDC Opt)

(Retired on 31 Mar 80 (AN))

*** UNDER COL.NO. 5 & 6

01 Sep 47 (FN) Granted annual increment of Rs.5/-per month raising pay from Rs.05/- to Rs.90/-pm, in the scale of Rs.05-5-120-EB-8-200-10/2-220.

'FOR'
31 Jan 48 (FN)

Pay fixed/re-fixed of pay consequent on re-classification of erstwhile 'B' Gde Cler. as UDCs wef. 01 Jan 47 at Rs.90/-pm, in the scale of Rs.00-5-120-10-200-10/2-220, with effect of next increment on 21 Sep 40, provided non-qualifying service intervenes.

then contd. as per CEPZ SPL PTO.NO.19/S/01/96....

'READ'
01 Jan 47 (FN)

Pay fixed/re-fixed of pay, consequent on re-classification of erstwhile 'B' Gde Cler. as UDCs wef. 01 Jan 47 at Rs.85/-pm, in the scale of Rs.05-5-120-10-200-10/2-220, with effect of next increment on 21 Sep 47, provided non-qualifying service intervenes.

Authy:- CDA SC Pune letter No. P/1/3/7055/Vijay dated 25 Mar 97 received under CESC Pune letter No. 170101/27/KPM/40/E1R (E/F Gp.III) dt: 07 Apr 97.

PART II ENDS WITH SER.NO.1

No.18579/E10(S)

Dated :- 09 Apr 97

Distributions:-

CE SC Pune, CDA SC Pune- (Pay/1/3/)
Internal:- E10 (Pay), Cashier, Guard Book

ngl/*

(KVIN Gupta)
Major
SO 2 (Adm)
for Chief Engineer

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE/ZONE
PUNE- 411 001.

FIRST AND LAST PAGE
SPECIAL PART II ORDER
SER.NO.22/S/96
DATED 02 DECEMBER 1996

ST SPL PART II ORDER PUBLISHED SER.NO.21/S/96 Dt 24 OCT 96)

Sl. No	Name	Category & Grade	Date wef.	Casualty Particulars
2	3	4	5	6

PART II (SPL CENTRALISED)

REVISION OF PAY/RE-FIXATION OF PAY CONSEQUENT
CLASSIFICATION OF ERSTWHILE 'B' GRADE
AS UPPER DIVISION CLERKS WEF.01 JAN 47
(INCREMENTS/ADDENDUMS)

REF CEFZ SPL.PTO.NO.
19/S/01/96
dated 20 SEP 96, UNDER
COL.NO.6, line-14

1. 32090 Shri KP MAHAJAN UDC Ty (LDC Pt) 'FOR' 'READ'

Gtd. annual increment on NOTIONAL BASIS of Rs.5/-pm,

Gtd.annual increment of Rs.5/-pm,

AND BOTTOM OF PAGE
delete the line

* All increments gtd from 21-09-48 to 21-09-58 is gtd on NOTIONAL BASIS ONLY.

Authy:- CE SC Pune letter No. 171301/17/KP Mahajan/ EIR (Pay Coord) dated 27 Nov 96.

" PART II ENDS WITH SER.NO.1 "

13579/E10(S)

dated - 02 Dec 96

Contributions:-

SC Pune-1, CDA SC Pune-1

Journal:- E10(Pay), Cashier, Guard Book,

(CN Bhagat)
Prashasan Adhikari-2
Adm Officer- II (Adm)
Krute Mukhya Engineer
for Chief Engineer

14
41
No. 0 M-7627

Shri P. S. CHALAPATHI MAO, UDC (Retd)
C/O C Paruthottam Rao
Plot No 4, Laminagar Colony
Near Mas Colony
Picket
Secunderabad - 5000 03

To : Engineer-in-Chief (AIG)
Army Headquarters
Kashmir House
New Delhi

FIXATION OF PAY UNDER CPC-1949 IN RESPECT OF SHRI P. S. CHALAPATHI MAO, UDC (Retd) IN RESPECT OF PAY 1944. M.S. CIVILIAN PENSION.

Sir,

Ref: Correspondence resting with your H₁ letter
No A/20566/AB at 15/4/51

I, M-7627 P. S. CHALAPATHI MAO, UDC (Retd) of
G. (South) Secunderabad one of these erstwhile 'B' Grade
clerks under G.P. -1944, whose pay under MS 2947 has not
yet been fixed in the grade of Upper Division Clerk
and the arrears of pay and allowances have not been paid to
me as per Government Orders conveyed vide your H₁ letter
under reference. In this connection, your kind attention
is also invited to the following orders, subsequently
issued in this case :-

- a) Supreme Court Order dated 4/11/1937 in Civil
Appeal No 4235 of 1935.
- b) Government of India, Ministry of defence order
No 9027/4080/AB(3)/442-LCD(civ) dt 8 Jun 54
extending the benefits to Mas clerks as per
CAI Calcutta Order dt 3/1/54 in CA No 501/53
- c) CAT Bombay Bench order dt 20/9/55 in OA 1037 of
1932 filed by Shri KP MARIAM versus Union of India.

I retired as UDC from the Office of G. (South) Secunderabad
under the jurisdiction of G. Secunderabad/Chief Engineer
Southern Command Purn. As result of fixation of pay as
contemplated in the above orders I am eligible for arrears
of pay and allowances and revision of Pension. I therefore
request that necessary directions may please be issued to
all concerned authorities to expedite payment of all arrears
including fixation of my pension.

Thanking you,

Yours faithfully,
P. S. Chalapati Rao
(P. S. CHALAPATHI MAO,)
UDC (Retd)

Date : 16 Jun 57

.....2/-

W3

42

1 2 1

Copy to :-

1. Chief Engineer
Southern Command
Pune - 411001

for information and necessary
action. Please refer with
reference to his letter No 131701/
143/ALR(3) dt 25/7/1981 and
No 171301/17/ALR(Pay Coord) dt
17-12-1980 in similar case.

2. Chief Engineer
(P) Hyderabad
Opp: Parade Grounds
Secunderabad - 5000 03

3. CMA (Army)
Madfort
Secunderabad - 5000 03

4. CMA (South)
Madfort
Secunderabad - 5000 03

46

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

OA NO.1383 OF 1997

BETWEEN

P.S. Chalapathi Rao

..... APPLICANT

AND

Union of India rep. by
The Secretary, Ministry of Defence
and 2 others

..... RESPONDENTS

REPLY AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, COL PRIT PAL SINGH S/O LT COL KARTAR SINGH aged about 47 years, do hereby solemnly affirm and sincerely state as follows :

1. I am working as Addl Chief Engineer in the office of Chief Engineer (Factory) Hyderabad, Secunderabad-3 as such I am acquainted with the facts of the case. I am filing this reply affidavit on behalf of respondents and I am authorised to file the same.
2. It is respectfully submitted that the OA is barred by latches and limitation on the following grounds :

The contention of the applicant made in the OA is that the letter dated 27-5-1981 issued by the Government of India as per the Bombay High Court Judgement was not implemented. As per the above letter, the erstwhile B-Grade clerks should be placed in UD Clerks grade. When the above decision was not implemented, some of the employees working in AOC have filed WP NO.5853 of 1982 (R Sambandham & Others Vs Union of India) before the Hon'ble High Court of Madras. The Madras High Court allowed the WP with all consequential benefits.

