

Annexure 4

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD



ORIGINAL APPLICATION NO. 710/97

DATE OF ORDER : 09-06-1997.

Between :-

M. Lakshmana Rao

.. Applicant

. And

Union of India rep. by

1. Secretary - Min. of Defence,
DHO P.O. New Delhi - 110 011.
2. Engineer-in-Chief, Army Head Quarters,
Rashmir House, DHO 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. CGSC

CERTAIN:

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

THE HON'BLE SHRI S. JAYARAM PARNESHWAR : MEMBER (B)

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

JK

1

.. 2.

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

Heard Shri K. S. R. Anjanayulu, counsel for the applicant and Shri Kota Bhasker 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 grades clerks were equated with the clerk of UDC whereas C grade clerks were equated to LDC and their pay scales were Rs. 80-240 for UDC and Rs. 55-130 for LDCs respectively. At the relevant time, the applicant was serving as Grade B ~~in the~~ and that his contention is that he should be treated as UDC as on 19-1-47. 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 ~~that~~ is contrary to the recommendations of

the commission.

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

- (i) to direct the respondents to classify him as WOC with effect from 1.1.1947;
- (ii) to re-fix his pay in the scale of WOC 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-14 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 covered by the judgement in OA 1037/92 of the Bombay Bench of the Tribunal. But the learned

Member for the Respondents submits 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.4201/05 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 re-

gard to payment of arrears. In view of the above, the OA is

1

....4.

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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 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.

5. U.A. ordered accordingly at the admission stage i.e. 1P.
No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

COURT OFFICER
Central Administrative Tribunal
HYDRABAD JUDICIAL

T.C
K. S. Rao
Counsel for the
applicant

2/10/95
2/10/95
1/10/95

Telephone: 625781/2704

COURT CASE

MOORE JUDGE

Dakshin Kanan Mukhyalaya

Engineer Shakti

HQ Southern Command

Engineers Branch

Pune-411 001

171301/17/CUMMENCEMENT/EIR (Pay Coord)

01 Sep 97

Chief Engineer

Pune Zone

PUNE-411 001

Chief Engineer

Hyderabad Zone

Parade Grounds

Baradar Patel Road

SECUNDERABAD-500 003

Chief Engineer (Navy)

26 Assaye Building

Colaba,

MUMBAI-400 005

EXPLANATION OF COURT JUDGEMENT
REGUL. SETTING OF "B" GRADE C.E.s
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 CAs 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 AP 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 needs 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 CGSC 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 their 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/-

80

ALLAHABAD.

FOR OBTAINING Govt Orders/Sanction for implementation of the Government which involves the following action:

Initiation of pay fixation w.e.f. 1-1-1947 and submission to audit authorities.

(i) Approval of pay fixation.

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

(iv) Obtaining Govt Sanction for charged expenditure.

(v) Payment of arrears to the applicant.

(vi) Revision of pension and other terminal benefits.

As soon as pay fixation is initiated by this HQ, you will be directed to collect the pay fixation proforma and Service Books from this HQ or handover the same 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.

(e) 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 arrears bill from 1-1-1947 till their retirement to 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 co-operation to audit authorities if asked by them to avoid contempt of court at later date.

(j) Zonal DAs 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.

9 SEP 1997

*Copy to
for 3rd pr
the action
arrear
fall due
for 1947
are devoted
to be repaid
the preparation
statement*

*to R. Ch.
the Encl.
M. A.
19/9*

31

(1) Instruct all Formations to return the Service Books of this HQ alongwith the copy of approved pay fixation, alongwith LPO duly of the LPO sent for the authorities with a copy of PTO under which casualties have been notified for pay and subsequent arrears. The formation 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 G.P./CE(Pers) of this HQ on same date.

6. Please ack receipt.

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

INTERNAL:
COPY:

1. Pay Fixation
(EIR)

- 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 GAT.

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. EIR(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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Copy to:

- CWE Mumbai
- CWE (NW) Mumbai
- CWE Pune
- CWE (AF) Secunderabad
- CWE Secunderabad
- GE(P) No.1 Mumbai
- GE(North) Mumbai
- GE(North) Deolali
- GE Golconda
- GE (South) Secunderabad
- DNES Mumbai
- NDA Secunderabad

For information and necessary action alongwith a copy of Appendix 'A' ONLY.

PUR-417
25 No. 11
Secunderabad
1205
11010
8459

T/E
Asst. Secy
Counsel for the
applicant

1	2	3	4	5	6	7	8	9
CHIEF ENGINEER, SOUTHERN COMMAND, PUNE:				CHIEF ENGINEER, SOUTHERN COMMAND, PUNE:				
9. Shri VD. Phadphane, O/S	29.12.74	CE SC Pune	793/96	11.06.97				
10. Shri RL. Patilkar, O/S	30.04.79	"	"	"				
11. Shri AK. Patilkar, O/S	26.02.81	"	"	"				
12. Shri NG. Desai, UDC	31.07.81	"	"	"				
13. Shri MM. Gandhi, UDC	12.12.70 (Vol. Retd)	C/E Pune	"	"				
14. Smt KM Dasi, w/o Lt. Shri D. Mahesh, UDC	31.10.80	C/E Pune (CE Pune Zone)	"	"				
15. Shri KV. Vasudevan, CE	31.07.84	CE SC Pune	194/97	"				
16. Shri T. Krishnan, Hair, AO II	29.02.84	"	"	"				
17. Shri T. Ramani, AO II	03.04.80	CE Pune Zone	348/97	"				
18. Shri SD. L. Ambar, O/S	30.11.78	CE SC Pune	1206/96	"				
19. Shri BV. Vardac, UDC	31.08.79	"	"	"				
20. Shri PK. Hair, UDC	31.08.79	NDA Khadga- wasla	195/97	"				

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SC PUNE-111/001

COURT CASES 'B' GRADE CLERKS WEF 1-1-1987

Appendix 'A'

Sr. No.	IES No. Name and Designation	Date of retirement	Last formation where served/retired	Q. No. & Date	Date of Judgement	MP No. & Date	Date of Judgement of MP	Remarks
1.	12055 Sari R. Nair	31.12.85	CWS Mumbai	461/94	11.06.97			
2.	11610 Shri K. Ramanna Shetty, OS-II	31.05.81	GE(P) No. 1 Mumbai	"	"			
3.	8459754 Shri Karuvankat Chandran Nair, AOII	31.05.79	CE(Navy) Mumbai	"	"			
4.	31257 Shri RG Kulkarni, UDC	31.05.79	GE(North) Mumbai	"	"			
5.	32024 Shri Gappu Shankar, UDC	30.06.78	DGLS Mumbai	"	"			
6.	31883 Smt Sasela D. Dayant, O/S	31.12.76	GE(North) Deolali (OS Pune Zone, Pune)	"	"			
7.	30980 Sri Gopal Krishna Avchat, O/S	31.03.74	GE(North) Mumbai	"	"			
8.	32157 Smt Manorama Bace, W/O Late RD Bace, O/S	31.12.80	CWS(NK) Mumbai	"	"			

....2/-

CHIEF ENGINEER HYDROELECTRIC, SECUNDERABAD:-

21. Shri. J. Lakshmi Rao, O/S	30.09.82	CHE (AF) Hyderabad Secunderabad	710/97	09.06.97
22. Shri. S. Ram Rao, ULC	01.12.67	GE Goleonda	711/97	"
23. Shri. N. Vishwanathan, ULC	31.08.74	CHE (AF) Secunderabad	712/97	"
24. Shri. TK. Thirumurthy, O/S	30.06.82	CHE Sec'bad	713/97	"
25. Shri. TK. Venkatram, UDC	31.05.76	CHE Sec'bad	714/97	"
26. Shri. T. Satyanarayana, O/S	31.05.83	GE Goleonda	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 & Gradd	Date wef.	Casualty Particulars
1	2	3	4	5
6				

PART II (SPL CENTRALISED)

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

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

1. 32090 Shri KP UDC TY
MAHAJAN (LDC Opt) 01 Jan
48 (FN)

(RETIRED ON 31 MAR 00 (AN))

***** UNDER COL.NO. 5 & 6

21 Sep 1954 Gtd.annual increment of Rs.8/-pm, raising pay from Rs.120/- to Rs.128/-pm, in the above scale.*
(ALLOWED TO CROSS ED) 21 Sep 1948

21 Sep 1955 Gtd.annual increment of Rs.0/-per month raising pay from Rs.120/- to 136/-pm,* 21 Sep 1949

21 Sep 1956 Gtd.annual increment of Rs.8/-pm, raising pay from Rs.136/- to Rs.144/-pm,* 21 Sep 1950

21 Sep 1957 Gtd.annual increment of Rs.8/-per month raising pay from Rs.144/- to 152/-pm,* 21 Sep 1951

21 Sep 1950 Gtd.annual increment of Rs.8/-per month raising pay from Rs.152/- to 160/-pm,* 21 Sep 1952

21 Sep 1953 Gtd.annual increment of Rs.5/-pm, raising pay from Rs.110/- to 115/-pm,* 21 Sep 1953

Pay fixed/re-fixed of pay, Consequent on re-classification of erstwhile 'D' Ode Clerks as UDCs wef.01 Jan 40 at Rs.90/-pm, in the scale of Rs.80-5-120-ED-8-200-10/2-220, with date of next increment on 21 Sep 48, provided no non-qualifying service intervenes.

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-ED-8-200-10/2-220.
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 21-09-48 to 21-09-58 is gtd on NOTIONAL BASIS ONLY.

Adm Offr-II
.....2/-

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE ZONE

on : PUNE- 411 001

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

PART II (CONTD)
(SHE CENTRALISED)

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

1. Casualty contd. from last page No.1

Shri KP Mahajan, 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.130-5-
160-8-200-ED-8-256-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.130-5-160-8-200-
ED-8-256-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,

Adm 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)
(SPN CENTILISED)

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

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

Shri KP Mahajan, UDC 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 wof.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:-

- * 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
RRR-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 Gp-III) dated 20 Sep 96.

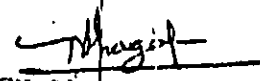
" PART II ENDS WITH SER.NO. 1 "

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, Guard Book,


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

NGP*

SPECIAL PART II ORDER

nit : 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.	MES No	Name	Category & Grade	Date wef.	Casualty Particulars
1	2	3	4	5	6

PART II (ALL CENTRALISED)

FIXATION 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)

DEF. CWPZ PUNE SPL. PTO. 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)

'FOR'

(Retired on 31 Mar 80 (AN))

01 Jan
48 (FN)

*** UNDER COL.NO. 5 & 6

01 Sep 47 (FN) Granted annual increment
of Rs.5/-per month
raising pay from
Rs.85/- to Rs.90/-pm, in
the scale of Rs.80-5-120-
120-ED-8-200-10/2-220.

Pay fixed/re-fixed of
pay consequent on
re-classification of
erstwhile 'B' Gde Cler.
as UDCs wef. 01 Jan 48
at Rs.90/-pm, in the
scale of Rs.80-5-120-
8-200-10/2-220, with
of next increment of
21 Sep 48, provided a
non-qualifying serv.
intervenes.

'READ'

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

01 Jan
47 (FN)

Pay fixed/re-fixed of
pay, consequent on
re-classification of
erstwhile 'B' Gde Cl.
as UDCs wef. 01 Jan 48
at Rs.85/-pm, in the
scale of Rs.80-5-120-
8-200-10/2-220, with
of next increment on
21 Sep 47, provided no
non-qualifying service
intervenes.

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

" PART II ENDS WITH SER.NO.1 "

No.10579/E10(S)

Dated - 09 Apr 97

Distributions:-

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

ngp/*

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

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE/ZONE
on : 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)

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

PART II
(SBS CENTRALISED)

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

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

32090 Shri KP
MAHAJAN UDC Ty
(LDC Pt)

'FOR'

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

'READ'

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/
21R (Pay Coord)
dated 27 Nov 96.

" PART II ENDS WITH SER.NO.1 "

3579/E10(S)

dated - 02 Dec 96

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

Contributions:-

SC Pune-1, CDA SC Pune-1

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

I.e.
How to be done
Counsel for the report

Annexure-b

By Regd. Post with A.D.

From

MES/33272, M. Bakka Raju,
Office Supdt. (M.E.S.) (Retd.)
A-30/1-A, First Crescent Road,
Sainikpuri,
Secunderabad - 500 094.
(Andhra Pradesh)

To

The Engineer-in-chief (E.1C)
Army Headquarters,
Kashmir House,
New Delhi - 110 001.

Sub: Payment of arrears to Erstwhile 'B' Grade Clerks of
Unified Scales of Pay - 1944: Fixation of Pay under
CPC - 1947 in respect of MES Civilian Personnel.

Sir,

I submit that I am one of those erstwhile 'B' Grade Clerks of USP-1944 - whose pay was not fixed under CPC-1947 at Par with the UDC Scale thereof w.e.f. 1-1-1947. This resulted in loss of Pay and allowances legally due to me besides denial of promotion on due dates.

2. My service particulars are appeared below:

Clerk L/Dn.	..	14 May 1943
Clerk 'B' Gde.	..	1 Sept., 1944
Clerk U/Dn.	..	11 Sept., 1961
Office Supdt.	..	9 Aug., 1980
Date of Superannuation	..	31st March, 1983

} GK (Transit Area)
Walthair

Last formation served .. Chief Engineer (P), (R&D) Picket,
Secunderabad-500 003. in Southern
Command.

3. I understand that orders were issued by Government to pay arrears of Pay and allowances to the affected as a result of legal pronouncements from CAT Bombay, Calcutta, Madras and Hyderabad and the High Courts of Bombay, Madras and finally the Supreme Court of India vide (1) min of Def. Letter No.90237/4090/EIC(3)/442-LC/D(Civ) dated 8th Jun., 94 extending the above said benefits to MES Clerks as per CAT Calcutta order in OA No.501 of 1993 dt/- 3.1.1994 and (2) CAT Bombay order in CA No.1037/92, dt/- 29.9.95 and also order No.1037/92, dt/-15.4.1996 pertaining to Shri K.P. Mahajan of CE, SC, Poona.

4. May I therefore request you, Sir, to issue a directive to all concerned to take action for payment of arrears due to me.

Thanking you, Sir,

Secunderabad,
23rd Sept., 1997

Yours faithfully,

(Sd) _____
(M. BAKKA RAJU)
O/S-Retd.

Copy to: (By Regd. Post) 1. Chief Engineer, HQ, Southern Command,
Pune-411001.

(Local): 2. Chief Engineer (P) R&D, Picket, Secunderabad-3.

T.E
To be placed in
Counsel for the
applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1384/97.

Dt. of Decision : 21-11-97.

M. Bakkaraju

.. Applicant.

Vs

1. The Union of India rep. by the Secretary - Min. 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.N.R.Devaraj, Sr.CGSC.

CORAM:

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

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

ORDER

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

Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devaraj, 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 14-05-43. 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. 1-1-47. 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 19-1-47. 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 contrary to the recommendations of the commission.

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

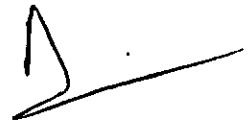
(i) to direct the respondents to classify him as UDC with effect from 1-1-47.

(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.

R



-3-

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 applicant herein should not be given the full arrears of 60% and are eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that 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 direction in that OA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply even to all those who had 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 OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT 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.4201/85.

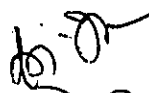
6. The OA is ordered accordingly. No costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

21.11.97
Dated : The 21st Nov. 1997.
(Dictated in the Open Court)

spr


S.R.

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. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

(X)
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21/11/97

ORDER/JUDGMENT

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

in
O.A.NO. 1384/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

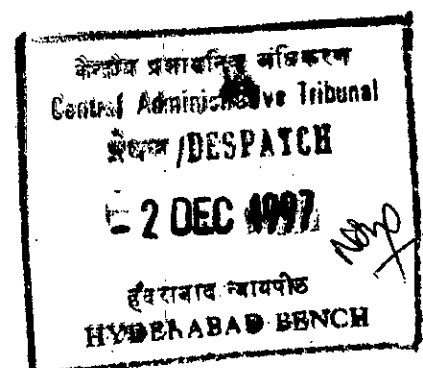
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



MA.523/98 in OA.1384/97

Between:

Dated: 17.7.1998.

1. Secretary, Ministry of Defence,
New Delhi.
2. The Engineer-in-Chief,
Army Headquarters,
New Delhi.
3. The Chief Engineer,
Southern Command,
Pune.

Applicants/
Respondents

And

Shri M.B.Raju

Respondent/
Applicant.

Counsel for the Applicants

: Mr. N.R. Devaraj

Counsel for the Respondent

: Mr. K.S.R. Anjaneyulu

CORAM:

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri N.R. Devaraj for the MA applicants and Sri D. Subrahmanyam for Sri K.S.R. Anjaneyulu for the MA respondent.

2. The time for implementation of the judgement is extended upto 30.9.1998.

MA is disposed-of. No costs.


Deputy Registrar

Copy to:-

1. The Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Headquarters, New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT., Hyd.
6. One duplicate copy.

err

23/7/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 17/7/98

ORDER/JUDGMENT

M.A/R.A/C.P.NC. 523/98

in

C.A.NC. 1384/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED
MA 18

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH
21 JUL 1998
हैदराबाद बेंच HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

MA.NO. 464/1999

IN

DA.NO. 1384/1997

Between

Date: 1-7-1999

1. The Secretary
Min of Defence
New Delhi.
2. The Engineer-in-Chief
Army Headquarters
New Delhi.
3. The Chief Engineer
Southern Command
pune.

...Applicants

And

M.B.Raju

...Respondent.

Counsel for the Applicants

...BN.Sharma, Sr.CGSC

Counsel for the Respondent

...KSR.Anjaneyulu

CORAM:

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDERS:

Mr.MC.Jacob for Mr.BN.Sharma, for the applicant and
Mr.O.Subrahmanyam for Mr.KSR.Anjaneyulu, for the respondents.

Time is granted upto 31-8-99. No further extention
of time will be given.

MA is disposed of.

BN Sharma
Section Officer.

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

1ST AND 2ND COURT

TYPED BY _____ CHECKED BY _____
COMPARED 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 (A)

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

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (J)

ORDER: 1-7-99

ORDER / JUDGEMENT

MA. / RA. / CP No. 464/99

in

CA. No. 1384/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

MA DISPOSED OF WITH DIRECTIONS.

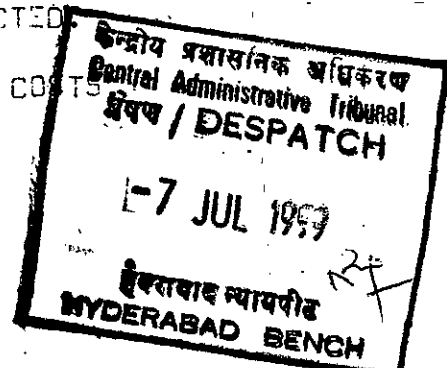
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS

SRR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

MA.NO. 753/99
IN
OA.NO. 1384/1997

Date. 17.9.99

Between.

1. The Secretary, Min of Defence
D.H.O.P.O, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters
Kashmir House, DHOPD, New Delhi.
3. The Chief Engineer, Southern Command
Pune, Maharashtra.

AND

Sri M. Sakkaraju
Counsel for the Applicant
Counsel for the Respondents

...Applicants
...Respondent.
...KSR. Anjaneyulu
...NR. Devaraj

CORAM.

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDER.

Heard. Mr. Jacob for Mr. BN. Sharma, for the applicant
in the MA and Mr. KSR. Anjaneyulu for the respondents in the MA.

The extension of time is asked up to 30th November, 1999.
The learned counsel for the applicant in the OA has no objection.

The MA is allowed as prayed for.


Section Officer.

COPY TO :-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

IST AND II ND COURT

27/9/99

TYPED BY
COMPARED 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. R. RANGARAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 17/9/99

MA/RA/CP.NO. 753/99

IN

OA. No. 1384/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

OA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

MA is allowed

(6 copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

नियम / DESPATCH

22 SEP 1999

हैदराबाद ब्याचपीठ

HYDERABAD BENCH

57

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 1073/99 in OA 1384/97

DATE OF ORDER : 23-12-1999

Between :-

1. The Union of India, rep. by Secretary,
M/o Defence, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PC, New Delhi.
3. The Chief Engineer, Southern Command,
Pune, Maharashtra.

..Petitioners/Respondents

And

M.Bakkaraju

..Respondent/Applicant

-- -- --

Counsel for the Petitioners : Shri B.N.Sarma, Sr.CGSC

Counsel for the Respondent : Shri KSR.Anjaneyulu

-- -- --

CORAM:

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


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

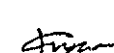
(Order per Hon'ble Shri R.Rangarajan, Member (A)).

-- -- --

Heard Sri M.C.Jacob for Sri B.N.Sarma, for the MA
applicants and Sri KSR Anjaneyulu for the MA Respondent.

2. M.A. is not opposed. Hence extension of time is granted
as prayed for. M.A. disposed of. No costs.


(R.RANGARAJAN)
Member (A)


(D.H.NASIR)
Vice-Chairman

Dated: 23rd December, 1999.
Dictated in Open Court.

avl/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

✓
7/1/2000
1ST AND 2ND COURT

COPY TO.

1. HDHND
2. HRRN M (ADMN)
3. HBSJP.M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE DH. NASTR
VICE-CHAIRMAN

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

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

DATE OF ORDER 23/12/99

MA/RA/CP.NO. 1073/99

IN
CA.NO. 1384/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

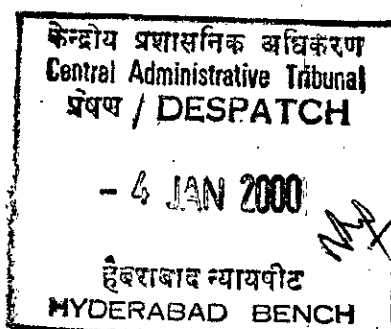
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

M.A.No. 749 of 2000

in

R.A.SR.No. 3369 of 2000

in

O.A.No. 1384 of 2000

Between:

1. Union of India, rep. by its
Secretary, Min. of Defence,
New Delhi.
2. The Engineer-in-Chief,
Army Head Quarters,
Kashmir House, DHQ PC,
NEW DELHI.
3. The Chief Engineer,
Southern Command, Pune,
Maharashtra.

... Applicants/Respondents

AND

M. Bakkarajji

... Respondent/Applicant

INDEX

S1.No.	Description	Page
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02.	Affidavit	2-5

Hyderabad,

Date: 17-8-2000.

Padma Mehta
Counsel for the Applicants/Respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

M.A.No. of 2000

in

R.A.SR.No. of 2000

in

O.A.No. 1384 of 2000

Between:

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

2. The Engineer-in-chief,
Army Head Quarters,
Kashmir House, DHQ PC,
New Delhi.

3. The Chief Engineer,
Southern Command, Pune,
Maharashtra.

... Applicants/Respondent

AND

M.Bakkaraju

... Respondent/Applicant

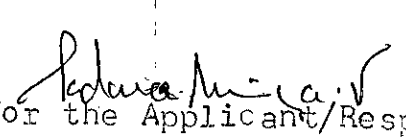
X

APPLICATION FILED UNDER RULE 8 OF CAT PROCEDURE RULES

For the reasons stated in the accompanying
affidavit it is therefore respectfully prays that this
Hon'ble Court may be pleased to condone the delay of ¹³²² ~~60~~ days
in filing the above Review Application in the interest of
justice.

Hyderabad,

Date: 17-8-2000.


Counsel for the Applicant/Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A. No of 2000

In

R.A. SR No of 2000

In

OA No 1384 of 1997

Between:

The UOI represented by Secretary
Ministry of Defence and Others

...Petitioners

And


M Bakka Raju

...Respondents

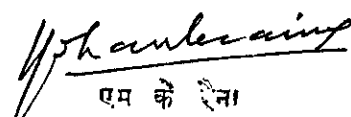
AFFIDAVIT

I, MK Raina, Son of Shri Shamboo Nath Raina, aged about 58 years, Hindu,
residing at Quarter No 1, Chief Engineer R&D, Officers Colony, Mudfort,
Secunderabad, do hereby solemnly and sincerely affirm and state as under:

1. I am the Chief Engineer R&D, Secunderabad and the 3rd applicant herein and
as such well acquainted with the facts of the case. I am filing this affidavit on behalf
of the other applicants also as I am authorised to do so.

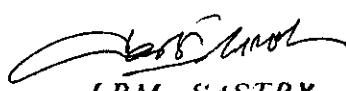

LRM SASTRY
ADM. OFFICER-I
For Chief Engineer

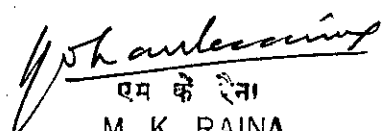
1


एम के रैना
M. K. RAINA
मुख्य अभियन्ता / P. E.
मुख्य अभियन्ता अगुसधान एवं विकास
CHIEF ENGINEER R & D
सिकन्दर बंद / SECUNDERABAD.

2. I submit that the above OA was disposed of on 21-11-97 directing the respondent authorities to follow the judgement of the Bombay Bench of the CAT in OA No 1037/92 decided on 28-9-95, but the applicant is entitled for arrears only in accordance with the judgement of the Honourable Supreme Court in Civil Appeal No 4201/85. The above order was passed in the admission stage itself and the order copy of the above order was forwarded to Respondent No 2 and Respondent No 3 to take appropriate action. In the meanwhile the applicants herein filed MA for extension of time to implement the above judgement. It is submitted that the Honourable Supreme Court in CA No 7453/97 in the case of UOI and Others V/s RD Gupta and others decided on 24-10-97 rejected the claim of the applicants therein for grant of arrears of pay but granted only fixation of pay benefit notionally. As the above judgement could not be produced at the time of disposal of the OA the review applicants seek review of the orders of this Honourable Tribunal in OA No 1384/97.

Judgement dated 24 Oct 97 in OA No 1384/97 by the Honourable CAT Hyderabad Bench was received on 01 Nov 97. Govt of India, Ministry of Defence has given approval for implementation of the ibid judgement vide their Order No PC-90237/6250/EIC (Legal-D)/43-LC/D (Civ.I) dated 15 Jan 98. The orders in the above judgement were implemented by the Respondents, in that Rs 13,911/- was

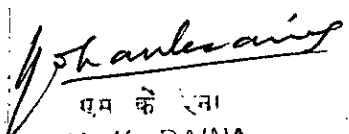

LRM SASTRY
ADM. OFFICER-I
For Chief Engineer


एम के रैना
M. K. RAINA
मुख्य अभियन्ता / O. E.
मुख्य अभियन्ता अनुसंधान एवं विकास
CHIEF ENGINEER R & D
सिकन्दर नगर / 85 UNDER-RAU.

paid on 25 Sep 98, Rs 34,371/- on 17 Mar 99 and Rs 23,564/- were also paid on 06 Sep 99. Extension of time was last granted in the MA 1073/99 in OA No 1384/97 by the Honourable CAT Hyderabad Bench upto 31 Mar 2000 vide their orders dated 01-7-99, 17-9-99 and finally on 23 Dec 99. Action for revision of pensionary awards was initiated on 11 Dec 99. Meanwhile the orders of Supreme Court of India restricting the scope for payment of arrears was received vide CE SC Pune letter No 109002/Policy/305/Legal Cell dated 29 Dec 99. The matter was referred to higher authorities regarding filing of Review Petition at CAT Hyderabad in respect of OA No 1384/97 under CE R&D Secunderabad letter No 10471/MBR/157/E1LC dated 23 Mar 2000. A copy of CAT Mumbai Bench judgement dated 30 Mar 2000 covering 3 Review Petitions and another Order dated 30 Mar 2000 in a batch of 7 OAs was received under CE SC Pune letter No 109002/Policy/378/Legal Cell dated 26 Apr 2000, with directions to file a Review Petition in OA No 1384/97 seeking review of Orders dated 24 Oct 97 in the Honourable CAT Hyderabad Bench. Matter was then referred to Sr. CGSC with a request to examine the implications and make available a draft Review application, which has now been received and Review Petition is accordingly being filed in Aug 2000.

The delay was not intentional but was unavoidable since various higher authorities located at Pune and New Delhi are to be consulted for implementing the


LRM SASTRY
ADM OFFICER-I
For Chief Engineer


एम के राना
M. K. RAINA
मुख्य अभियन्ता / A. E.
मुख्य अभियन्ता अगुसथान एवं विकास
CHIEF ENGINEER R & D
सिकंदराबाद / SECUNDERABAD.

orders and review of the same consequent to a decision by the apex Court and CAT Mumbai Bench Orders in similarly situated cases which was pronounced in Mar 2000.

I submit that the review is sought on genuine grounds as there was an error apparent on the face of the record and as such if the delay is not condoned the applicants will be put into irreparable loss. As the Honourable Tribunal got ample powers to condone the above said delay the same may be done in this case also.


In view of the facts state above the Honourable Tribunal may be pleased to condone the delay of ¹²²²~~600~~ days in filing the above RA in the interest of justice.

Sworn and signed before me

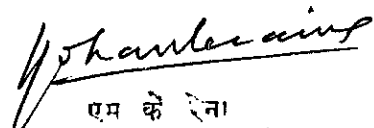
On this the ^{16th} day of Aug,

2000 at Secunderabad.

Deponent


LRM SASTRY
ADM OFFICER-I
For Chief Engineer

4


एम के रेना
M. K. RAINA
मुख्य अभियन्ता / P. E.
मुख्य अभियन्ता अगुसवान एवं विकास
CHIEF ENGINEER II & D
सिकन्दर बाग / SECUNDERABAD.

Revised

- ① Signature of case
- Cancel to be made on
petition of MA and RA
- ② Date to be made
in soon affidavit.
- ③ Condone delay in filling
to be corrected

Q
34P

As Regs
Ceddy fin

Objection complied
Admission paid
31/8/20



131- Condone delay in
filling for 132-2 days
(2)

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

M.A.No. of 2000

in

R.A.A.SR.No. of 2000

in

O.A.No. 1384 of 2000



CONDONE DELAY PETITION

Received on

17/8

B.NARASIMHA SHARMAN
Sr.CGSC.

Counsel for the Applicant/
Respondents.

Received on
14/9

Received on
14/9

1.11.97
1.12.97 360
98 360
99 360
100 142
101 122
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MA 749/2000 in RA 3369/2000

in OA 1384/97

21.9.28

MA dismissed. Order on
separate sheets. No costs

J
HBSP
MP

A
HRA
MH

DEFENCE/HRA/HBSP

DEFENCE CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

M.A. 749 OF 2000

In RA 3369/2000

O.A.No. 1384 OF 2000

Con done delay petition

Mr. ~~COUSEL FOR THE APPLICANT~~
AND

Mr. B. N. Sharma
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

U/R 8 (3) ^{AT HYDERABAD} of C.A.T. (C) Rules 1985
M. A. No. 523 OF 1998

in

O. A. No. 1384 OF 1997

Between :

Union of India,
represented by

1. Secretary,
Ministry of Defence,
New Delhi.
2. Engineer-in-Chief,
Army Headquarters,
New Delhi.
3. Chief Engineer,
Southern Command,
Pune.