ATTESTER

(S. K. LAHIRI)

SOI

Chief Engineer Fy Hyd.

20/11/87

DEPONENT

P P Singh

Col

Addl CE (Wks)

For Chief Engineer

..... 2

When the Union of India filed an Appeal before the Apex Court vide OA NO.4201 of 1985, the Apex Court has considered the financial liability and Union of India by virtue of the consequential benefits granted by the Madras High Court and thus reduced the financial obligation of the Union of India by 40%.

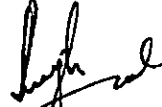
When the Hon'ble Supreme Court did not thought it fit to grant full financial benefits to the Petitioners therein though they have approached the Madras High Court within one year from the date of passing of the letter dated 27-5-1981. If the same ratio is applied in the instant case, the applicant is not entitled for any arrears on the ground that he has failed to approach the Court of law within time. The Courts/Tribunal may not grant relief to the persons who are sleeping over their rights and failed to redress their grievances.

The applicant in the present OA has retired on 9-6-1977 and the applicant is now contending that he came to know of the decision only in June 1997 and the same is untenable and unbelievable. The relevant legal propositions would be submitted at the time of hearing of the case.

In view of the above submission, the Hon'ble Court may be pleased to dismiss the OA on the ground of laches and limitation.

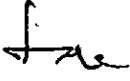
Solemnly sworned and signed
his name on this 20 day
of November 1997 before me.

DEPONENT


P P Singh,
Col
Addl CE (Wks)
For Chief Engineer

BEFORE ME.

ATTESTER


(S. K. LAHIRI)
SE / SOI
For Chief Engineer Fy Hyd.

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDRABAD BENCH

CA NO: 1383

OF 1997

REPLY AFFIDAVIT / WRITTEN

~~STATEMENT~~ ON BEHALF OF

RESPONDENT NO:

*Filed in court
on 21/11/97
[Signature]
21/11/97*

FILED ON: 21/11/97

*copy received
[Signature]
21/11/97*

FILED BY:

V. RAJESWARA RAO

S.C. FOR RAILWAYS/

ADDL. CGSC, HYDRABAD

PH NO: 272585

Date of Order: 29-6-98

Between:

1. Union of India, rep. by the Secretary,
Ministry of Defence, DHQ PO New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer,
Southern Command, Pune, Maharashtra-1.

.. Applicants/Respondents.

and
P.S. Chalapali Rao.

.. Respondent/Applicant.

For the Applicants:-Mr. V.Rajeswar Rao, Addl.CGSC.

For the Respondent: Mr.K.S.R.Anjaneyulu, Advocate.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Heard Sri V.Rajeswara Rao on behalf of the miscellaneous applicants and Sri Subrahmanyam for Sri K.S.R. Anjaneyulu for the original applicant.

The facts and circumstances and the other details in this case are similar to those in O.A.777/97. The action required to be taken and completed in this case is by the end of May, 1998, although no specific time limit was indicated in the judgment.

In view of the difficulties expressed by the miscellaneous applicants, the court reluctantly grants three months time from today for implementing the judgment. No further extension will be given.

[Signature]
Deputy Registrar.

To

1. The Secretary, Union of India,
Ministry of Defence, DHQ PO, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer, Southern Command, Pune, Maharashtra-1.
4. One copy to Mr. V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
- 5) one copy to Mr.K-SR Anjaneyulu, Advocate.
- 6) one copy spare.

29/7/98
THE HON'BLE MR. JUSTICE

AND VICE-CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD: M

DATED: 29-6-1998.

ORDER/JUDGMENT

M.A./R.A./C.A. No. 447/98
in

O.A.No.

1383/87

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.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

1 JUL 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD;

MA.NO. 555/1999
IN
DA.NO. 1383/1997

Between

Date: 29-7-99

1. The Secretary
Min of Defence
DHQ PO, New Delhi.
2. The Engineer-in-Chief's Branch
Army Headquarters, New Delhi.
3. The Chief Engineer
Southern Command, Pune-1.

...Applicants:

And

Shri.P.S.Chalapathi Rao

...Respondents

Counsel for the applicants

...V.Rajeshwararao, Addl.CGSC

Counsel for the Respondent

...KSR.Anjaneyulu

CORAM:

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

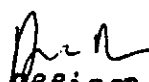
THE HON'BLE MR.B.S.JAI PARAMESHWAR: MEMBER (JUDL)

THE TRIBUNAL MADE THE FOLLOWING ORDERS;

Heard Mr. V.Rajeshwara Rao and Mr. KSR:Anjaneyulu.

Extension of time for three months is granted.

MA is disposed of.


Section Officer.

COPY T. -

1. HDHND
2. HHRP M(A)
3. HSSJP M(J)
4. G. T. (A)
5. SPARE

1st AND 11th COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMIN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. D.S. JAI PARAMESHWAR
MEMBER (JUDGE)

ORDER. Date. 29-7-99

ORDER / JUDGMENT

MA. / RA. / CP. NO 555/99
IN
CA. NO. 1383/97.

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED.

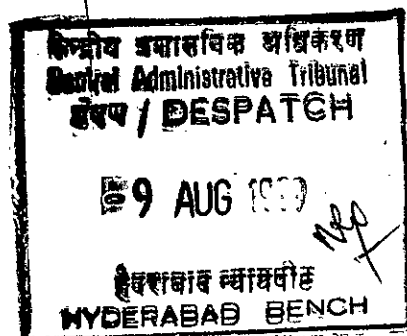
DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

MA Disposed of

6 copies



59

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

MA.NO. 224/2000
IN
QA.NO. 1383/1997

Between

Date. 9-3-2000

1. The Secretary
Min of Defence
DHQ, PO, New Delhi.
2. The Engineer-in-Chief
Army Head Quarters
Kashmir House, DHQ, PO
New Delhi.
3. The Chief Engineer, Southern
Command, Pune.

... Applicants

And

Shri P.S.Chalapathi Rao

... Respondent

Counsel for the Applicants
Counsel for the Respondent

... V. Rajeshwararao, Addl. CGSC
... K.S.R. Anjaneyulu

CORAM.

THE HON'BLE MR.R. RANGARAJAN.MEMBER.(ADMN)
THE HON'BLE MR.B.S.JAI PARAMESHWAR.MEMBER.(JUDL)

THE TRIBUNAL MADE THE FOLLOWING ORDERS.

Mr.V.Rajeshwararao, for the applicant and
Mr.KSR.Anjaneyulu, for the respondents.

The time is granted finally upto 30-4-2000.

MA is allowed.

My
2142-0
Section Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

1. HDHND

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

2. HRAN (ADMN) MEMBER.

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

3. HBSJP. M. (JUDL)

THE HON'BLE MR. B.S. JAI PRAKASHESHWAR
MEMBER (JUDL)

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 9/3/2000

MA/RA/SP. NO 224/2000

IN

C.A. NO. 1383/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

MA ALLOWED

C.P. CLOSED

R.A. CLOSED

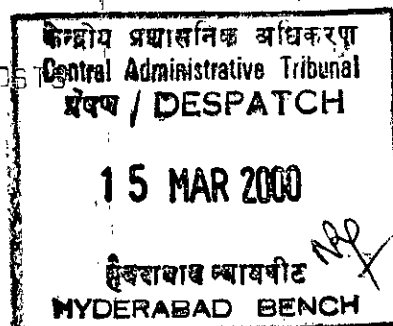
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS



(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1383/97.

Dt.of Decision : 21-11-97.

P.S.Chalapathy Rao.

.. Applicant.

Vs

1. The Union of India, rep. by
the Secretary - Ministry of Defence,
DHO PO, New Delhi-11.
2. The Engineer-in-Chief, Army Head
Quarters, Kashmir House, DHO PO
New Delhi-11.
3. The Chief Engineer,
Southern Command, Pune,
Maharashtra-411 001.

.. Respondents.

Counsel for the applicant

: Mr.K.S.R.Anjaneyulu

Counsel for the respondents

: Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Jai

ORDER

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

Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.VRajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 12-07-43. At that relevant time there were only two grades available viz., LDC and UDC. In 1944 on account of restructuring of the department, three grades viz., A, B and C were formed. This classification of A, B and C was done in pursuance to the instructions of the unified scales introduced by the then Govt. of India memorandum dt. 19-8-44. Thereafter Varadhacharyulu Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new pay scales were introduced some time in the year 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f., 1-1-1947. It is an undisputed fact that A and B grades clerks were equated to UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220/- for UDC and Rs.55-130/- for LDCs respectively. At the relevant time, the applicant was serving as Grade-B and that his contention is that he should be treated as UDC as on 1-1-47. Though he was entitled to the equated to the post of UDC, the respondents wrongly and illegally equated him and specified the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

3. This OA is filed for the following reliefs:-

(1) to direct the respondents to classify him as UDC with effect from 1-1-47.

For

(ii) to re-fix his pay in the scale of UDC and grant increments as and when due;

(iii) to calculate the difference in arrears of pay arising due to the re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt. 4-11-87 (Annexure-3) and also as ordered in the CAT Bombay in OA.1037/92 dt. 28-9-95 and 15-4-95 and also in OA.501/93 of Calcutta Bench judgement dt. 3-1-94 and to pay other consequential benefits arising out of the above.

4. Similar OA was filed in this Tribunal i.e., OA.710/97 (M.Lakshmana Rao Vs. UOI & Ors). That was disposed of on 9-6-97 following the judgement of the Bombay Bench and also the other Benches. The payment of arrears was granted on the basis of the Apex Court judgement dated 4-11-87. As this OA is similar to that, we do not see any reason to differ from the judgement.

5. However the learned counsel for the respondents submitted in the reply that the case is a belated one and those who have filed much earlier got 60% of the arrears and hence the applicants here ⁱⁿ should not be given the full arrears of 60% and ^{are eligible for} ~~to~~ only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that the ~~an~~ payment of arrears should be decided suitably as it was a belated application. The Bench decided the payment of arrears on the basis of the Supreme Court ^{direction} in that OA. Further the initial judgement ^{pronounced} ~~made~~ by the Bombay High Court is a ^{declaratory} ~~discretionary~~ one. It is for the respondents to comply ^{with} to all those who ^{have} ~~are~~ not approached the Court. Hence we do not think that the applicant is entitled only for a reduced amount of arrears due to belated application. He is entitled for arrears equal to the same as what was granted to the applicant in

R

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OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAJ in OA.1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/95.

6. The OA is ordered accordingly. NO costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

21.11.97

Dated : The 21st Nov. 1997.
(Dictated in the Open Court)


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R.

spr

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..5..

Copy to:

1. The Secretary, Min.of Defence, DHQ, PO, New Delhi.
2. The Engineer in Chief, Army Head Quarters,
Kashmir House, DHQ PO., New Delhi.
3. The Chief Engineer, Southern Command,
Pune, Maharashtra.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

28/11/97

(7)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated:

28/11/97

ORDER/JUDGMENT

M.A./R.A./C.A. NO.

in

O.A. NO.

1383/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

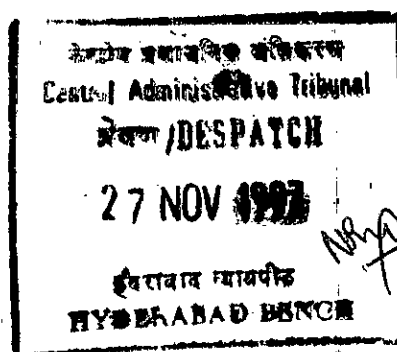
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.ANO. 447/98 in O.A.1383/97.

Date of Order: 29-6-98

Between:

1. Union of India, rep. by the Secretary,
Ministry of Defence, DHQ PO New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer,
Southern Command, Pune, Maharashtra-1.



.. Applicants/Respondents.

and

P.S. Chalapati Rao.

.. Respondent/Applicant.

For the Applicants:-Mr. V.Rajeswar Rao, Addl.CGSC.

For the Respondent: Mr.K.S.R.Anjaneyulu, Advocate.

ORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Heard Sri V.Rajeswara Rao on behalf of the
miscellaneous applicants and Sri Subrahmanyam for Sri K.S.R.
Anjaneyulu for the original applicant.

The facts and circumstances and the other details
in this case are similar to those in O.A.777/97. The action
required to be taken and completed in this case is by the end
of May, 1998, although no specific time limit was indicated in the
judgment.

In view of the difficulties expressed by the miscellaneous ~~xx~~
applicants, the court reluctantly grants three months time from
today for implementing the judgment. No further extension will
be given.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY
30/6/98 Deputy Registrar.
न्यायालय अधिकारी
COURT OFFICER
केन्द्रिय प्रशासिक अधिकरण
Central Administrative Tribunal

To

1. The Secretary, Union of India, Ministry of Defence, DHQ PO, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer, Southern Command, Pune, Maharashtra-1.
4. One copy to Mr. V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
5. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
6. One spare copy.

pvm.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.ANO. 447/98 in O.A.1383/97.

Date of Order: 29-6-98

Between:

1. Union of India, rep. by the Secretary,
Ministry of Defence, DHQ PO New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer,
Southern Command, Pune, Maharashtra-1.

.. Applicants/Respondents

and

P. S. Chalapati Rao.

.. Respondent/Applicant.

For the Applicants:-Mr. V.Rajeswar Rao, Addl.CGSC.

For the Respondent: Mr.K.S.R.Anjaneyulu, Advocate.

BY:

THE HON'BLE MR.H.RAJENDRA ERASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Heard Sri V.Rajeswara Rao on behalf of the
Miscellaneous applicants and Sri Subrahmanyam for Sri K.S.R.
Anjaneyulu for the original applicant.

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प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

30/6/98 Deputy Registrar.