.. Applicants/
Respondents

A N D

Shri M.B. Raju

.. Respondent/
Applicant.

For the reasons stated in the accompanying
affidavit, it is prayed that an extension of time for
a period of six months ^{m OA 1384/97} hence may please be accorded to
the ~~Applicants~~ ^{Applicants} in order to comply with the directions
^{m OA 1384/97 Dtd. 21.11.97}
of the Hon'ble Tribunal, and pass such other orders as
deemed fit.


COUNSEL FOR THE APPLICANTS.

MA No.

593/98

IN

DA No.1384/97

Between:-

Shri MB Raju
Retired Office Superintendent
S/O Shri M Hanumantha Rao
A-30/1A, First Crescent Road,
Sainikpuri, Secunderabad.

Union of India, represented by
1. Secy-Min of Defence
2. Engineer-in-Chief, Army HQ
3. Chief Engineer Southern Command, Pune.

AFFIDAVIT ON BEHALF OF THE RESPONDENT

I, IC-19549H Col VV Siva Rao, Addl Chief Engineer (works), son of Late Shri V Seshagiri Rao, aged about 50 years, working as Addl Chief Engrt (works) residing at Gtr No.4A at Officers Colony, Madfort, Secunderabad do hereby solemnly and sincerely affirm and state on oath as follows:-

1. I am working in the office of the Chief Engineer R&D, Secunderabad from where the above named applicant has retired from service, and am fully acquainted with the facts of the case. I am authorised to file this affidavit on behalf of all the Respondents.

2. I have read the contents of the copy of the above DA No.1384 of 97, and the judgement given by the Hon'ble CAT Hyderabad Bench on 21 Nov 97.

3. It is submitted that consequent to the judgement dated 21 Nov 97 by the Hon'ble CAT Hyderabad Bench, sanction for reclassification of the individual as Upper Division Clerk met on Jan 1947 and for relaxation of his pay with effect from the same date with consequential benefits has been accorded by Govt. of India, Min of Defence vide their letter No.PC-90237/6250/EIC(Legal-D)/43-LC/D(Civ-I) dt 13 Jan 98.

LRM SASTRY
ADM. OFFICER-I
For Chief Engineer

(V V Siva Rao)
Colonel
ACE (Wks)
for Chief Engineer

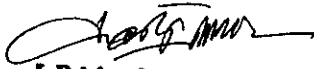
Contd 2/-

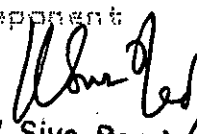
4. It is submitted that the proposals for fixation of pay of the applicant have already been submitted to the audit authorities for their concurrence, duly supported by the service documents of the employee.

5. It is also submitted that the orders have to be implemented retrospectively wef 01 Jan 1947. The applicant had retired in 1983. The period involved for fixation of pay and consequential benefits is about 36 years during which period the applicant served in various parts of the country. Hon'ble CAT may kindly appreciate that the case is more than 50 years old i.e., from 1947 onwards to start with. The entire task will take considerable time and correspondence with the offices concerned for tracing old records/documents from 1947 and onwards. Various agencies are also involved in the process i.e., offices served by the applicant during his service of over 36 years with this department, audit offices and Govt. of India for allotment of charged expenditure and so on in the process. It is however stated that the entire process is being vigorously pursued and all out efforts are being made to comply with the directions soon.

6. In view of the above constraints, it is submitted that it requires six months time to comply with the directions in the OA. It is therefore prayed that an extension of time for a period of six months hence may please be accorded to the Respondents in order to comply with the directions of the Hon'ble Tribunal and pass such other orders as deemed fit.

Solemnly and sincerely affirmed this
the 2nd day of July 1998
and signed his name in my presence.


LRM SASTRY
ADM. OFFICER-I
For Chief Engineer

Deponent

(V V Siva Rao)
Colonel
ACE (Wks)
for Chief Engineer
Before me

"Attested"

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 their place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f. 1-1-47. 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 19-1-47. 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 contrary to the recommendations of the commission.

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

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

(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 CA was filed in this Tribunal i.e., OA.710/97 (M.Lakshmane Rao Vs. UOI & Crs). 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 CA is similar to that, we do not see any reason to differ from the judgement.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

AT HYDERABAD

C.A. 1384/97.

Dt. of Decision : 21-11-97.

M. Bakkaraju

.. Applicant.

Vs

1. The Union of India rep. by the Secretary - Min. of Defence, DHO IC, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Kashmir House, DHO IC, 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. N. R. Devaraj, Sr. CGSC.

COMMISSION:

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

THE HON'BLE SHRI E. S. JAL PARAMESHWAR : MEMBER (JUL.)

ORDER

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

Heard Mr. K. S. R. Anjaneyulu, learned counsel for the applicant and Mr. W. Satyanarayana for Mr. N. R. Devaraj, learned counsel for the respondents.

2. The applicant in this CA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 14-05-43. 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

In the C.A.T.
Hyd Bench

MA 198

OA 1384/97

Extension of time



Received copy
10/7/98

Filed by -
N. R. Dewary
10/7/98

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 applicant herein should not be given the full arrears of 60% and are eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that 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 direction in that CA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply even to all those who had 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 OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT 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.4201/85.

6. The CA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

P. S. D. D. D.

न्यायालय कलिनारी/उप रजिस्ट्रार (न्यायिक)

Court Officer/Dy. Registrar

केन्द्रीय प्रशासनिक न्यायालय

Central Administrative Tribunal

हैदराबाद बेंच

HYDERABAD BENCH

मूल/ORIGINAL

MA 523/98 in OA 1384/97

17-7-98

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

साधारण/ORDINARY

रक्षा/DEFENCE

M.A.No. 523 of 1998

IN

O.A.No. 1384 of 1997

Heard Sri N.A. Devraj for
the MA application and Sri
D. Subrahmaniam for Sri
K.S.R. Anjaneyulu for the
MA request.

2. The time for implementation
of the judgment is
fixed up to 30-8-98.
is disposed of. No costs.

HRAN
M(A)

Exclusion of time

Mr. [Signature]
COUNSEL FOR THE APPLICANTS.
AND

Mr. N.R. Deva Raj
Sr. ADDL. STANDING COUNSEL FOR C.G. RLY

&
Mr. K.S.R. Anjaneyulu

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD

MA 753 OF 1999

IN OA 1384 OF 1997

Between :-

Union of India represented by Applicate
Secretary, Ministry of Defence and
two others

And

Shri M Bakkaraju, O/S (Retd) Respondent

PETITION

For the reasons stated in the accompanying affidavit, it is
prayed that this Honourable Tribunal may be pleased to grant
further time of 3 months ^{ie up to 30.11.99} (from the date of order in this OA) for
implementation of judgement of this Honourable Tribunal in OA
1384 of 1997 and pass such other order (s) as this Honourable
Tribunal deems fit and proper in the interest of justice.

Hyderabad

Padma Priya V
Counsel for Applicant

Date : 7/9/99.

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

MISCELLANEOUS APPLICATION NO .

1999

IN ORIGINAL APPLICATION 1384/97

Between

Union of India represented by :

Secretary, Ministry of Defence

and 2 others

..... Applicants

and

Shri M Bakkaraju, O/S (Retd)

..... Respondent

APPLICATION ON BEHALF OF THE APPLICANTS

1. I M.K. Raina, son of Shri Shambhu Nath Raina, aged about 58 years, Hindu, residing at Qtr No 1, R&D Officers Colony, Mudfort, Secunderabad, do hereby solemnly and sincerely affirm and state on oath as follows :-

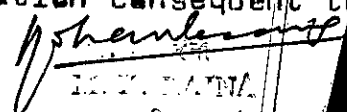
2. I am a responsible officer and am fully acquainted with the facts of the case. I am authorised to file this affidavit on behalf of the respondents.

3. I have understood this Hon'ble tribunal order dt 01 Nov 97 in ibid OA and submit the following for consideration :-

(i) It was directed in the order dt 01 Nov 97 that the respondents are to follow the judgement of the CAT Bombay Bench judgement decided on 28 Sep 95. Upon request of the respondents an extension of time was granted upto 01 May vide MA 523 of 1998 and order dated 17 Jun 98 thereon. The further request was also granted upto 31 Aug 99 vide MA No 464/99 and order dated 01 ^{JUL} Sep 99.

(ii) The individual has been reclassified as 'B' Grade clerk with effect from 01 Jan 1947. Consequential promotion to the grade of Asst I/C and Supdt clerical with effect from 10 Sep 60 and with effect from 25 Mar 63 respectively has also been effected. His pay fixation consequent to


ERM SASTRY
ADM. OFFICER-I
For Chief Engineer



M.K. RAINA
Asst I/C and
Supdt clerical

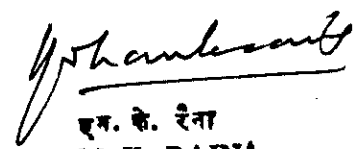
reclassification and further promotion as above have been completed. Fixation of his pay promoted grade has also been completed. Arrears of pay and allowances in the appointment of 'B' grade clerk amounting to Rs 13,911/- have been paid on 25 Sep 98 and further arrears amounting to Rs 34,371/- as Asst I/C and Supdt clerical have also been paid on 17 Mar 99.

(iii) Further promotion to the grade of Adm Officer Grade II and Adm Officer Grade I has since been finalised by E-in-C's Branch, Army HQ, New Delhi and orders issued by CESC Pune during May 99. These were consequently notified vide CE R&D Secunderabad Special Part Two Order No 2/S/89 of 28 May 99. Fixation of pay consequent to these promotions to gazetted status has also been completed and bill for payment for arrears has been sent to audit office for Rs 23,564/-.

(iv) Sanction of CFA for charged expenditure has since been obtained vide E-in-C's Branch, Army HQ, New Delhi letter No A/02467/E5 CH (880) dt 27 Aug 99 (Copy enclosed for ready reference). Accordingly supplementary pay bill bearing Vr No 50/00/312 dated 31 Aug 99 for Rs 23,564/- on account of pay fixation in respect of the individual has been forwarded to Controller of Defence Accounts, Secunderabad vide Chief Engineer R&D, Secunderabad letter No 10210/MBR/25/E7 Pay dated 31 Aug 99 (copy enclosed for ready reference).

(v) All efforts are being made to obtain payment of the arrears amounting to Rs 23,564/- and pay the applicant within 10-15 days. Thereafter action for revision of pension/gratuity etc has to be initiated on the basis of last pay paid in the grade of Adm Officer Grade-I. The processing of the revision and release of the same involves various offices at Secunderabad (Chief Engineer R&D Secunderabad),


LRM SASTRY
ADM. OFFICER-I
For Chief Engineer


इ. के. रैना
M. K. RAINA
मुख्य अभियन्ता/C. E.
मुख्य अभियन्ता-अनुसंधान एवं विकास
Chief Engineer R & D,
सिकन्दराबाद/Secunderabad.

Pune (Chief Engineer HQ Southern Command), Secunderabad (Controller of Defence Accounts for verification of data sheet and pay particulars by paying audit office) and finally at Allahabad (Chief Controller of Defence Accounts (Pension) for verification and release of awards). To fulfill the above formalities and audit checks a minimum time of about 4 months would be required after payment of the arrears of Rs 23,564/- referred above.

4. In view of the above, it is requested that this Hon'ble Tribunal may be pleased to grant an extension of 3 months time from the date ^{i.e. up to 30.11.99} ~~(of order in this case)~~ for implementation of the order in OA 1384/97 and pass such other order or orders as deemed fit and proper to meet the ends of justice.

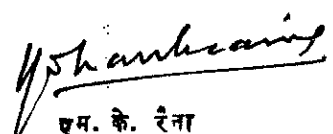
Sworn and sincerely affirmed

On this the 15th day of
 Sep 99

Attested


LRM SASTRY
ADM. OFFICER-I
For Chief Engineer

Deponent


एम. के. रैना
M. K. RAINA
मुख्य अभियन्ता/C. E.
मुख्य अभियन्ता अनुसंधान एवं विकास
Chief Engineer R & D,
सिकन्दराबाद /Secunderabad.

THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

AT HYDERABAD

C.A. 1384/97.

Date of Decision: 21-11-97.

M. Bakkaraju

.. Applicant.

Vs

1. The Union of India rep. by the Secretary - Min. of Defence, DHO IC, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Keshavnagar, DHO IC, 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. N. R. Devaraj, Sr. CUSC.

COMMISSION

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

THE HON'BLE SHRI B. S. JAL PARAMESHWAR : MEMBER (JULY.)

ORDER

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

Heard Mr. K. S. R. Anjaneyulu, learned counsel for the applicant and Mr. W. Satyanarayana for Mr. N. R. Devaraj, learned counsel for the respondents.

2. The applicant in this CA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 14-05-43. 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 their place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f. 1-1-47. 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 19-1-47. 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 contrary to the recommendations of the commission.

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

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

(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 CA.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 CA was filed in this Tribunal i.e., OA.710/97 (M. Lakshmana Rao Vs. UCI & Crs). 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 CA is similar to that, we do not see any reason to differ from the judgement.



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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 applicant herein should not be given the full arrears of 60% and are eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that 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 direction in that CA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply even to all those who had 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 OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CA in CA.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.4201/85.

6. The CA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Disha Datta

न्यायालय दस्तावेजों का रजिस्ट्रार (न्यायिक)

Court Officer/Dt. Registrar

केन्द्रीय न्यायालय प्रशासन

Central / Directorate Tribunal

हैदराबाद बेंच

HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

MA.NO. 464/1999

IN

DA.NO 1394/1997

Between

1. The Secretary
Min of Defence
New Delhi.
2. The Engineer-in-Chief
Army Headquarters
New Delhi.
3. The Chief Engineer
Southern Command
pune.

And

M.B.Raju

Counsel for the Applicants

Counsel for the Respondent

CURAM,

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDERS.

Mr.MC.Jacob for Mr.BN.Sharma, for the applicant and
Mr.D.Subrahmanyam for Mr.KSR.Anjaneyulu, for the respondents.

Time is granted upto 31-8-99. No further extension
of time will be given.

MA is disposed of.

प्रमाणित प्रति

CERTIFIED TRUE COPY

क्रमांक MA 464/99
CASE NUMBER 0-1384/97
निर्णय दिनांक 1-7-99
DATE OF JUDGMENT 1-7-99
प्रति हस्ताक्षर 5-7-99
COPY MADE BY 5-7-99

Sd/-xxxx

Section Officer.

सहायक न्यायाधीश
S. J. Officer
के. ए. ए. न्यायाधीश
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH.



Date: 1-7-1999

File. 3019644

Dte of works(Budget)/E5
Engineer-in-Chief's Branch
Army Headquarters
Delhi PO New Delhi: 110011


No. A/02467/35 CH(830)

27 Aug 99

Chief Engineer
HQ Southern Command
Pune

CHARGED EXPENDITURE: ALLOTMENT OF FUNDS IN R/O
SH M BAKKARAJU OS (RETD) OA NO 1384/97

1. Reference CDA, Secunderabad letter No P/S/1/4303/ T2/PG dated 22 Jul 99.
2. A sum of Rs. 23564/- (Rupees twenty three thousand five hundred sixty four only) is hereby allotted as charged under Major Head 2076-DS(Army), Minor Head 104-Civilians, Sub Head 'K' -MES(1)(2) Pay & Allowances. Other Code Head (1/230/02) for meeting the expenditure in full satisfaction of the Hon'ble CAT Hyderabad Bench judgement dated 21.11.97 against OA No 1384/97 in favour of Sh M Bakkaraju, OS(Retd) during the current year(1999-2000).
3. The claimant may be asked to give a receipt in duplicate to the effect that the total amount received is in full and final settlement of the claim.
4. This issues with the concurrence of Ministry of Defence/ Finance(Works-I) vide their u.o No. 1123/W-I dt 25.8.99 and the commitment has been noted by DFA(Budget) vide their u.o. No. 1989-Bud-I/99 dated 23.8.99.


(VK Gulati)
EE
SO-II(Budget)
for E-in-C

Copy to :-

Min of Def/D(Works-II)
Min of Def/Fin(Works-I)
DFA(Budget), CGDA Office, RK Puram
CDA, Secunderabad | One more copy duly signed in ink.
No. 1 Staff Road
✓ CE(R&D), Picket, Secunderabad : -do-

Telephone : 7844396

PRIORITY

Chief Engineer R&D
Picket
Secunderabad - 500 003

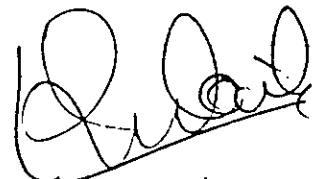
10210/PBR/ 25 /E7Pay

31 Aug 99

CDA (Gp I)
No 1 Staff Road
Secunderabad - 3

**SY PAY BILL ON ACCOUNT OF PAY FIXATION IN RESPECT
OF PES-33272 SHRI M BAKKA RAJU, OS (RETD) :
CHARGED EXPENDITURE 1999-2000**

1. Refer this office letter No. 10210/PBR/21/E7Pay dated 14 Jul 99 and your office letter No. P/S/1/4303/T2/PG addressed to E-in-C's Or New Delhi and copy to this office.
2. Sy Pay bill bearing Vr No. 50/00/312 dated 31 Aug 99 for Rs. 23,564/- on account of Pay fixation in respect of above named individual is forwarded herewith alongwith connected documents for favour of audit and authorisation of payment.
3. Sanction of CFA for charged expenditure has been obtained vide E-in-C's Or letter No. A/02467/ES CH(880) dated 27 Aug 99 enclosed for further action.
4. Cheque may please be issued in favour of SBI Trinulgherry Branch, Secunderabad for credit to Public Fund Account No 5040 of CE R&D Sec-underabad.
5. An early action is requested.



(PM Malik)
Major
Adm Offr
for Chief Engineer

Encls : _____ Sheets

Copy to :-

Chief Engineer (E1LC)
Southern Command
Pune - 411 001

Internal

E1LC Section ✓

ES Section

E7R Section

Regd. - Petition for Extension of
Time

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : ADDITIONAL BENCH
AT : HYDERABAD

M.A.No. of 1999

in

O.A.No. 1384 of 1997



REXXXX

EXTENSION PETITION

Received by
4/9/99
9/9/99

May be filed

B.NARASIMHA SHARMA,
Sr.CGSC.

On
15/9/99

Counsel for the Applicants/
Respondents.

MA. 753/99 in OA. 1384/97

13/9/99.

Heard Mr. Jacob for
Mr. B. N. Sharma for the
applicant ^{in the MA.} and Mr. K.S.R.
Anjaneyulu for the
respondents in the MA.

The extension of
time is asked up to

30th November, 1999.

The learned counsel for
the applicant in the OA
has no objection.

The MA is allowed as
prayed for.

HRSTP
MCT

HR Rd.
MIB

DEFENCE

बेंच केस/BENCH CASE

ORIGINAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

M.A. NO. 753 of 1999
IN

O.A. NO. 1384 of 1997

Petition for Extension of time

Mr. B. Narasimha Sharma
COUNSEL FOR THE APPLICANT/S/Respondent

AND

Mr. K.S.R. Anjaneyulu

STANDING COUNSEL

ADDL. STANDING COUNSEL FOR Cen. Govt.

SENIOR STANDING COUNSEL for Cen. Govt.

S.C. FOR RLYS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: ADDITIONAL BENCH
AT HYDERABAD

M.A.No. 464 of 1999

in

O.A.No. 1384 of 1997

Between:

1. The Secretary,
Ministry of Defence,
New Delhi.
2. The Engineer-in-Chief,
Army Headquarters,
New Delhi.
3. The Chief Engineer,
Southern Command,
Pune.

...Applicants

And

M.B.Raju.

...Respondent

V/R 8(3) of CATCP Rules 1987

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Tribunal may be pleased to grant further time of 4 (four) months till 30-9-99 for implementing the judgement of this Hon'ble Tribunal in O.A.No.1384/97 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

Hyderabad

Date 16-6-99.


Counsel for the Applicants.

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

MISCELLANEOUS APPLICATION NO.

1999

IN ORIGINAL APPLICATION 1364/97

Between

Union of India represented by:

Secretary, Ministry of Defence

and 2 others

... Applicants

and

Shri M Bakkaraju, D/S (Retd)

... Respondent

APPLICATION ON BEHALF OF THE APPLICANTS

1. I, IC-19549H Colonel VV Siva Rao, Addl DE (Wks), son of Late Shri V Sashagiri Rao, aged 50 yrs, Hindu religion, residing at qtr No. 4A, Offrs colony, Mudfort, Secunderabad, do hereby solemnly and sincerely affirm and state on oath as follows:-

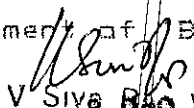
2. I am a responsible offr in the office of the 1st respondent and am fully acquainted with the facts of the case. I am authorised to file this affidavit on behalf of the respondents.

3. I have understood this hon'ble tribunal order dt 01 Nov 97 in ibid OA and submit the following for consideration:-

i) It was directed in the order that the respondents are to follow the judgement of the CAT Bombay Bench judgement decided on 28 Sep 95. Upon request of the respondents an extension of time was granted upto 01 May 99 vide MA 523 of 1998 and order dated 17 Jun 98 thereon.

ii) The individual has since been reclassified as 'B' Grade clerk with effect from 01 Jan 1947. Consequential promotion to the grade of Asst I/C and Supdt clerical with effect from 10 Sep 60 and with effect from 25 Mar 63 respectively has also been effected. His pay fixation consequent to the reclassification and further promotion as above has been completed. Fixation of his pay in the promoted grade has also been completed. Arrears of pay and allowances in the appointment of 'B'


LRM SASTRY
ADM OFFICER-I
For Chief Engineer


(VV Siva Rao)
Colonel
ACE (Wks)
for Chief Engineer

grade clerk amounting to Rs 13,911/- have been paid on 25 Sep 98 and further arrears amounting to Rs 14,371/- as Asst I/C and Supdt Clerical have also been paid on 17 Mar 99.

iii) Further promotion to the grade of Adm Officer Grade II and Adm Officer Gde I has since been finalised by E-in-C's Branch, Army HQ, New Delhi and orders issued by CESC Pune during May 99. These were consequently notified vide CE R&D Secunderabad Special Part Two Order No. 2/S/89 of 28 May 99 (Copy enclosed for ready reference as annexure 'A' to this MA). Fixation of pay consequent to these promotions to gazetted status has also been initiated and sent to accounts office under CE R&D Sec'bad letter No. 10432/4063/E7R dated 04 Jun 99; (Copy enclosed for perusal of Hon'ble Tribunal Bench as annexure 'B'). After the pay fixation is completed, calculation of arrears, obtaining of charged expenditure, payment of dues and subsequent revision of pension/gratuity/commutation as due to him would accrue for settlement. Various offices located at New Delhi, Pune, Secunderabad and Allahabad are involved in achieving the above actions for payments/revision of pension benefits to the retired employee. The same would consume some more time for completion of the various administrative formalities and final revision of his pension benefits thereof.


4. In view of the above, it is requested that this Honourable Tribunal may be pleased to grant an extension of 6 months time ~~for~~ for implementation of the order in OA 1384/97 and pass such other order or orders as deemed fit and proper to meet the ends of justice.

Sworn and sincerely affirmed


Deponent

on this the _____ day of

1999


LRM SASTRY
ADM. OFFICER-I
For Chief Engineer

Attested


(V V Siva Rao)
Colonel
ACE (Wks)
for Chief Engineer

4063

Tale : 7844396

OP IMMEDIATE/TIME BOUND CATCASE
Chief Engineer N & U
Picket
Secunderabad - 3

10432/ 4063 /E7R

04 Jun 99

CDA
Secunderabad - 3

FIXATION OF PAY CONSEQUENT ON PROMOTION
TO 'B' GRADE CLERKS

1. Proposals for fixation of pay consequent on promotion to 'B' Gds clerks in respect of MES/32272 Shri M Bakkaraju, S/S (New AD I) received from CE SC Pune is forwarded herewith for your audit approval and early return the of the same for claiming the arrears of pay P&A to the petitioners at the earliest.
2. This may please be treated as OP Immediate since the subject matter is a time bound CAT case at CAT Hyderabad Bench.

(LRM SASTRY)
Adm Officer I
Per Chief Engineer

Encls : SB in VIII Parts

alongwith Pay fixation form

SPECIAL PART II ORDER

Unit : Chief Engineer R & D

Sl No.2/3/99

Station : Secunderabad - 3

Dated:28 May 99

Page No.1 of 1

(Last Spl PTO Published vide Spl PTO No.1/S/99 of 05 Apr 99)

Sl No	MES No	Name	Design- ation	C A S U A L I T Y	
				Date wef	Particulars
1	2	3	4	5	6

PART-I
(SB Centralised)

PROMOTION:

1. MES/32272 Shri Office 21 Oct 78 Promoted as AG II and
M Bakkaraju Supdt placed in position
(Retd from service wef 21 Oct 78 in the
on 31 Mar 1983) scale of Rs.450-25-575
(RPR-1960).
31 Jul 78 Promoted as AG I and
placed in position
wef 31 Jul 78 in the
scale of Rs.800-40-
1000-EB-40-1200(RPR-73)

(Authys:- HQ CE SC Pune letter No 150101/18-A/98/Gen/150/E1B(
R-OPC) dated 08 May 99 and CE R&D Secunderabad letter
No.10010/2627/E1B of 24 May 99.)

(Part-I ends with Sl No.1 only)

(LRM SASTRY)
Agm Officer I
for Chief Engineer

DISTRIBUTION:

1. HQ CE SC Pune - 1
2. CDA SC Secunderabad - 3
3. RAO (MES) Secunderabad - 3

Returned

1. Service to be made on the counsel for the applicant.
2. Provision of rule to be furnished.

in darshanone

CV
23/6/99

Regd. - Petition for extension of time

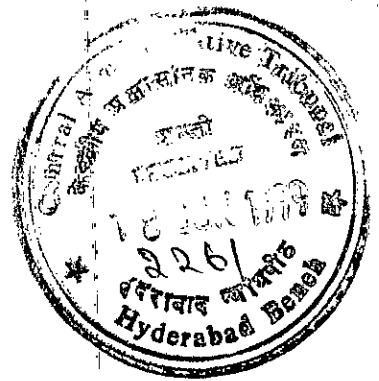
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT HYDERABAD

~~MX~~ M.A.No.

of 1999

in

O.A.No. 1384 of 1997



PETITION FOR EXTENTION OF TIME

Received CV
CV
23/6/99

B.NARASIMHA SHARMA,
Sr.CGSC.

Counsel for the Applicants.

May be filed
CV
23/6/99

11/7/99

DEFENCE

ORIGINAL

BENCH CASE

M.A.Ns. 464 OF 1999

IN

O.A. NO. 1384 1997

Mr. HC. Jacob for Mr. BN.
Sharma, for the applicant
and Mr. D. Subrahmanyam
for Mr. KSR. Anjaneyulu, for
the respondent

Time is granted up to
31/8/99. No further extension.

of time will be given.
MA is disposed of.

HRSVP
H.C.

HRSVP
H.C.

Extension of time

Mr. _____

COUNSEL FOR THE APPLICANTS

AND

Mr. _____

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

Mr. KSR Anjaneyulu
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A.No. 1073 of 1999

in

O.A.No. 1384 of 1997

Between:

The Union of India,
rep. by Secretary and others.

And

M.Bakkaraju

... Petitioners/
Respondents

..., Respondent/
Applicant

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05.	Order copy in M.A.No.753/99	8
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07.	Letter dt.31-8-99	10

Hyderabad.

Date: 9-12-99

Padma Miya V
Counsel for the Petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A.No. 1073 of 1999

in

O.A.No. 1384 of 1997

Between:

1. The Union of India, rep.
by Secretary, Min. of Defence,
New Delhi.
2. The Engineer-in-Chief, Army Head
Quarters, Kashmir House, DHO PC,
New Delhi.
3. The Chief Engineer, Southern Comman,
Pune, Maharashtra.

...Petitioners/
Respondents

And

M.Bakkaraju

...Respondent/
Applicant

PETITION FILED UNDER RULE 8 of CAT PROCEDURE RULES

For the reasons stated in the accompanying
affidavit the petitioners/respondents herein respectfully
prays that this Hon'ble Court may be pleased to extend
the time for implimenting the order in O.A.No.1384/97
upto 31 March, 2000 and pass such other order or orders as
deemed fit and proper ~~to~~ to meet the ends of justice.

Hyderabad.

Date: 9-12-99.

Padma Desai
Counsel for the Petitioners

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

MISCELLANEOUS APPLICATION NO

1999

IN ORIGINAL APPLICATION 1384/97

Between

Union of India represented by :
Secretary, Ministry of Defence
and 2 others

... Applicants

And

Shri M Bakkaraju, O/S (Retd)

... Respondent

APPLICATION ON BEHALF OF THE APPLICANTS

1. I, M.K. Raina, Son of Shri Shamboo Nath Raina, aged about 58 years, Hindu, residing at Quarter No 1, R&D Officers Colony, Mudfort, Secunderabad, do hereby solemnly and sincerely affirm and state on oath as follows:-

2. I am a responsible officer and am fully acquainted with the facts of the case. I am authorised to file this affidavit on behalf of the applicants.

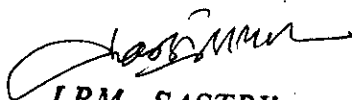
3. That this Honourable Tribunal Order dated 01 Nov 97 in ibid OA and submit the following for consideration:-

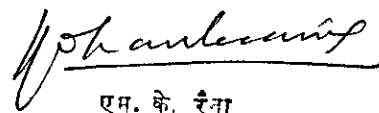
a) It was directed in the Order dated 01 Nov 97 that the respondents are to follow the judgement of the CAT Bombay Bench judgement decided on 28 Sep 95. The further request was also granted upto 31 Aug 99 vide MA No 464/99 and Order dated 01 Jul 99. On the request of the applicants this Honourable Tribunal also granted time upto 30 Nov 99 vide MA No 753/99 by Order dated 17 Sep 99 for implementation of the above order.

b) The individual has been reclassified as 'B' Grade Clerk with effect from 01 Jan 1947. Consequential promotion to the Grade of Assistant I/C and Supdt clerical with effect from 18 Sep 60 and with effect from 25 Mar 63 respectively has also been effected. His pay fixation consequent to the reclassification and further promotion as above have been completed. Fixation of his pay in promoted grade has also been completed. Arrears of pay and allowances in the appointment of 'B' Grade Clerk amounting to Rs. 13,911/- have been paid on 25 Sep 98 and further arrears amounting to Rs 34,371/- as Assistant I/C and Supdt clerical have also been paid on 17 Mar 99.