न्यायालय अधिकारी
COURT OFFICER
केन्द्र का प्रशासनिक अधिकारी
Central Administrative Tribunal

To

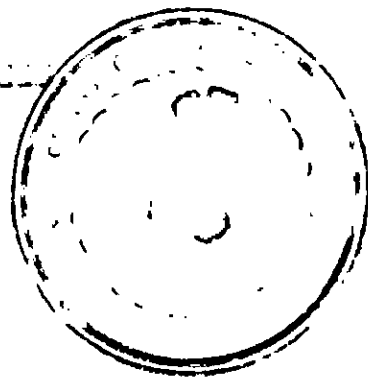
1. The Secretary, Union of India, &
Ministry of Defence, DHQ PO, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer, Southern Command, Pune, Maharashtra-1.
4. One copy to Mr. V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
5. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
6. One spare copy.

pvm.



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1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

Channel for the Police
Channel for the Resident

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THE UNIVERSITY OF CHICAGO

THE FUTURE OF THE ...

J. J. [unclear], for him or his [unclear]
J. J. [unclear], father of [unclear]

They, then, is printed finally onto 35-mm. film.
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प्रभा निश

CERTIFIED TRUE COPY

CASE NO. 9.3.2007
नि.
DA -
इति ज्ञातं
COPY MADE ONLY ON 9.3.2007

अ. नं. १५४/१९८० अ. अधिकारी
अ. नं. १५४/१९८० अ. Officer

Administrative Tribunal
 1962
 1962

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

M.A. NO: 224 OF 2000

IN

O.A. NO: 1383 OF 1997

BETWEEN:

1. The Secretary,
Ministry of Defence,
DHQ PO New Delhi
2. The Engineer-in-Chief
Army Head Quarters
Kashmir House, DHQ PO
New Delhi
3. The Chief Engineer,
Southern Command, Pune

.....APPLICANTS/
RESPONDENTS

AND

Shri P.S. Chalapathi Rao

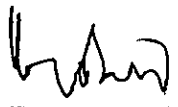
.....RESPONDENT/
APPLICANT

PETITION FILED UNDER 8(3) OF CAT(P) RULES
1987

FOR the reasons stated in the accompanying affidavit
the Applicants/Respondents herein prays that the
Hon'ble Tribunal may be pleased to extend the time
limit for a period of six(6) months to comply with
the directions passed in OA NO: 1383 of 1997 and
pass such other order or orders as the Hon'ble
Tribunal may deem fit and just.

HYDERABAD,

Dt: 6-3-2000


COUNSEL FOR THE APPLICANTS/
Respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A. NO : 224 OF 1999 2000

IN

O.A. No 1383 OF 1997

BETWEEN :

The Secretary, Ministry of Defence
New Delhi and 2 others

AND

Shri P S Chalapathi Rao

.... APPLICANTS/
RESPONDENTS

... RESPONDENT/
APPLICANT

AFFIDAVIT

1. I, IC-31632 M Col Ajit Srivastav S/O Late SD Srivastav aged 44 years, R/O Secunderabad do hereby solemnly affirm and sincerely state as follows :
2. I am working as Commander Works Engineers in the office of CWE Secunderabad and as such I am acquainted with the facts of the case. I am filing this affidavit on behalf of Applicants/Respondents and I am authorised to file the same.
3. It is respectfully submitted that the Hon'ble Tribunal disposed off the OA No 723/97 with directions .
4. It is further respectfully submitted that pursuant to the direction of the Hon'ble Tribunal the department is taking expeditious steps to comply the directions in full to pay all consequential benefits like arrears of pay and allowances due and issue final LPC for revision of pension. An amount of Rs.26,781/- + Rs.5,147/- has already been paid upto the post of AO II and AO I and revision of pension by higher HQ is awaited. However, the department could not implement the directions in full and it is only partly complied with. The delay is being caused due to the work involved in complying of the directions of this Hon'ble Tribunal. The delay is neither intentional nor deliberate and it is only due to nature of the issue involved.
5. In view of the above circumstances the Hon'ble Tribunal may be please to extend time limit for a period of 6 months ^{Uw 31-2-2000} to comply the directions and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

Solemnly sworn and signed
His name on this 11 day of
Feb 2000 before me.

BEFORE ME

DEPONENT

Ajit Srivastav
Col

Commander Works Engineers

ATTESTER

SG Datta
Adm Offr
CWE Secunderabad

Reg. - Petition for extension
of time

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A. NO: OF 2000

IN

~~R.A. NO: OF 2000~~

IN

O.A. NO: 1383 OF 2000 (1997)

Received by

6/3/2000

EXTENSION OF TIME/

~~VACATE STAY APPLICATION~~

FILED UNDER R.8(3) OF CAT(P)
RULES 1987

~~REVIEW APPLICATION FILED UNDER~~

~~47 OF CAT(P) RULES 1987~~

~~R/W 22(3)(f) OF CAT ACT~~

FILED ON: 6-3-2000

FILED BY:

V. RAJESWARA RAO

S.C. FOR RAILWAYS

ADDL. CGSC

CAT/HYDERABAD

PH NO: 3702585

May be filed
or
8/3/2000

9/3/00

रक्षा/DEFENCE
केस/BENCH CASE

मूल/ORIGINAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

Mr. V. Rajeswara Rao
for the applicant and
Mr. KSR. Anjaneyulu,
for the respondent.

M.A.No. 224 of 2000
IN

The time is granted finally
upto 30/4/00. MA is
allowed.

O.A.No. 1383 of 1997

HBSTP
H(S)

HRRN
H(A)

Extension of time

Mr. KSR An
COUNSEL FOR THE APPLICANTS
AND

Mrs V. Rajeswara Rao
Standing Counsel
Addl Standing Counsel for Gen.
Govt.,
Sr. STANDING COUNSEL FOR Cen.
Govt.,
S.C. for RLYS.

Mr - KSR Anjaneyulu
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH AT
HYDERABAD

M.A. NO: OF 1999

IN

O.A. NO: 1383 OF 1997

BETWEEN:

1. Union of India, rep. by
The Secretary, Ministry of Defence
DHQ PO New Delhi-11
2. The Engineer-in-Chief's Branch
Army Headquarters
New Delhi-11
3. The Chief Engineer
Southern Command
Pune-1

..... APPLICANTS

A N D

SHRI P.S. Chalapathi Rao

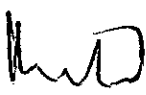
..... RESPONDENT

PETITION FILED UNDER 8(3) OF CAT(P) RULES

FOR the reasons stated in the accompanying affidavit
it is therefore prayed that the Hon'ble Tribunal may
be pleased to grant an additional six months time from
the date of issue of the orders in this case for disposal
of the appeal and pass such orders as deem fit and proper
in the circumstances of the case.

HYDERABAD

DT: 8-07-1999


COUNSEL FOR APPLICANTS

*copy received
Boulasulaceer
8/7/99*

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

MA NO ~~407~~ OF 1998

IN

OA NO 1383 OF 1997

BETWEEN :

1. Union of India, Rep by
The Secretary, Ministry of Defence
HQ PO New Delhi - 11
2. The Engineer-in-Chief's Branch
Army Headquarters
New Delhi -11
3. The Chief Engineer
Southern Command
Pune - 1

... APPLICANTS/
RESPONDENTS

AND

1. Shri P. S. CHALAPATHI RAO

... RESPONDENTS/
APPLICANT :

AFFIDAVIT

1. I, IC-31632-M Col AJIT SRIVASTAV, Son of Late
SD SRIVASTAV, aged 43 years, in Government Service, do hereby
solemnly affirm and state as follows :

2. I am working as COMMANDER WORKS ENGINEERS, Mudfort,
Secunderabad - 3 and as such I am fully acquainted with all the
facts of the case. I am filing this affidavit on behalf of
all the Applicants/Respondents, being authorised to do so.