Contd..2..

1


LRM SASTRY
ADM. OFFICER-I
For Chief Engineer


एम. के. रैना
M. K. RAINA
मुख्य अभियंता/च. ई.
मुख्य अभियंता, विकास एवं विकास
CHIEF ENGINEER R & D
सिकन्दर बाग/से. HYDERABAD.

c) Further promotion to the grade of Adm Officer Grade II and Adm Officer Grade I has since been finalised by E-in-C's Branch, Army HQs, New Delhi and orders issued by CE SC Pune during May 99. These were consequently notified vide CE R&D Secunderabad Special Part II Order No 2/S/89 of 28 May 99. Fixation of pay consequent to these promotions to gazetted status has also been completed and bill for payment for arrears has been sent to Audit Office for Rs. 23,564/-.

d) Sanction of CFA for charged expenditure has since been obtained vide E-in-C's Branch, Army HQ, New Delhi letter No A/02467/E5 CH (880) dated 27 Aug 99 (Copy enclosed for ready reference). Accordingly supplementary Pay Bill bearing Vr. No 50/00/312 dated 31 Aug 99 for Rs 23,564/- on account of pay fixation in respect of the individual has been forwarded to Controller of Defence Accounts, Secunderabad vide Chief Engineer R&D; Secunderabad letter No 10210/MBR/25/E7 Pay dated 31 Aug 99 (Copy enclosed for ready reference).

e) Arrears amounting to Rs 23,564/- have been paid to the applicant on 06 Sep 99. Thereafter action for revision of pension/gratuity etc. has also been initiated on the basis of last pay paid in the grade of Adm Officer Grade I. The processing of the revision and release of the same involves various offices at Secunderabad (Chief Engineer R&D, Secunderabad), Pune (HQ, Chief Engineer, Southern Command), Secunderabad (Controller of Defence Accounts for verification of data sheet and pay particulars by paying Audit Office) and finally at Allahabad (Chief Controller of Defence Accounts (Pension)) for verification and release of awards). This process has been set in motion and LPC has been forwarded to Audit Offices. To fulfill the above formalities and audit checks a further time of 4 months is anticipated.

4. In view of the above, it is requested that this Honourable Tribunal may be pleased to grant extension of time upto 31 Mar 2000 for implementation of the order in OA No 1384/97 and pass such other order or orders as deemed fit and proper to meet the ends of justice.

Sworn and sincerely affirmed

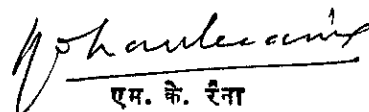
on this the 31st day of Dec 1999.

Deponent

Attested



LRM SASTRY
ADM. OFFICER-I
For Chief Engineer



एम. के. रैना
M. K. RAINA

मुख्य अभियन्ता/C.E.

मुख्य अभियन्ता, जनसंशोधन एवं विकास
CHIEF ENGINEER R & D
सिकन्दर बाग/SECUNDERABAD.

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 place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f. 1-1-47. 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. 55-110/- 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 19-1-47. 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 contrary to the recommendations of the commission.

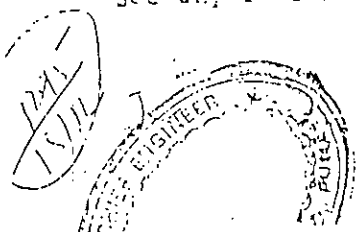
3. This CA is filed for the following reliefs:-

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

(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 CA.1037/92 dt. 22-9-95 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 CA was filed in this Tribunal i.e., CA.710/97 (M. Lakshman Rao Vs. UCI & Crs). 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 CA is similar to that, we do not see any reason to differ from the judgement.



[Handwritten signature]

[Handwritten signature]
28/7/17

THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

AT HYDERABAD

C.A.-1384/27.

Date of Decision: 21-11-97.

M. Sakkaraju

.. Applicant.

Vs

1. The Union of India rep. by the Secretary - Min. of Defence, DHO FC, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Kishor House, DHO FC, 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. N.R. Devaraj, Sr. CUSC.

COMPOSITION:

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

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

ORDER

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

Heard Mr. K.S.R. Anjaneyulu, learned counsel for the applicant and Mr. W. Satyanarayana for Mr. N.R. Devaraj, learned counsel for the respondents.

1. The applicant in this CA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 16-05-43. 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

To

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 applicant herein should not be given the full arrears of 60% and are eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that 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 direction in that CA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply even to all those who had 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 OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT in CA.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.4201/85.

6. The CA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

P. S. D. D. D.

न्यायालय न्यायाधीश या न्यायाधीश (प्राथमिक)

Court Officer/Dy. Registrar

न्यायालय न्यायाधीश या न्यायाधीश (प्राथमिक)

Central / District / Tribunal

हस्ताक्षर

HYDERABAD BENCH

58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

MA.NO. 464/1999

IN

DA.NO 1394/1997

Between

1. The Secretary
Min of Defence
New Delhi.
2. The Engineer-in-Chief
Army Headquarters
New Delhi.
3. The Chief Engineer
Southern Command
Pune.

And

M.D.Raju

Date: 1-7-1999



...Applicants

...Respondent.

Counsel for the Applicants

...BN.Sharma, Sr.CGSC

Counsel for the Respondent

...KSR.Anjanayulu

CHAM.

THE HON'BLE MR.N. RANGARAJAN, MEMBER (ADMN)

THE HON'BLE MR.D.S JAI RAMANESHWAR (JUDL) MEMBER

THE TRIBUNAL MADE THE FOLLOWING ORDERS.

Mr.MC.Jacob for Mr.BN.Sharma, for the applicant and
Mr.D.Subrahmanyam for Mr.KSR.Anjanayulu, for the respondents.

Time is granted upto 31-8-99. No further extension
of time will be given.

MA is disposed of.

प्रमाणित प्रत

CERTIFIED TRUE COPY

Sd/-xxxx

Section Officer.

क्यासत म न 464/99
CASE NUMBER 07-1384/97
दिनांक : 1.7.99
DATE OF
प्रमाणित : 1.7.99
COPY MADE ON 1.7.99

.....
..... Officer
.....
Central Administrative Tribunal
Hyderabad Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

MA. NO. 753/99
IN
DA. NO. 1334/1997

Date. 17.9.99

Between.

1. The Secretary, Min 66 Defence
O.H.C.F.O, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters
Kashmir House, DHQPD, New Delhi.
3. The Chief Engineer, Southern Command
Pune, Maharashtra.

And

Sri.M.Bakkaraju
Counsel for the Applicant
Counsel for the Respondents

... Applicants
... Respondent
... KSR. Anjaneyulu
... MR. Devaraj

COMES.

THE HON'BLE M.R. RANGARAJAN. MEMBER. (AMON)

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

THE TRIBUNAL MADE THE FOLLOWING ORDER.

Heard. Mr. Jacob for Mr. BN. Sharma, for the applicant
in the MA and Mr. KSR. Anjaneyulu for the respondents in the MA.

The extension of time is asked up to 30th November, 1999.
The learned counsel for the applicant in the MA has no objection.

The MA is allowed as prayed for.

Sd/-xxxx

Section Officer.

केस नम्बर	MA 753/99
CASE NUMBER	753/99
निर्णय का तारीख	17.9.99
Date of Judgement	17.9.99
नकल तैयार किया गया दिन	20.9.99
Copy Made Ready on	20.9.99
न्यायाधीश (न्यायिक) उप-रजिस्ट्रार (न्यायिक) Section Officer (J). Dy. Registrar (J)	

File. 3019644

Dte of Works(Budget)/E5
Engineer-in-Chief's Branch
Army Headquarters
Dtd PO New Delhi: 110011


No. A/22467/95 CH(BSO)

27 Aug 99

Chief Engineer
HQ Southern Command
Pune

CHARGED EXPENDITURE: ALLOTMENT OF FUNDS IN R/O
SH M BAKKARAJU OS (Retd) OR NO 1384/97

1. Reference CDA, Secunderabad letter No P/S/1/4303/T2/PG dated 22 Jul 99.
2. A sum of Rs. 23564/- (Rupees twenty three thousand five hundred sixty four only) is hereby allotted as charged under Major Head 2076-DS(Army), Minor Head 104-Civilians, Sub Head 'K' -MES(1)(2) Pay & Allowances. Other Code Head (1/230/02) for meeting the expenditure in full satisfaction of the Hon'ble CAT Hyderabad Bench judgement dated 21.11.97 against OA No 1384/97 in favour of Sh M Bakkaraju, OS(Retd) during the current year(1999-2000).
3. The claimant may be asked to give a receipt in duplicate to the effect that the total amount received is in full and final settlement of the claim.
4. This issues with the concurrence of Ministry of Defence/ Finance(Works-I) vide their u.o No. 1123/W-I dt 25.8.99 and the commitment has been noted by DFA(Budget) vide their u.o. No. 1989-Bud-I/99 dated 23.8.99.


(VK Gulati)
ES
SO-II(Budget)
for S-in-C

Copy to :-

Min of Def/D(Works-II)
Min of Def/Fin(Works-I)
DFA(Budget), CGDA Office, RK Puram
CDA, Secunderabad ; One more copy duly signed in ink.
No. 1 Staff Road
✓ CE(R&D), Picket, Secunderabad : -do-

Telephone : 7844396

PRIORITY

Chief Engineer R&D

Picket

Secunderabad - 500 003

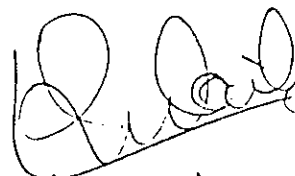
10210/MBR/25 J27Pay

31 Aug 99

CDA (Op I)
No 1 Staff Road
Secunderabad - 3

**SY PAY BILL ON ACCOUNT OF PAY FIXATION IN RESPECT
OF MES-33272 SHRI M BAKKA RAJU, OS (RETD) :
CHARGED EXPENDITURE 1999-2000**

1. Refer this office letter No. 10210/MBR/21/E7Pay dated 14 Jul 99 and your office letter No. P/S/1/4303/T2/PG addressed to E-in-C's Br New Delhi and copy to this office.
2. Sy Pay bill bearing Vr No. 50/00/312 dated 31 Aug 99 for Rs. 23,564/- on account of Pay fixation in respect of above named individual is forwarded herewith alongwith connected documents for favour of audit and authorisation of payment.
3. Sanction of CFA for charged expenditure has been obtained vide E-in-C's Br letter No. A/02467/E5 CH(080) dated 27 Aug 99 enclosed for further action.
4. Cheque may please be issued in favour of SBI Trimulgherry Branch, Secunderabad for credit to Public Fund Account No 5040 of CE R&D Sec-underabad.
5. An early action is requested.



(PM Naik)

Major

Adm Offr

for Chief Engineer

Encls : _____ Sheets

Copy to :-

Chief Engineer (E1LC)
Southern Command
Pune - 411 001

Internal

E1LC Section. ✓

E5 Section

E7R Section

Retracted

Reg:- Extension of time

Date may 11.10.2000
on sworn affidavit

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A.No. _____ of 1999

in

O.A.No. 1384 of 1999

Effect of Compulsory
Date of sworn affidavit
marked
on
Sworn
14/12/99



EXTENSION PETITION FILED UNDER RULE
OF CAT PROCEDURE RULE

Received 9/12/99
CAG

B.NARASIMHA SHARMA,
Sr.CGSC.

Counsel for the ~~Respondents~~.
Petitioners.

Lawyer
10/12

Mr. G. N.
10/12

पुनः/ORIGINAL

MA 1073/99 in O.A. 1384/97

23.12.99

MA Disposed of. Order
on separate sheets. No
costs.

HRRN
MH

HDHAN.S
NC

बेंच के/ENCH CASE

बेंच/ENCH

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

M.A.No. -- 1073 -- of 1999
IN

O.A.No. -- 1384 -- of 1997

Extension of time

Mr. B.N. Sharma
Counsel for the applicant s. time
gross C

Mr. ---
Standing Counsel for
Standing Counsel for Rlys.
S
Sr. Standing Counsel for C.G. ovt.,
Addl. Standing Counsel for Cen. Govt.

KSR Arjanegaly

Form No.9.
(See Rule 29)

BY.R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HALA Bhavan, Opp:Public Garden, Hyderabad-500004.A.P.

ORIGINAL APPLICATION NO.1384 OF 1997.

Applicant(S) **M. Sekkaraaju** v/s Respondent(S)
Secy. Min. of Defence, New Delhi & Ors.

By Advocate **Shri:K.S.R.Anjanayulu**

(By/Central Govt.Standing Counsel)
Sri. N.M.Devaraj, Sr. CISC.

To,

- ~~R-1. The Secretary, Ministry of Defence, DMQ PQ, New Delhi.~~
- ~~R-2. Engineer-in-Chief, Army Head Quarters, Kashmir House, DMQ PQ, New Delhi.~~
- ~~R-3. The Chief Engineer, Southern Command, Pune, Maharashtra.~~


Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

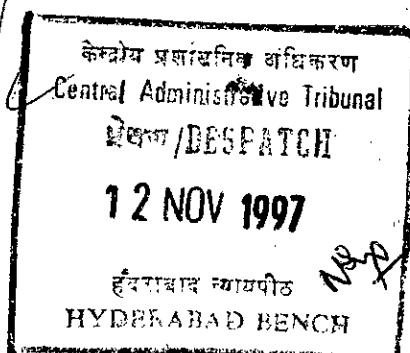
Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within ~~30 days~~ ^{21.11.97} of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal
This the **Twentyfourth** day of **October,** 1997.

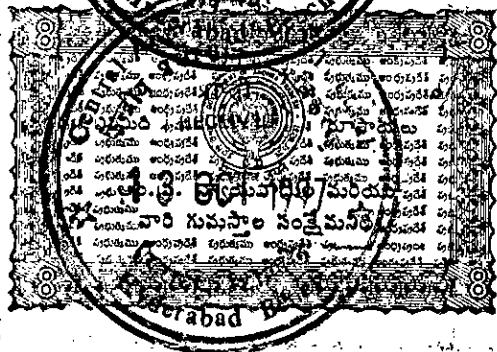
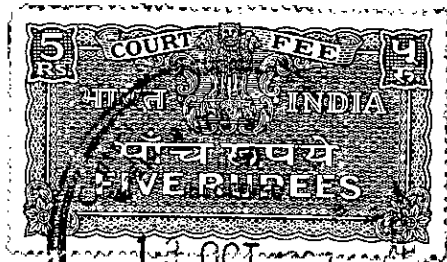
//BY ORDER OF THE TRIBUNAL//

Date: **3-11-1997.**


FOR REGISTRAR.



Ar
u/197



Central Administrative Tribunal :
Hyderabad Bench at Hyderabad

O A No.

of 1997

Between

M. Bakkarajy

And

Union reply secretary,

Ministry of Defence
New Delhi

VAKALAT

ACCEPTED

Signature

Signature

ADVOCATES FOR APPLICANT / RESPONDENT

Address of Service :

Phones : 7617006
7601284

K. S. R. ANJANEYULU
D. SUBRAHMANYAM

ADVOCATES

1-1-365/A, Jawaharnagar, (5th Street)
Bakaram, Hyderabad - 500 020.

In the Central Administrative Tribunal: Hyderabad Bench

at Hyderabad

O.A. No.