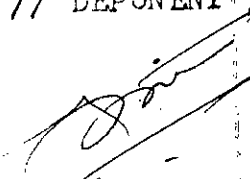
3. It is respectfully submitted that the OA was filed
seeking a direction to the department to clarify the applicant
as UDC wef 1-1-1947 and refix his pay in the scale of UDC and
other benefits basing on the Apex Court judgement dated 4-11-87.
The Hon'ble Tribunal disposed off the OA by an order dated 21-11-97

// ATTESTER //

// DEPONENT //



SC Datta
Adm Offr
CWE Secunderabad



Ajit Srivastav
Col
Commander Works Engineers

directing the department to follow the judgement of the Bombay Bench of CAT in OA No. 1037 of 1992, with a declaration that the Respondent/Applicant was entitled for arrears in accordance with the Judgement of the Apex Court in OA No. 4201 of 1995. A copy of the order was received by the Department on 17-12-1997.

4. It is further respectfully submitted that on receipt of the copy of the order in the above case the Applicant/Respondents initiated steps to implement the directions contained in the above orders. It is submitted that the case in question pertains to the application filed by the erstwhile 'B' Gde Clerks **P.S.CHALAPATHI RAO** aggrieved petitioner (after his retirement from Govt Service) based on the consequential benefits of Judgement delivered by the Hon'ble Tribunal Court, Hon'ble CAT Calcutta Bench and Hon'ble Bombay High Court. The Hon'ble Tribunal Court, Hyderabad Bench at Hyderabad while disposing off the MA No. **447 of 1998** in OA No. **1383 of 1997** had given directions making the applicant entitled in law for the benefits of revised pay fixation, arrears of pay since 1-1-1947 and other consequential benefits and revised pensionary benefits etc., arising out of the above order.

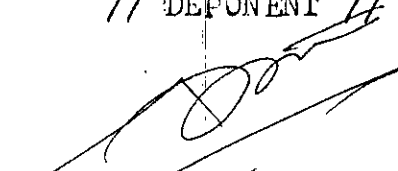
5. While implementing the judgement in OA No. **1383 of 1997** the Hon'ble Tribunal had given the directions that an appeal if received by the Appellate Authority i.e., Union of India represented by Secretary, Min of Defence, Govt of India, the Engineer-in-Chief, Army HQ, New Delhi, the Chief Engineer, Southern Command, Pune from **P.S.CHALAPATHI RAO** for re-classification

// ATTESTER //

// DEPONENT //



SC Datta
Adm Offr
CWE Secunderabad



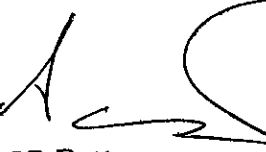
Ajit Srivastav
Col
Commander Works Engineers

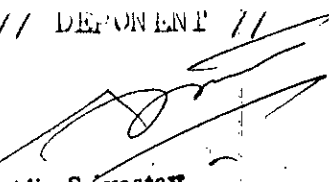
of 'B' Grade Clerk and other consequential benefits i.e., upto revised pensionary benefits etc., and respondents herein, then the said Appellate Authority should dispose off the case before 31 March 1999.

6. It is submitted that the case in question pertains to the period from 1-4-47 (1st pay commission) to 1-12-67 (2nd pay commission) and considerable quantum of work is involved in finalising the fixation of pay and in claiming the arrears at various stages of promotions to the individual. This would entail tracing and collecting of SBs, Compiling of Seniority, preparation of DPC papers and its finalisation by the Authority concerned after going through other documents, publication of casualty, fixing of pay, preparation of bills, vetting of audit authority at various stages and finally issue of amendments to LPC for revision of pension. Presently the Chief Engineer, Southern Command, Pune have finalised DPC for promotion to AO - II and AO - I vide their letter No. 150101/1B-A/93/Gen/150/El B (R-DPC) dated 05 May 1999 as per the directions issued vide ElnC's Branch AH, New Delhi letter No. A/41106/R-DPC/AO-II/99/ELR(0) dated 08 Apr 99. A copy of CESC Pune letter is enclosed as Annexure - I. The time to be allowed therefore should commensurate with the quantum of work involved. The Appellate Authority and the Subordinates Offices though working with all odds to finalise the case on Court priority but because of constant constraints, it has not becoming practicable for the Appellate Authority to comply with the directions given by the Hon'ble Tribunal to dispose off the appeal finally within the short period by 30 June 1999 as applied for earlier.

// ATTESTER //

// DEPONENT //


SC Datta
Adm Offr
CWE Secunderabad


Ajit Srivastav
Col
Commander Works Engineers

7. Incidentally, it is also added that Govt sanction for charged expenditure for making payment at every stages of promotion to the individual is not intentional but for the circumstances stated above. However, every efforts have been made/are being made to dispose off the appeal as early as possible, with the available resources.

8. It is, therefore, prayed that the Hon'ble Tribunal may be pleased to grant an additional six months time from the date of issue of the orders in this case for disposal of the appeal and pass such orders as deem fit and proper in circumstances of the case.

Solemnly sworn and signed his
name on this *W* day of *ju*
1999 before me.

// DEPONENT //

Ajit Srivastav
Ajit Srivastav
Col
Commander Works Engineers

// BEFORE ME

ATTESTER //

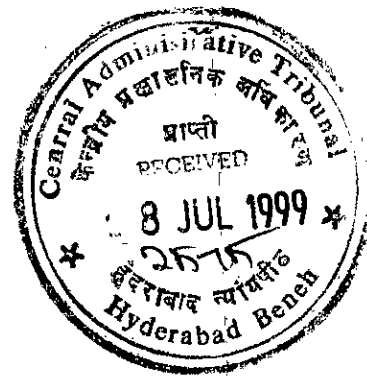
SC Datta
SC Datta
Adm Offr
CWE Secunderabad

1st & 2nd Floor

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A./P.A. NO: OF 1997

IN
O.A. NO: 1387 OF 1997



EXTENSION OF TIME /

~~VACATE STAY APPLICATION~~

FILED UNDER R8(3) OF CAT(P)
RULES 1987

~~REVIEW APPLICATION FILED~~
~~UNDER S.22(3)(f) OF CAT ACT~~

FILED ON:

8/7/99

FILED BY:

V. RAJESWARA RAO

ADDL.C.G.S.C.

S.C. FOR RAILWAYS

law to be
S
C/D
11/9/99
S
C/D

MA. 53/99 in OA. 1383/1997

dt. 29-7-99

Heard Mr. V. Rajeswara Rao
and Mr. K.S.R. Anjaneyulu.

Extension of time for three
months is granted.

MA is disposed of.

HBSJP
M(J)

HRRN
M(A)

DEFENCE

ORIGINAL

M.A.No.

555

OF 1999

IN

O.A.No.

1383

OF 19

97

Extension of Time.

Mr.

V. Rajeswara Rao

COUNSEL FOR THE APPLICANT Addl. as

AND

Mr.

KSR. Anjaneyulu

Sr. Addl. Standing Counsel for
C.G. Rlys.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : 686 OF 2000
IN
R.A. NO: 3179 OF 2000
IN
OA NO : 1383 OF 1997

BETWEEN :

1. Union of India rep. By its
Secretary, Ministry of Defence
DHQ (PO) New Delhi - 110 001
2. Engineer in Chief,
Army Headquarters
Kashmir House, DHQ PO New Delhi
3. The Chief Engineer, Southern Command
Pune, Maharashtra - 411 001

.....APPLICANTS/
Respondents

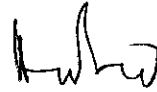
AND

Shri PS Chalapathy Rao

.....RESPONDENT/
Applicant

APPLICATION FILED UNDER RULE 8 (3) OF CAT (P) RULES - 1987

For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Tribunal may be pleased to condone the delay of 2 years 10 months 3 days in filing review in OA NO: 1383 of 1997 and pass such other or orders as the Hon'ble Tribunal may deem fit and just.



COUNSEL FOR THE APPLICANTS

HYDERABAD.

DT: 16/8/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : OF 2000
IN
R.A. S.R NO: OF 2000
IN
OA NO : 1383 OF 1997

BETWEEN :

Union of India rep. By its
Secretary, Ministry of Defence
DHQ (PO) New Delhi - 110 001

...APPLICANTS/
Respondents

AND

Shri PS Chalapathy Rao

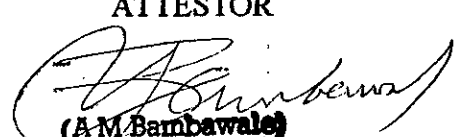
.....RESPONDENT/
Applicant

AFFIDAVIT

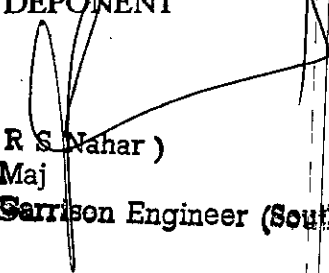
I, Major R.S. Nahar S/o CP Nahar aged 36 years, R/O Secunderabad do hereby solemnly affirm and sincerely state as follows :

1. I am working as Garrison Engineer in the office of the Garrison Engineer(South), Mudfort, Secunderabad. I have read this case, As such I am acquainted with the facts of the case. I am filing this affidavit on behalf of Applicants/Respondents and I am authorised to file the same.
2. I respectfully submit that the Hon'ble Tribunal was pleased to dispose of the OA NO: 1383 of 1997 by an order dated 21-11-1997 by directing the department to follow the judgement of the Bombay Bench, CAT passed in OA NO : 1037 of 1992 and with other directions. Aggrieved by the decision, the department has filed review for the reasons stated therein.

ATTESTOR


(A.M. Bambawale)
A E
A G E (Tech)
For Garrison Engineer (South)

DEPONENT


(R S Nahar)
Maj
Garrison Engineer (South)

3. I respectfully submit that the copy of the order in OA NO: 1383 of 1997 was received by the department on 12-10-1998. After receipt of the judgement, the department has taken action in compliance with the directions given by the CAT. However for the reconstruction of the file which spread over for so many years from 1940 onwards and the work involved in the issue, the department has filed Miscellaneous application seeking extension of time to comply with the directions of the Tribunal. In the meanwhile, the judgement of the Hon'ble supreme court rendered in CA NO: 7453 of 1997 is received. The judgement of the Hon'ble Supreme court order dated 24 Oct 1997 in CA NO: 7453 of 1997 was received by the department on 03-1-2000 and it was referred to various sections to circulate for the necessary action. Hence the delay of 2 years 10 months 4 days. The delay is neither intentional nor deliberate. It is only due to administrative reasons. If the delay is not condoned the Public cause would suffer. The department has a strong case in its favour and if the delay is not condoned and review the Judgement, the judgement already rendered in the present OA would be contrary to the latest judgement of the Apex court.

4. In view of the above submission, the Hon'ble Tribunal may be pleased to condon the delay of Two years 10 months — days and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

Solemnly sworn and signed his
Name on this 10th day of Aug 2000
before me.

DEPONENT

(R S Nahar)
Maj

Garrison Engineer (South)

ATTESTOR

(A M Bambawale)

A-E

A G E (Tech)

For Garrison Engineer (South)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M D No
RA No

O.A. NO: 1388 OF 1997
2000



REPLY AFFIDAVIT/ WRITTEN

STATEMENT FILED BY THE

RESPONDENT NOS

Delay condone RLS

FILED ON

16/8/2000

FILED BY

V. RAJESWARA RAO

STANDING COUNSEL FOR CENTRAL
GOVERNMENT AND RAILWAYS

COUNSEL FOR RESPONDENTS

DEFENCE

ORIGINAL

BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

MA. 686/2000 in RASR. 3159/2000
and RASR. 3159/2000 in OA. 1383/97

dt. 31-8-2000

M.A. NO. 686 OF 2000

Heard.

MA is dismissed. Order vide
separate sheets.

HESJP
M(J)

HRRN
M(A)

In RASR 3159/00 in

O.A. NO. 1383 OF 2000 97

Condone delay petition

Mr. _____

COUNSEL FOR THE APPLICANT

AND

Mr. V. Rameshwar Rao

Standing counsel

Addl Standing Counsel for Central
Govt.

Sr. Standing Counsel for Central
Govt.

Standing Counsel for Railways.

Mr. KSR. Anjaneyulu
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

Page 3159/00

DIANO. OP/1383 of 97

Applicants:

VERSUS

(Respondents)

INDEX SHEET

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3. Material papers.

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5. Orders in MAs.

6. Reply statements.

7. Rejoinder

8. PA Final Orders. 31-8-60

3 to 10

11 to 13

Signature of dealing Head
in Record Section

Signature of S.O.

Thakur
29/9/80

10

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

~~THE HONOURABLE MR. JUSTICE D.H. NASIR: VICE-CHAIRMAN~~

AND

THE HONOURABLE MR. R. RANGARAJAN : MEMBER (A)

AND

THE HONOURABLE MR. S.S. JAI PARAMESHWAR: MEMBER (J)

MISCELLANEOUS APPLICATION NO. 686 OF 2000

IN
REVIEW APPLICATION NO. 3159 OF 2000

IN
ORIGINAL APPLICATION NO. 1383 OF 1997

The above Review Application has been filed for review of the judgement of the Bench dated 21.11.97 of the Tribunal consisting of ~~Hon'ble Mr. Justice D.H. Nasir, Vice-Chairman and~~ Hon'ble Mr. R. Rangarajan, Member (A) and Hon'ble Mr. S.S. Jai Parameswar, Member (J) in Original Application No. 1383 of 1997.

Circulated as per rule 43 of the Central Administrative Tribunal Rules of Practice, 1993.

Submitted.

[Signature]
21/11/97

*list for
admission here*

(SEE RULE 12)

FORM No.4

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

ORDER - SHEET

O.A.No. _____ OF 2000

The Secretary, Madhya Pradesh Applicant(s)
N. D. D. M. S.