1384

of 1997

M. Bakkaraju

Applicant

VERSUS

UOI reply Secretary,
Ministry of Defence New Delhi

Respondent

I
We

Applicant

In the above Application do hereby appoint and retain

K. S. R. ANJANEYULU

ADVOCATE

and

D SUBRAHMANYAM

ADVOCATE

Advocate/s of the High Court to appear for Me/Us in the above Application and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including applications for return of documents or the receipt of any money that may be payable to Me/Us in the said Application and also to appear in all appeals, and applications under clause XV of the Letters Patent and in applications for review and for leave to appeal to the Supreme Court.



[Signature]

I certify that the contents of the this Vakalat were read out and explained in.....in my presence to the executant, or executants who appeared perfectly to understand the same and made his, or her or their signature or mark or marks in my presence.

Executed before me this

10th

day of

OCT

1997

[Signature]

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 1-1-47. 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 19-1-47. 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 contrary to the recommendations of the commission.

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

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

(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 & Crs). 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.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1384/97.

Dt. of Decision: 21-11-97.

M. Bakkaraju

Vs

1. The Union of India rep. by the Secretary - Min. 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.N.R.Devaraj, Sr.CGSC.

CCRAM:

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

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

ORDER

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

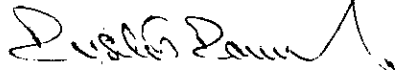
Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 14-05-43. 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

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 applicant herein should not be given the full arrears of 60% and are eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that 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 direction in that OA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply even to all those who had 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 OA.710/97. Hence the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT 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.4201/85.

6. The OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY



न्यायालय अधिकारी/उप रजिस्ट्रार (न्यायिक)

Court Officer/Dy. Registrar

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद न्यायक

HYDERABAD BENCH

CASE NUMBER 66-138467
 DATE 12-9-90
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 (Date)
 (Time)

SECTION THREE
 12-9-90

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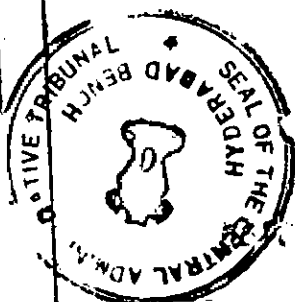
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 1073/99 in OA 1384/97

DATE OF ORDER : 23-12-1999

Between :-

1. The Union of India, rep. by Secretary,
M/o Defence, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PC, New Delhi.
3. The Chief Engineer, Southern Command,
Pune, Maharashtra.

..Petitioners/Respondents

And

M.Bakkaraju

..Respondent/Applicant

Counsel for the Petitioners : Shri B.N.Sarma, Sr.CGSC
Counsel for the Respondent : Shri KSR.Anjaneyulu

CORAM:

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

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

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

Heard Sri M.C.Jacob for Sri B.N.Sarma, for the MA
applicants and Sri KSR Anjaneyulu for the MA Respondent.

2. M.A. is not opposed. Hence extention of time is granted
as prayed for. M.A. disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

कस संख्या MA 1073/99 in OA 1384/97
CASE NUMBER
दि 23/12/99
DATE OF DEED
प्रति तथ्या 29/12/99
COPY MADE READY ON

सहायक न्यायाधीश/अधीक्षक न्यायाधीश
Section Officer/Court Officer
केन्द्रीय न्यायिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BATCH: HYDERABAD.

C.A.NO. _____ of

Applicants.

V RSUS

Respondents.

INDEX - SHEET

S.No. Description of Documents Date Pages.

1. Docket Orders
2. Original Application
3. Material Papers
4. Objection Sheet
5. Interim Orders
6. Orders in MAs.
7. Reply Statements.
8. Rejoinder
9. Final Orders.

Signature of S.O.

Signature of Dealing Head
in Record Section

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. 749 OF 2000

IN
REVIEW APPLICATION NO. 3369 OF 2000

IN
ORIGINAL APPLICATION NO. 1384 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 Parameshwar, Member (J) in Original Application No. 1384 of 1997.

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

Submitted.

[Signature]

*for
admission heard*

(SEE RULE 12)

FORM No.4

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

ORDER - SHEET

R.A.

12000 in

O.A.No.

1384

OF 2000

Uo Secretary, M/o Defence Applicant(s)
N. B. D. N. T.

Through M/s

(Advocate)

V E R S U S

M. Bakkeraj

Respondent

DATE

Note of the Registry

Order of the Tribunal

21.7.2K

As MA 749/2K dismissed R.A.S.R. has
rejected. Order on separate sheets

TV
HBSP
MS

1
HRRN
MA

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

☒ R.A.No. of 2000

in

O.A.No. 1384 of 1997

Between:

The UOI and others.

... Applicants/Respondents

AND

M.Bakka Raju

... Respondents/Applicant

INDEX

Sl.No.	Description	Page
01.	Petition	1
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04.	Order in M.A.No.523/99 in O.A.No.1384/97	9-
05.	Order in M.A.No.464/99	10
06.	Order in M.A.No.753/99	11
07.	Order in M.A.No.1073/99	12
08.	Order in R.A.No.45/99 and batch	13-25
09.	Order in O.A.No.358/99 and batch	26-32
10.	letter dt.29-12-99	33
11.	Order in C.A.No.7453/97	34-35
12.	Order in O.A.No.1384/97	36-38

Hyderabad,

Date: 17-8-2000.

Aduna Nigra-V
Counsel for the ~~xxxx~~ Applicants/
Respondents.

42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

R.A.No. of 2000

in

O.A.No. 1384 of 1997

Between:

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

... Applicants/Respondents

AND

M. Bakkaraju

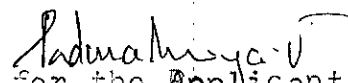
... Respondent/Applicant

APPLICATION FILED UNDER RULE 22 OF CAT PROCEDURE RULES

For the reasons stated in the accompanying
affidavit it is therefore respectfully prays that this
Hon'ble Court may be pleased to review the order in
O.A.NO.1384/97 in the interest of justice.

Hyderabad,

Date: 17-8-2000.


Counsel for the Applicants/Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT
HYDERABAD

R.A. NO. of 2000

IN

OA NO 1384 of 1997

Between :

The UOI, represented by the
Secretary
Ministry of Defence and Others

... Applicants

And

M Bakka Raju

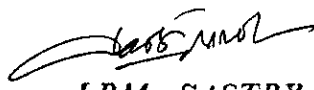
... Respondents

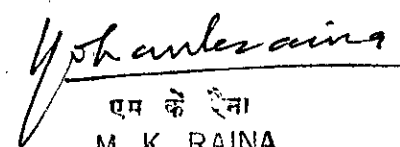
AFFIDAVIT

I, M.K. Raina, Son of Shri Shamboo Nath Raina, aged about 58 years, Hindu,
residing at Quarter No 1, Chief Engineer R&D, Officers Colony, Mudfort,
Secunderabad, do hereby solemnly affirm and state as under:

1. I am the Chief Engineer R&D, Secunderabad and 3rd applicant herein as such
well acquainted with the facts of the case. I am filing this affidavit on behalf of the other
applicants also as I am authorised to do so.

2. The applicants herein submit this Review Application aggrieved by the order of
this Honourable Tribunal in OA No 1384/97 dated 21-11-97 for granting arrears to the


LRM SASTRY
ADM. OFFICER-I
For Chief Engineer

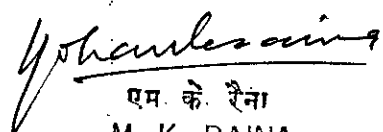

एम के रैना
M. K. RAINA
मुख्य अभियन्ता / C. E.
मुख्य अभियन्ता अगुसधान एवं विकास
CHIEF ENGINEER R & D
सिकंदराबाद / SECUNDERABAD.

6

applicant in the OA in accordance with the judgement of the Supreme Court dated 04-11-87 in Civil Appeal No 4201/85. It is submitted that in the above case the Supreme Court directed to pay arrears to the extent of 60% to the employees in the said SLP. Subsequently the Honourable Supreme Court in Civil Appeal No 7453/97 in the case of UOI and others Vs R.D. Gupta and others directed notional fixation of pay from 01-01-1947 and actual arrears of benefits in the form of higher pension and family pension only from the date of filing of the OA by Judgement dated 24-10-1997. It is submitted that the applicant could not bring to the notice of the Honourable Tribunal the judgement of the Honourable Supreme Court dated 24-10-97 as the OA was disposed of at the admission stage itself. It is also to be mentioned that the Principal Bench of the Honourable Central Administrative Tribunal in OA No 580/94 in Ghyan Singh Vs UOI following the directions of the Honourable Supreme Court restricted the arrears of pension only from his superannuation. Basing on the above judgement of the Supreme Court and CAT Principal Bench the Honourable CAT, Mumbai bench in R.A. No 45/95 in OA No 37/99 and batch reviewed the earlier orders in the above OA and restricted the arrears as per the Supreme Court judgement and as such the order in the above OA is liable to be reviewed on the following among others:



LRM SASTRY
ADM. OFFICER-I
For Chief Engineer



एम. के. रैना
M. K. RAINA
मुख्य अभियन्ता / C. E.
मुख्य अभियन्ता अमुसंधान एवं विकास
CHIEF ENGINEER R & D
सिकन्दराबाद / SECUNDERABAD.

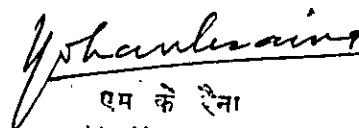
7

GROUND

1. The directions given by Honourable CAT to pay 60% of the arrears is contrary to the judgement of the Honourable Supreme Court in Civil Appeal No 7453/97 decided on 24-10-97.
2. The Honourable CAT ought to have considered the fact that the applicant approached this Tribunal in 1997 after retiring from service on 31-3-1983 for fixation of his pay w.e.f. 1947 and as such the Honourable Tribunal ought not have granted arrears at the rate of 60% w.e.f. 01-01-1947 basing on the subsequent judgement of the Honourable Supreme Court.
3. The Honourable Tribunal may kindly consider that under Article 141 of the constitution of India the law laid down by the Apex Court is the law of the land and as such the same is binding on all other Courts and the same is not considered in the above judgement and as such there is an error apparent on the face of the record as held by the Honourable CAT of Bombay Bench in R.A. No 45/99 in OA No 37/99 & batch decided on 30-3-2000 and hence the order in the present OA is also liable to be reviewed by restricting the payment of arrears. Accordingly, only the arrears of pension/family pension are payable to the retired employee and the arrears of Pay & Allowances to the



LRM SASTRY
ADM. OFFICER-I
For Chief Engineer



एम के रैना
M. K. RAINA
मुख्य अभियन्ता / D. E.
मुख्य अभियन्ता अमुसधान एवं विकास
CHIEF ENGINEER R & D
सिकंदराबाद / SECUNDERABAD.

extent of Rs 71,846/- paid by the applicants is to be recovered from him, viz. M Bakka Raju (Respondent).

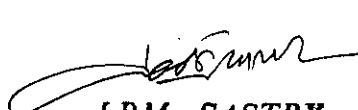
In view of the facts stated above the Honourable Tribunal may be pleased to review the order in OA No 1384/97 in the interest of justice.

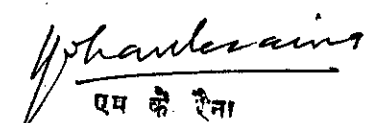
Sworn and signed before me

On this the 16th day of Aug,

2000 at Secunderabad.

Deponent


LRM SASTRY
ADM OFFICER-I
For Chief Engineer


एम के रैना
M. K. RAINA
मुख्य अभियन्ता / C. E.
मुख्य अभियन्ता असुसधान एवं विकास
CHIEF ENGINEER R & D
सिकन्दराबाद / SECUNDERABAD.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
AT HYDERABAD

C.A. 1384/97.

Date of Decision: 21-11-97.

M. Bakkeraju

Applicant.

Vs

1. The Union of India rep. by the Secretary - Min. of Defence, DMC FC, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Kashmir House, DMC FC, 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. N. R. Devaraj, Sr. CGSC.

CCRAM:

THE HON'BLE SHRI R. RAMSARAJAN : MEMBER (ADMIN.)

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RAMSARAJAN : MEMBER (ADMIN.))

Heard Mr. K. S. R. Anjaneyulu, learned counsel for the applicant and Mr. W. Satyanarayana for Mr. N. R. Devaraj, learned counsel for the respondents.

The applicant in this CA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 14-05-43. 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 place of 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents with effect from 1-1-47. It is an undisputed fact that A and B grade 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 19-1-47. 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 contrary to the recommendations of the commission.

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

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

(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-2) and also as ordered in the CAT Bombay in CA.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 CA was filed in this Tribunal i.e., CA.710/97 (M.Lakshman Rao Vs. UCI & 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 CA is similar to that, we do not see any reason to differ from the judgement.

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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 applicant herein should not be given the full arrears of 60% and are eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that 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 direction in that CA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply even to all those who had 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 OA.710/97. Hence the CA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CA in CA.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.4201/85.

6. The CA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Rishabh Datta

न्यायालय अधिकारी/दफ्तर रजिस्ट्रार (न्यायिक)

Court Officer/Dy. Registrar

केन्द्रीय प्रशासनिक न्यायालय

Central Administrative Tribunal

हैदराबाद बेंच

HYDERABAD BENCH

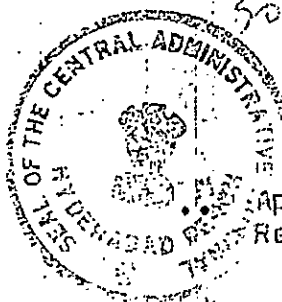
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ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD.
IN THE CENTRAL AD

MA.523/99 in OA.1384/97

Dated: 17.7.1998. R&D

Secunderabad - 500 003

- Between:-
1. Secretary, Ministry of Defence,
New Delhi.
 2. The Engineer-in-Chief,
Army Headquarters,
New Delhi.
 3. The Chief Engineer,
Southern Command,
Pune.



Applicants/
Respondents

Respondent/
Applicant.

And
Shri M.S.Raju:

Counsel for the Applicants : Mr. N.R. Devaraj
Counsel for the Respondent : Mr. K.S.R. Anjaneyulu

CORAM:

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

1. Heard Sri N.R. Devaraj for the MA applicants and Sri D. Subrahmanyam for Sri K.S.R. Anjaneyulu for the MA respondent.

2. The time for implementation of the judgement is extended upto 30.9.1998.

MA is disposed-of. No costs.

प्रमाणित प्रति
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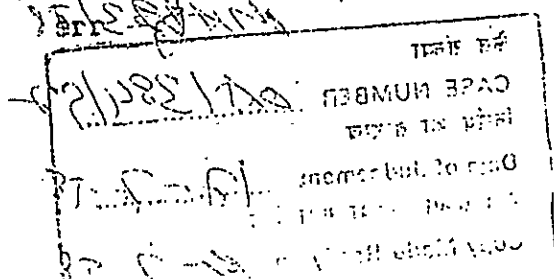
न्यायालय अधिकारी
COURT OFFICER

केन्द्रीय प्रशासनिक अधिकरण

Sd/- X X
Deputy Registrar

Copy to:-

1. The Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Headquarters, New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, CAT., Hyd.
6. One duplicate copy.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

MA.NO. 464/1999

IN

CA.NO 1384/1997

Between

1. The Secretary
Min of Defence
New Delhi.
2. The Engineer-in-Chief
Army Headquarters
New Delhi.
3. The Chief Engineer
Southern Command
pune.

And

M.B.Raju

...Applicants

...Respondent.

Counsel for the Applicants

...BN.Sharma,Sr.CGSC

Counsel for the Respondent

...KSR.Anjaneyulu

CURAM:

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

THE HON'BLE MR.D.S JAI PARAKESHVAR(JUDL) MEMBER

THE TRIBUNAL MADE THE FOLLOWING ORDERS.

Mr.MC.Jacob for Mr.BN.Sharma, for the applicant and
Mr.D.Subrahmanyam for Mr.KSR.Anjaneyulu, for the respondents.

Time is granted upto 31-8-99. No further extension
of time will be given.

MA is disposed of.

प्रमाणित प्रत

CERTIFIED TRUE COPY

कस'संख्या MA 464/99
CASE NUMBER 041384/97
दिनांक 1.7.99
DATE OF JUDGMENT 1.7.99
प्रति प्रमाणित 5.7.99
COPY MADE BY 5.7.99

sd/-xxxx

Section Officer.

सहायक न्यायाधीश
Officer
Central Administrative Tribunal
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

MA.NO. 753/99
IN
DA.NO.1384/1997

Date. 17.9.99

Between.

1. The Secretary, Min 66 Defence
D.H.C.F.O, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters
Kashmir House, DHQPC, New Delhi.
3. The Chief Engineer, Southern Command
Pune, Maharashtra.

And

Sri.M.Bakkaraju
Counsel for the Applicant
Counsel for the Respondents

...Applicants
... Respondent
...KSR.Anjaneyulu
...MR.Devaraj

COMES.

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

THE HON'BLE MR.B.S.JAI PARATHESHWAR.MEMBER (JUDGE)

THE TRIBUNAL MADE THE FOLLOWING ORDER.

Heard. Mr.Jacob for Mr.BN.Sharma, for the applicant
in the MA and Mr.KSR.Anjaneyulu for the respondents in the MA.

The extension of time is asked up to 30th November, 1999.
The learned counsel for the applicant in the MA has no objection.

The MA is allowed as prayed for.

Sd/-xxxx

Section Officer.

केस संख्या	MA 753/99
CASE NUMBER	MA 753/99
निर्णय का तारीख	17.9.99
Date of Judgement	17.9.99
प्रति उत्तरावधि दिनांक	20.9.99
Copy Made Ready on	20.9.99
अनुमान अधिकारी (न्यायिक) उप रजिस्ट्रार (न्यायिक)	
Section Officer (J) / Dy. Registrar (J)	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 1073/99 in OA 1384/97

DATE OF ORDER : 23-12-1999

Between :-

1. The Union of India, rep. by Secretary,
M/o Defence, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters,
Kashmir House, DHQ PC, New Delhi.
3. The Chief Engineer, Southern Command,
Pune, Maharashtra.



..Petitioners/Respondents

And

M.Bakkaraju

..Respondent/Applicant

--- -- --
Counsel for the Petitioners : Shri B.N.Sarma, Sr.CGSC
Counsel for the Respondent : Shri KSR.Anjaneyulu

--- -- --
CORAM:

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

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

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

--- -- --
Heard Sri M.C.Jacob for Sri B.N.Sarma, for the KA
applicants and Sri KSR Anjaneyulu for the MA Respondent.

2. M.A. is not opposed. Hence extention of time is granted
as prayed for. M.A. disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

कैस संख्या

CASE NUMBER

दिनांक का १

DATE OF

प्रति तैयारी

30 BY MADE READY ON

MA 1073/99 OA 1384/97

23/12/99

29/12/99

श्री. प्रमुख अधिकारी : प्रमुख प्रशासकीय अधिकारी
Section Officer/Court Officer
श्री. प्रमुख अधिकारी : प्रमुख प्रशासकीय अधिकारी
Central Administrative Tribunal

2. The Engineer-in-Chief,
Army Head Quarters,
New Delhi - 110 011.

3. Chief Engineer,
Southern Command,
Head Quarters,
Southern Command,
Pune - 411 001.

Review Applicants
(in all the three
Review Petitions)

4. The Commander Works Engineer,
Mayo Road,
Pune.

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Review Applicant
(in R.P. No.45/99)

5. The Commander Works Engineer
(Army), 24, Assaye Building,
Colaba,
Mumbai - 400 005.

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Review Applicant
(in R.P. No.50/99)

6. The Chief Engineer,
Pune Zone,
Head Quarters,
Southern Command,

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7. The Commander Works Engineers,
Deolali - 422 401,
Tal. & Dist. Nashik,
Maharashtra.

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8. The Garrison Engineer (North),
Deolali - 422 401,
Taluka & District Nashik,
Maharashtra.

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Review Applicant
(R.P. 53/99)

(By Advocate Mr.R.K.Shetty)

ORDER ON REVIEW PETITION

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)



These are three Review Petitions filed by the official respondents in the above three original applications.

Mr. S. P. Saxena, on behalf of the applicants in the first two O.A.
viz. O.A. Nos. 952/98 and 1037/98 and applicant in person in O.A.
No. 37/99 have orally opposed the Review Petitions. We have heard

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

1. Review Petition No.45/99
in
Original Application No.37/99.

2. Review Petition No.50/99
in
Original Application No.952/98, and

3. Review Petition No.53/99
in
Original Application No.1037/98.

this the 30th day of March, 2000.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member (A).

1. Review Petition No.45/99 in
Original Application No.37/99.

S.M.Bhagwat,
At 5, Rasta Peth,
Pune.
(By Advocate Mr.S.P.Saxena)

Review Respondent
(Original Applicant)

2. Review Petition No.50/99 in
Original Application No.952/98.

1. P.P.Kunhi Raman,
At JN-3-6/12,
Sector-10, Vashi,
Navi Mumbai.

2. K.George,
At F-10/2/1:
Sector - 7, Sanpada,
Navi Mumbai.
(By Advocate Mr.S.P.Saxena)

Review Respondents
(Original Applicants)

3. Review Petition No.53/99 in
Original Application No.1037/98.

S.Paul Sundararajan,
455, Laxmi Narayan Mandir Road,
Bhagur 422 502, Tal. & Dist. Nasik,
Maharashtra.
(Applicant in person)

Review Respondent.
(Original Applicant)

Vs.

1. Union of India,
Ministry of Defence,
Government of India,
New Delhi - 110 001.



16 one decision of the Principal Bench and one decision of the Apex Court. Since there is some delay in filing the Review Petition in two cases M.Ps. are filed for condonation of delay. The learned counsel for the review petitioners also submitted that delay may be condoned and review petitions be allowed by deleting grant of 50% of the arrears to the applicants. On the other hand, the learned counsel appearing for applicants' in two cases and Mr. Paul Sundararajan who is the party in person in one case, contended that no case is made out for reviewing our orders and there is no ground for condoning the delay.

4. Since there is some delay in filing the two review petitions, the respondents have given some administrative reasons for delay in filing the Review Petitions. We are inclined to allow both the M.Ps. We cannot appreciate the argument on behalf of the applicants that the delay in filing R.Ps. by few months should not be condoned. The applicants have themselves filed these two OAs in 1998 and one in 1999 claiming retrospective benefit of pay scale etc. from 1.1.1947, which is about 52 years back. When the applicants are claiming retrospective benefit since about 52 years back and they want us to grant them all monetary benefits for the last 52 years ignoring the la. of limitation, they want to object few months delay in filing the



R.Ps. Having regard to the facts and circumstances of the case, we are condoning the delay in filing the two review petitions and accordingly allow the M.P.s viz. 740/99 and 837/99.

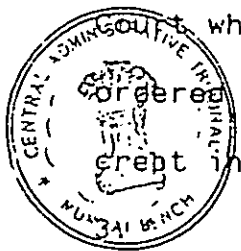
Now, coming to the merits of the R.Ps., we are conscious of the limited powers of review. We have the same review powers as provided to Civil Courts under Order 42 Rule 1 of C.P.C. There should be some apparent error on record or discovery of new

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Mr.R.K.Shetty, the learned counsel for the respondents in support of the Review Petitioners, Mr.S.P.Saxena, the learned counsel for the applicants in the first two OAs and Mr.Paul Sundararajan who is the applicant in person in the third OA (R.P.53/99). Since the point involved is a common point, we are disposing of all the three RPs by this common order.

2. The original applicants had filed the three applications claiming that they are entitled to pecuniary benefits from 1.1.1947. By following the decision of the Supreme Court in Civil Appeal No. 4201/1985 we allowed all the three applications and directed the administration to fix the pay of the applicants as on 1.1.1947 by re-classifying them as UDCs and then give them promotion, refixation of pay, seniority, re-classification of pension and gratuity, but restricted the arrears to only 50% of the amount.

Now, the official respondents have filed three review petitions stating that granting of 50% of arrears to the applicants is not proper, since the monetary claim is barred by limitation. They have also referred to a decision of the Principal Bench in O.A. No.580/94 and also a decision of the Apex where it is held that in such cases arrears should not be ordered to be paid. It is therefore, stated that an error has crept in the order of the Tribunal in granting 50% of arrears.



The learned counsel for the administration, in support of the review petitions, contended that an error has crept in the order of the Tribunal by granting 50% of the arrears since according to Sec.21 of the Limitation Act arrears from 1947 could not have been granted having regard to the period of one year limitation mentioned therein. For this, reliance is placed on

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an error apparent on record which can be discovered with no arguments, but by a mere look at Section 21 of the Limitation Act and the relief granted by the Tribunal. This ground itself is sufficient to review our order passed in the above three cases.

7. Then, we find that Principal Bench of this Tribunal has taken a considered view in a reported Judgment viz. Shri Dhyen Singh Rawat Vs. Union of India & Ors. (1999 (2) SLJ (CAT) 517), by referring to number of decisions including the Apex Court and held that applicants like the applicants before us are entitled to notional fixation of pay for the purpose of computing pension only and arrears of pension was granted from the date of superannuation. Specific direction was given that applicant in that case is not entitled to payment of arrears of pay and allowances. That was a case where the applicant in that case had filed the OA in the Principal Bench in 1994 claiming similar benefits like the applicants in these three cases claiming the benefit of pay fixation from 1.1.1947 on the basis of the First Pay Commission Report. This Judgment was not brought to notice and it was a binding precedent on us, unless of course

we take a different view, we will have to refer to a L.B. Bench. Ignoring of a binding precedent is also an error apparent on record.

8. Then, we come to the Judgment of the Supreme Court dt. 24.10.1997 in Civil Appeal No.7453/97 in the case of Union of India and Ors. Vs. R.D.Gupta and Ors. That was also a similar case like the present applicants claiming benefits from 1.1.1947. They had filed Original Application No.960/90 before the Principal Bench of the Tribunal. The Tribunal allowed that



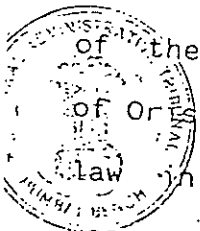
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evidence or sufficient reason for reviewing an order. We are aware that merely because an order is erroneous or wrong in itself is not a ground for exercise of review jurisdiction. There should be some error apparent on record, on the face of it which needs to be corrected.

6. In this case, two applications were filed in 1998 and one application was filed in 1999. The reliefs asked for are from 1.1.1947 which is a money claim extending over a period of 52 years prior to the date of applications. By following the earlier Judgment of the Supreme Court in Civil Appeal No.4201/85 we granted the reliefs, but restricted the arrears to 50%. In our view, this is an apparent error on record. According to Section 21 of the Limitation Act, one has to approach the Tribunal within one year from the date of cause of action. The cause of Action for the applicants arose on 1.1.1947 when they were not treated as UDCs as per the First Pay Commission Report. But, to get that relief they have approached this Tribunal 50 years later. It may be that fixation of pay or fixation of pension is a continuous cause of action. Though the OAs may be maintainable for proper fixation of pension or pay, limitation applies for grant of arrears. Even if one approaches and files Civil Suits for arrears of salary, the period of limitation is three years. But, in the Administrative Tribunals Act Legislature has provided special Rule of Limitation. Here, a party has to approach the Tribunal within one year from the date of cause of action as provided in section 21 of the Limitation Act. Therefore, on the face of it and by a mere look to section 21 of the Act, we could not have granted either entire arrears or 50% of arrears from 1.1.1947. Therefore, in our view, there is



9. The learned counsel for the original applicants has invited our attention to some authorities.

In Ajit Kumar Rath Vs. State of Orissa and Ors. (AIR 2000 SC 85), the Supreme Court has observed that scope of review cannot be exercised for correction of an erroneous view taken earlier. There is no dispute about this proposition of law, merely because, the earlier order is wrong or erroneous the power of review cannot be certainly exercised. The Supreme Court has observed as to what is meant by the words "error apparent on record" and they have explained it that it must be an error which stares in the face without any elaborate argument being needed for establishing it. Then what is more, That was also a case where the Orissa Tribunal had reviewed its earlier order only on the ground that it had ignored or missed a Judgment of the Orissa High Court. The Supreme Court nowhere stated that the said view of the Tribunal ^{was} ~~has~~ a ground for review was not correct. On the other hand, in para 32 of the reported Judgment, the Supreme Court observes that the Tribunal has reviewed its Judgment only on the basis of a Judgment of the High Court of Orissa, which it could not have done since the Orissa High Court Judgment was contrary to the Judgment of the Constitution Bench of the Supreme Court and therefore, the efficacy of the Judgment of Orissa High Court altogether vanished since it was not good law in view of the Judgment of the Supreme Court and hence there was no occasion for the Tribunal to review its earlier order. As far as we are concerned in this case, there is a binding decision of the Supreme Court which we had ignored since it was not brought to our notice about granting arrears from 1947.



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application by order dt. 6.2.1992 and granted certain reliefs, but did not grant arrears of pay, but granted benefit only notionally. Then, subsequently, the applicants filed Review Petitions before the Principal Bench. The Principal Bench allowed the Review Petitions and directed the Government to pay the arrears from 1.1.1947 to the applicants in that case. The order in the R.P. came to be challenged in the Apex Court by the Government. The Supreme Court observed as follows :

"We are of the view that the said direction of the Tribunal on the review application cannot be upheld since O.A. No.960 of 1990 was filed before the Tribunal only in 1990 when they had already retired from service. The Tribunal had rightly disallowed the arrears of pay and allowances with effect from January 1, 1947 in the Judgment dt. February 6, 1992 and was in error in directing such payment of arrears in the impugned judgment merely because two other employees had been paid such arrears on the basis of an earlier judgment of the Bombay High Court."

The Supreme Court, therefore allowed the appeal and quashed the order in the Review Petition granting arrears from 1.1.1947.

Here again, we have missed the said Judgment of the Apex Court. Under Article 141 of the Constitution of India, the Law laid down by the Apex Court is the Law of the Land. If we have missed binding judgment of the Supreme Court, then it is also an error apparent on record which calls for reviewing our order. In the face of the Judgment of the Apex Court in an identical case our order granting 50% of the arrears cannot be allowed to stand. Therefore, our order granting 50% of the arrears in the OA requires review.



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High Court under Article 226 of the Constitution of India for which there is no bar of limitation. It may be, in a given case by applying the principle of delay and laches, High Court or Supreme Court may decline relief, but there is no legal bar to grant the relief even if it is hit by delay by few years.