Through M/s _____

(Advocate)

V E R S U S

P. S. Chakraborty & Co.

Respondents

DATE

Note of the Registry

Order of the Tribunal

31-8-2000

Heard.

MA (Condone delay petn)
is dismissed. As the MA is
dismissed RA is rejected.
Order vide separate sheets.

D
HBSJP
M(J)

D
HRRN
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT: HYDERABAD.

R.A.No. OF 2000.

IN

O.A.No. 1383 OF 1997.

BETWEEN:-

1. Union of India rep.by its
Secretary, Ministry of Defence
DHQ (PO) New Delhi - 110 001 & 2 Others. ... APPLICANTS/
Respondents.

A N D

Shri P.S.Chalapathy Rao.

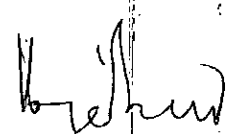
... RESPONDENT/
Applicant.

MATERIAL INDEX

Sl. No.	Date	Particulars of Documents	Annexure	Page No.
1.	11-08-2000.	Affidavit	-	01 to 03
2.	21-11-1997.	A copy of order of the Tribunal passed in O.A.No. 1383 of 1997.	A-1.	4-7

Place: Hyderabad.

Date : 16th Aug. 2000.


COUNCIL FOR THE RESPONDENT.

4

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

R.A NO: OF 2000

IN

OA NO: 1383 OF 1997

BETWEEN :

1. Union of India rep. By its
Secretary, Ministry of Defence
DHQ (PO) New Delhi - 110 001
2. Engineer in Chief,
Army Headquarters
Kashmir House, DHQ PO New Delhi
3. The Chief Engineer, Southern Command
Pune, Maharashtra - 411 001

.....APPLICANTS/
Respondents

AND

Shri PS Chalapathy Rao

.....RESPONDENT/
Applicant

PETITION FILED UNDER 17 OF CAT (P) RULES, 1987

For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Tribunal may be pleased to review the order passed in OA NO: 1383 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

Lin

COUNSEL FOR THE APPLICANTS/

HYDERABAD,

Dt: 16th August 2000

RESPONDENTS

5

OF 2000

IN

1383

OF 1997

1. Union of India rep. By its Secretary,
Ministry of Defence, New Delhi
DHQ (PO) and two others

AND

...RESPONDENT/
Applicant

I, Major R.S. Nahar S/o CP Nahar aged 36 years, R/O Secunderabad do hereby solemnly affirm and sincerely state as follows :

1. I am working as Garrison Engineer in the office of the Garrison Engineer (South), Mudfort, Secunderabad. As such I am acquainted with the facts of the case. I am filing this review application on behalf of all Applicants/Respondents and I am authorised to file the same.

2. I submit that the Respondent/Applicant was initially appointed as LDC in Military Engineering Services on 12-7-1943 and the applicant was retired from service on superannuation as on 09-06-1977. There was restructuring of clerical cadre in the department basing on the Vardacharyulu Pay Commission report in the year 1947. As per that restructuring, the employees who are previously/provisionally in the cadre of A&B were to be brought on to the grade of UDCs in the scale of Rs. 80-220. So it is contended in the OA for the respondent that the post of deceased central Govt Servant should be upgraded as UDC in the scale of Rs. 80-220 instead of LDC.

DEPONENT

(R S Nahar)

A E

Mại

AGE (Tech)

Garrison Engineer (Sou

For Garrison Engineer (South)

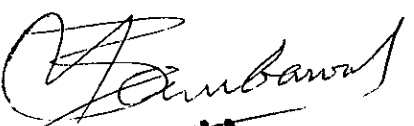
3. The OA was filed seeking a direction to reclassify the post of the deceased employee as UDC wef 1-1-1947 and fix his pay in the scale of UDC and other benefits. The Hon'ble Tribunal was pleased to dispose off the above OA by an order dated 21-11-1997 at the time of admission stage directing the department to follow the Judgement of Bombay Bench of CAT in OA NO: 1037 of 1992 decided on 28-9-1995. Copy of the order was received by the department on 12-10-1998. Hence there is a delay of 2 years 10 months days in preferring the review application. A separate application has been filed for the condonation of the delay.

4. Aggrieved by the decision of the Hon'ble Tribunal the Review is filed among others.

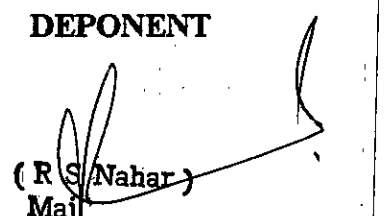
G R O U N D S

- a) There is an error apparent on the face of the record due to the reason that the APEX COURT differs the earlier view in the subject case and held contrary.
- b) As per Law, latest Judgement of Court will prevail/supersede over the earlier Judgement.
- c) The Hon'ble Supreme Court by an order dated 24th October 1997 in Civil Appeal NO:7453 of 1997 in the case of Union of India and others Vs R.D. Gupta and others held that directing payment of arrears to the retired employees is not correct and it was an error. Hence the appeal filed by the Govt. was allowed and set aside the judgement dated 24-2-1993 passed in Review Petition No: 86 of 1992 arising out of OA NO: 960 of 1990 on the file of Principal Bench, New Delhi.

ATTESTER


(A M Bambawale)
A E
A G E. (Tech)
For Garrison Engineer (South)

DEPONENT


(R S Nahar)
Maj
Garrison Engineer (South)

d) The respondent/applicant has filed the OA in the year 1997 i.e. after 30 years of retirement. The Hon'ble Supreme Court has decided the law basing on the decisions given in the OA NO: 960 of 1990 in the year 1997 as per the order in CA NO: 7453 of 1997 as stated supra.

The Respondent/Applicant is not entitled for any arrears of pay and allowances. He is only entitled for notional fixation of pay by computing pension as per the Apex Court Judgement. Hence the Judgement of the Hon'ble Tribunal requires review.

e) The other grounds will be urged at the time of hearing of the Review.

In view of the above it is therefore prayed that the Hon'ble Tribunal may be pleased to review the order dated 21-11-1997 passed in OA NO: 1383 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

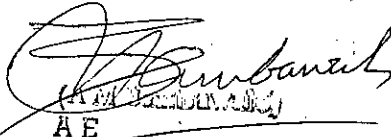
Solemnly sworn and signed his
Name on this 10th day of May 2000
before me.

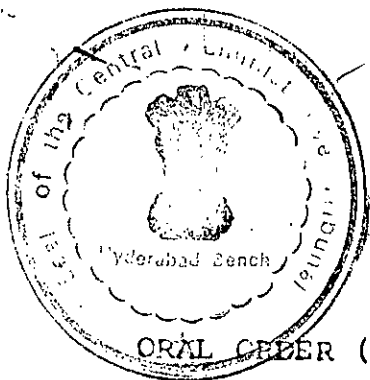
BEFORE ME

DEPONENT

(R S Nahar)
Maj
Garrison Engineer (South)

ATTESTER


A E
A E (Tech)
For Garrison Engineer (South)



-2-

ORDER

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

Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.VRajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 12-07-43. At that relevant time there were only two grades available viz., LDC and UDC. In 1944 on account of restructuring of the department, three grades viz., A, B and C were formed. This classification of A, B and C was done in pursuance to the instructions of the unified scales introduced by the then Govt. of India memorandum dt. 19-8-44. Thereafter Varadhacharyulu Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new pay scales were introduced some time in the year 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f., 1-1-1947. It is an undisputed fact that A and B grades clerks were equated to UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220/- for UDC and Rs.55-130/- for LDCs respectively. At the relevant time, the applicant was serving as Grade-B and that his contention is that he should be treated as UDC as on 1-1-47. Though he was entitled to the equated to the post of UDC, the respondents wrongly and illegally equated him and specified the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

3. This OA is filed for the following reliefs:-

(1) to direct the respondents to classify him as UDC with effect from 1-1-47.

Jan

2

- 47 A 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.1383/97.

Dt. of Decision : 21-11-97.

P.S.Chalapathy Rao

.. Applicant.

Vs

1. The Union of India, rep. by
the Secretary - Ministry of Defence,
DHQ PO, New Delhi-11.

2. The Engineer-in-Chief, Army Head
Quarters, Kashmir House, DHO PO
New Delhi-11.

3. The Chief Engineer,
Southern Command, Pune,
Maharashtra-411 001.

.. Respondents.

Counsel for the applicant

: Mr.K.S.R.Anjaneyulu

Counsel for the respondents

: Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAJ in OA.1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/95.

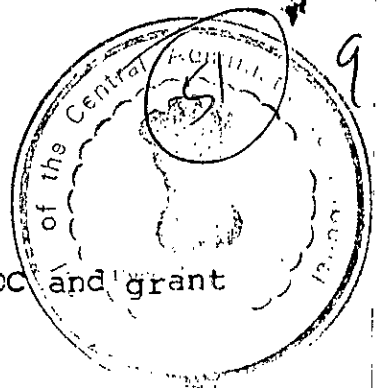
6. The OA is ordered accordingly. N^o costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी/उप रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

क्र. 1383/97
Name of the Applicant... P. S. Chakrapathy Rao
Date of presentation of Application for copy... 13/6/00
No of pages... 3
Copying fees... 2/-
Agent fees... 3/-
TOTAL PAID... 3/-
Date when fee is demanded... 13/6/00
Date when fee was paid... 13/6/00
Date of preparation of copy... 13/6/00
Date of delivery of copy... 16/6/00

उप रजिस्ट्रार (न्यायिक)
DEPUTY REGISTRAR (JUDL.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH



(ii) to re-fix his pay in the scale of UDC and grant increments as and when due;

(iii) to calculate the difference in arrears of pay arising due to the re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt. 4-11-87 (Annexure-3) and also as ordered in the CAT Bombay in OA.1037/92 dt. 28-9-95 and 15-4-95 and also in OA.501/93 of Calcutta Bench judgement dt. 3-1-94 and to pay other consequential benefits arising out of the above.

4. Similar OA was filed in this Tribunal i.e., OA.710/97 (M.Lakshmana Rao Vs. UOI & Ors). That was disposed of on 9-6-97 following the judgement of the Bombay Bench and also the other Benches. The payment of arrears was granted on the basis of the Apex Court judgement dated 4-11-87. As this OA is similar to that, we do not see any reason to differ from the judgement.

5. However the learned counsel for the respondents submitted in the reply that the case is a belated one and those who have filed much earlier got 60% of the arrears and hence the applicants here ⁱⁿ should not be given the full arrears of 60% and ^{as eligible for} ~~to~~ only ^{very} reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that the ~~the~~ payment of arrears should be decided suitably as it was a belated application. The Bench decided the payment of arrears on the basis of the Supreme Court ^{decision} in that OA. Further the initial judgement ^{pronounced} ~~made~~ by the Bombay High Court is a ^{deliberately} ~~discretionary~~ one. It is for the respondents to ^{even} ~~comply~~ to all those who ^{have} ~~are~~ not approached the Court. Hence we do not think that the applicant is entitled only for a reduced amount of arrears due to belated application. He is entitled for arrears equal to the same as what was granted to the applicant in

Re

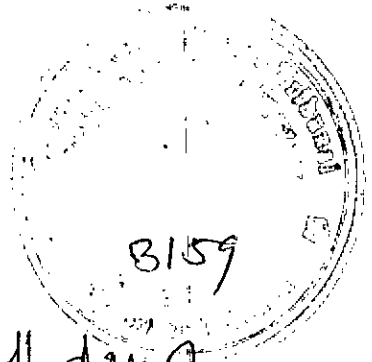
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1st - Review Application

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

RANO 2nd

O.A. NO: 1383 OF 1997/
2000



Review Affidavit

Filed 17/8/2000 CATIP/
RANO

REPLY AFFIDAVIT	WRITTEN
STATEMENT FILED BY THE	
RESPONDENT NOS	

FILED ON

16/8/2000

RANO

RANO

Mr. K. S. Ramesh

FILED BY

V. RAJESWARA RAO

STANDING COUNSEL FOR CENTRAL
GOVERNMENT AND RAILWAYS

COUNSEL FOR RESPONDENTS

May 16/10
1718

11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA. 686 /2000 in RASR. 3159/2000 &
RASR.3159 /2000 in OAO. 1383/97

dt.31-8-2000

Between

1. Union of India,
rep. by its Secretary
Min. of Defence, DHQ PO
New Delhi 110001

2. Engineer in Chief
Army HQ, Kashmir House
DHQ PO, New Delhi

3. Chief Engineer
Southern Command, Pune
Maharashtra 411001

Applicants/
: Respondents

and

PS Chalapathy Rao

: Respondent/Applicant

Counsel for the applicants

: V. Rajeswara Rao
CGSC

Counsel for the respondent

: K.S.R. Anjaneyulu
Advocate

C o r a m

Hon. Mr. R. Rajgerajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl)





MA.686 /2000 in RAS_r.3159/2000

& RASR.3159/2000 in
OA.1383/97

dt.31-8-2000

Order

Oral order (per Hon. Mr. R. Rangarejan, Member (Admn))

Heard M r. V. Rajeswara Rao for the applicants and
Mr. K.S.R. Anjaneyulu for the respondent.

2. This MA is filed for condoning delay. Similar MA
286/2000 in RASR.864/2000 in OA.392/98 was considered
and ~~dis~~ rejected. For the same reasons stated in that
judgement dated 19-4-2000, this MA is also dismissed.

3. As the MA is dismissed, the RASR stands rejected.


(B.S. Jai Parameshwar)
3) Member (Judl.)


(R. Rangarejan)
Member (Admn.)

dated : 31 Aug, 2000
Dictated in Open Court



sk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

COPY TO

1. HDHNU
2. HRRN (ADMN.) MEMBER
3. HBSJP (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
- STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY _____ CHECKED BY _____
COMPOSED BY _____ APPROVED BY _____

THE HON'BLE MR. JUSTICE D.N. NASIR
VICE-CHAIRMAN

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

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL.)

DATE OF ORDER 31/8/2000

MA/RA/CP No. 686/2000 in RA/R 3159/2000

IN 8. RA/R 3159/2000 in

OA No. 1383/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

MA DISMISSED

~~DISMISSED AS WITHDRAWN~~

RA/R ORDER/REJECTED

NO ORDER AS TO COSTS

Seven Copies