But, as far as we are concerned, our jurisdiction flows from the provisions of the Administrative Tribunals Act, 1985. Section 21 of the Act prescribes a special rule of limitation viz. that an application has to be filed in this Tribunal within one year from the date of cause of action. Since this Tribunal works under a special Act and the special Act prescribes certain procedure and certain period of limitation, we cannot apply the general principle that applies to High Court or Supreme Court exercising wide powers of writ jurisdiction under Article 226 or under Article 32 of the Constitution of India. It may be a case where a party may file Civil Suit and then he will be governed by the Limitation Act, 1963 and merely because High Court had granted arrears from 1947 a Civil Court cannot grant arrears from 1947, but will have to restrict it to three years prior to the date of suit as per the provisions of the Limitation Act. Since we are governed by Section 21 of the Administrative Tribunals

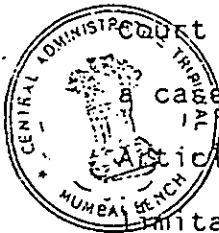


Act, we cannot grant arrears beyond one year prior to the date of filing of the OA. It may be in a given case, this Tribunal may condone the delay and grant relief even beyond one year. In this case, there is no application for condonation of delay in all the three cases and the Tribunal has not exercised any power of condoning the delay in the three Original Applications. Further, no reasons are given for approaching this Tribunal after 50 years from 1947.

In the case of Shri Vishnu Dutt Vs. Union of India & Ors. (1998 (2) SLJ (CAT) 133), the Review Petition was filed seeking review due to wrong finding of fact and it was held that there is no apparent error on record calling for review.

The decision of the Apex Court in (1998 (1) CLR 1148), has also no bearing on the point under consideration. That was a case where a Review Petition had been entertained after disposal of SLP before the Supreme Court against the original order of the Tribunal. In those circumstances, the Supreme Court held that Review Petition was not maintainable when the final order of the Tribunal had merged with the order of the Supreme Court dismissing the SLP and hence the Tribunal could not have entertained and granted the Review Petition. In the present case, there is no allegation that against the order passed by this Tribunal, which we are reviewing to day, any SLP was filed before the Supreme Court and it was disposed of.


10. Then, on merits, it was argued that the Madras High Court in Writ Petition No.5858/82 had allowed the Writ Petition and granted arrears from 1.1.1947. Then, it was further argued that this order of the Madras High Court was confirmed by the Supreme Court in R.Sambandam's case in Civil Appeal No.4201/85. That was a case of a writ petition filed in Madras High Court under Article 226 of the Constitution of India. There is no bar of limitation in a writ petition. The High Court allowed the writ petition granting relief from 1.1.1947, but the Supreme Court restricted the arrears to only 60% of the amount. But, those directions are given on the basis of a writ petition filed in the



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in OA 1037/98. He retired from service on 31.10.1982 and he has approached this Tribunal 17 years later by filing this application in 1998.

Having regard to the undue delay in approaching this Tribunal and also claiming retrospective benefit from 1.1.1947 and particularly in view of the Judgment of the Principal Bench and the Supreme Court mentioned above, we feel that our order granting 50% of arrears from 1.1.1947 requires to be reviewed and accordingly we review the same.

Having regard to the facts and circumstances of the case, we are directing the petitioners in the Review Petitions, who are the respondents in the Original Applications, to give notional benefit to the applicants in the three cases from 1.1.1947 as directed in our original order, but actually monetary benefit is granted for a period of three years prior to the date of filing of the OA and of course, future monetary benefit in the form of higher pension or higher family pension as the case may be from the date of filing the OAs till the life-time of the applicants or life-time of the family who are entitled to claim such amounts as per rules.

We may also note that OA 37/99 was filed on 4.1.1999, OA 952/98 was filed on 12.10.1998 and OA 1037/98 was filed on 23.11.1998.

12. In the result, all the three Review Petitions viz. 45/99, 50/99 and 53/99 are allowed as follows:

- (1) Our direction in the original orders dt. 3.5.1999 in OA 37/99, dt. 26.2.1999 in OA 952/98 and dt. 11.6.1999 in OA 1037/98 about restricting arrears to 50% of the amount is hereby reviewed and recalled and that condition is hereby deleted. However, we direct the official respondents to f

23 24

We must also bear in mind that there are many employees like the applicants who are still coming to Tribunals and Courts even after 50 years. There will be a drain on the State exchequer if the arrears are ordered to be paid from 1947, which should be 53 years from today. The invisible tax payer is not before us. We are dealing with public funds. Any order passed by us is going to be a burden on the State funds. We have to be careful and circumspect in passing orders particularly in granting arrears for decades, that is why in the facts and circumstances of these cases we have reached the conclusion that arrears should be restricted only for a period of three years prior to the date of filing of the applications.

11. Now, coming to the facts of the three cases, we find that the respondents that the Respondent in R.P.45/99 is the applicant in OA 37/99. The OA was filed by Smt. Malati M. Bhagwat wife of Mr. Madhusudan Bhagwat. He retired from service on 31.10.1969 and he died on 25.11.1983. His wife filed the present application in the year 1999, which is about 30 years after the date of retirement and 16 years after the date of death of her husband. In fact, she also died during the pendency of the OA and her son has come on record as legal heir.



In R.P. 50/1999, the Respondents are the original applicants in OA 952/98. The first applicant in that case P.P. Kunhi Raman retired from service on 29.2.1980 and the second applicant K. George retired on 29.4.1984, that means both the applicants have approached this Tribunal in the year 1998 about 18 years and 14 years after their retirement respectively.

In R.P. 53/99, the Respondent is the original applicant

25 22

... these three ...
from 1.1.1947 and onwards as mentioned in
our original order, but actual arrears of
monetary benefit be paid for a period of 3
years prior to the date of filing these OAs
and actual monetary benefit in the form of
higher pension/family pension as per rules
from the date of OAs till their life-time
according to law.



In the circumstances of the case, there
be no order as to costs in all the
three Review Petitions.

MEMBER(A) /

VICE-CHAIRMAN

B.

Certified True Copy

Date... 4/4/2000

Section Officer
Central Admn. Tribunal
Bombay Bench

27
7. Edwin Benjamin,
At : 53, Bhagwandas Bldg.,
Bhawani Peth,
Pune - 411 042.

(By Advocate Mr.S.P.Saxena)

.....Applicant
(in OA 969/99)

Vs.

1. Union of India through
the Secretary,
Ministry of Defence,
DHQ, PO,
New Delhi - 110 011.

2. The Engineer-in-Chief,
Army Headquarters,
DHQ, P.O.
New Delhi - 110 011.

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

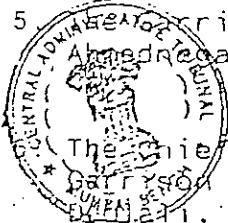
...Respondents in
all the seven OAs.

4. The Chief Engineer,
West Zone,
Assaye Building,
Colaba,
Bombay - 400 005.

...Respondent in
OAs 358 & 432/99

5. Garrison Engineer,
Ahmednagar.

...Respondent in
(OA NO.645/99)

The Chief Engineer,
Garrison Engineer (V),
Ahmednagar.

...Respondent in
(OA NO.700/99)

7. The Commander
C.W.E. (Project),
Colaba,
Bombay - 400 005.

...Respondent in
(OA NO.865/99)

(By Advocate Mr.R.K.Shetty)

: ORDER :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

All these cases are filed by the respective
applicants for certain reliefs. Respondents have filed reply
opposing all the applications. We have heard Mr.S.P.Saxena, the

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

1. ORIGINAL APPLICATION NO. 358/99,
2. ORIGINAL APPLICATION NO. 482/99,
3. ORIGINAL APPLICATION NO. 553/99,
4. ORIGINAL APPLICATION NO. 645/99,
5. ORIGINAL APPLICATION NO. 706/99,
6. ORIGINAL APPLICATION NO. 865/99,
7. ORIGINAL APPLICATION NO. 969/99.

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this the 30th day of March, 2000.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member (A).

1. C.A.R. Subramaniam,
Dewan's Paradise Co-op. Hsg. Soc.,
Dewanman, Naryngnagar,
Vasai Road (West),
Dist. Thane,
Pin - 401 202.

.....Applicant
(in OA 358/99)

2. Dattatraya Ramchandra Misal,
At G-78, Ganadhiraj Society,
Mithagar Road, Mulund (E),
Mumbai - 400 081.

.....Applicant
(in OA 482/99)

3. Dnyaneshwar Sadashiv Kulkarni,
At 21, Girija Co-Op. Housing
Society, Kothrud,
Pune - 411 029.

.....Applicant
(in OA 553/99)



4. Bhoopendra Kashinath Wagh,
At 2300, Bwale Galli,
Maliwada,
Ahmednagar - 414 001.

and
D.K. Kawane,
C/o. Girnar Enterprises,
Rahuri Sahakari Sakhar Karkhane,
Post : Shrishivajinagar,
Tal : Rahuri,
Dist : Ahmednagar,
Pin : 413 706.

.....Applicants
(in OA 645/99)

5. V.N. Dorle,
Pandram 3/1,
Savarkar Nagar,
Gangapur Road,
Pune - 411 005.

.....Applicant
(in OA 706/99)

6. Prabhakar Gopal Edalbadkar,
At : A-12, New Vinay Co-op.
Hsg. Society, Manipada,
CST Road, Kalina,
Santacruz (E),
Bombay - 400 098.

.....Applicant

29
were working in the MES. The first applicant Baburao Kash
Wagh retired from service on 4.1.1971 as UDC (vide applicant
representation at page 22 of the paper book) and the second
applicant D.K.Kawane, retired from service on 31.1.1978 as Office
Superintendent in MES. All other allegations and prayers in the
OA are same as in the first case.

5. In O.A. No.706/99, the applicant retired from
service on 1.7.1974 as UDC in MES. All allegations and prayers
in the OA are same as in the first OA.

6. In O.A. No.865/99, the applicant retired from
service as Officer Gr.II on 31.1.1982 in MES. All allegations
and prayers in the OA are same as in the first case.

7. In O.A. No.969/99, the applicant retired as UDC
on 31.8.1980 from MES. All other allegations and prayers are
same as in the first case.

3. Respondents have filed their separate written
statements in all these cases and they are not disputing the dates
of appointments of applicants, their dates of superannuation and
that they not being treating as UDC w.e.f. 1.1.1947. They have
taken the plea of want of jurisdiction and also pleaded bar
of limitation.

4. We are not mentioning the details of pleadings,
since the point is covered by a direct decision of the Supreme
Court. Some employees, like the applicants, had filed a writ
petition in the Madras High Court which came to be allowed by the
Madras High Court. Then, the government of India took the matter
in appeal before the Supreme Court in Civil Appeal No.4201/85,
where the Supreme Court allowed the appeal partly by restricting
the arrears to only 60% and not the full amount granted by the

learned counsel for the applicants and Mr. K.K. Shetty, the learned counsel for the respondents.

2. The applicants' case is as follows :

1. In O.A. No.358/99, the applicant retired from service on 1.8.1975 as UDC from the MES. His case is that he should have been re-classified and treated as UDC w.e.f. 1.1.1947 on the basis of the First Pay Commission Report. If he is treated as UDC from 1.1.1947, he is entitled to fixation of higher pay and subsequent pay raised from time to time and also entitled to promotions. But, he was illegally ^{not} reclassified as UDC from 1.1.1947 and onwards. Then, there is reference to some earlier litigation, the matter went up to the Supreme Court and relief was granted to other employees who are similarly placed like the applicants. Therefore, the applicant wants a direction to respondents to re-classify him as UDC w.e.f. 1.1.1947 and re-fix his pay and grant increments from time to time, he should be granted further promotion to which he is entitled to on the basis of being treated as UDC on 1.1.1947 and all other consequential benefits including arrears of pay, fixation of pensionary benefits etc.



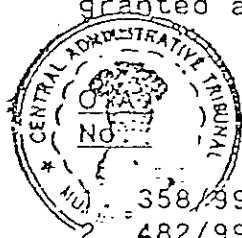
2. In O.A. No.482/99, the applicant retired from MES service as Office Superintendent on 31.1.1981. His case also is similar like the applicant in the above case and he wants the same reliefs.

3. In O.A. No.553/99, the applicant retired from MES service as Administrative Officer on 30.9.1979. All allegations and prayers are the same as in the first case.

4. In O.A. No.645/99, there are two applicants viz.
1) Baburao Kashinath Wagh and 2) D.K.Kawane. Both the applicants

3) from the date of filing of the application. There will be a drain on the State exchequer if such reliefs are granted. Therefore, by giving detailed reasons in the order passed to day in the Review Petition No.45/99 we have allowed arrears of monetary benefits only for a period of three years prior to the date of filing of the applications. The Review Petitions were argued by the same counsels and on the same date and therefore we are not repeating the reasons given by us in those Review Petitions and by adopting the same reasoning, we hold that applicants are entitled to only arrears of monetary benefits for a period of three years prior to the date of filing the respective applications, but however, they are entitled to refixation of pay, promotion etc. from 1.1.1947.

7. The dates of filing of these seven cases in this Tribunal, dates of retirement and dates of actual arrears to be granted as follows:



	<u>Date of filing</u>	<u>Date of Retirement</u>	<u>Actual arrears granted from</u>
1. 358/99	05.04.99	01.08.75	05.04.1996
2. 482/99	26.04.99	31.01.81	26.04.1996
3. 553/99	08.06.99	30.09.79	08.06.1996
4. 645/99	29.06.99	(A-1) 04.01.71	29.06.1996
		(A-2) 31.01.78	29.06.1996
5. 706/99	09.08.99	01.07.74	09.08.1996
6. 865/99	15.09.99	31.01.82	15.09.1996
7. 969/99	11.10.99	31.08.80	11.10.1996

(At Sl.No.4 OA 645/99 A-1 and A-2 should be read as Applicant No.1 and Applicant No.2)

8. In the result, all the seven Original Applications are allowed as follows :

- (1) The respondents are directed to treat the applicants as UDCs w.e.f. 1.1.1947 and re-fix their pay as UDCs - as on 1.1.1947 and again

Madras High Court. It is also an admitted fact that the Bombay High Court had also granted similar reliefs to other employees similarly situated like the applicants. Therefore, there cannot be any legal objection to the applicants' claim that they should be treated as UDC w.e.f. 1.1.1947 and are entitled to consequential benefits like higher fixation of pay, higher promotions from time to time, fixation of higher pension etc.

5. But, now, the strong point urged by the learned counsel for the respondents is that the claim for arrears is barred by limitation. The learned counsel for the applicants contended that arrears are granted in many cases and he even referred to the Judgment of the Supreme Court in Civil Appeal No.4201/85, where by order dt. 4.11.1987, the Supreme Court restricted the arrears to only 60%. He, therefore, argued that the application may be allowed by restricting the arrears by 60% as held by the Supreme Court or to at least 50% as held by this Tribunal in some cases.

6. To day, we have passed a considered order in Review



on No. 45/99 and connected cases holding that, in cases of arrears cannot be granted beyond three years prior to the date of filing the application. We have referred to Section of the Administrative Tribunals Act where there is a specific bar of limitation in filing applications in the Tribunals. Though fixation of pay or fixation of pension may be a continuing cause of action, certainly limitation comes in the way while granting arrears. From a perusal of the pleadings, we have seen how these applicants retired long back about 15 to 20 years prior

notionally grant increments from time to time.

(2) The Respondents shall also consider the case of applicants for higher promotions on the basis of they being UDCs from 1.1.1947 and give notional promotions from the dates they became due for promotions.

(3) The respondents shall also on the basis of the above exercise fix the pension of the applicants on the date of their respective retirements which we have mentioned above in para seven.

(4) After doing the above exercise, the applicants be granted actual monetary benefits in the form of arrears only for a period of three years prior to the date of filing of the respective OAs as mentioned in para 7 above.

(5) The applicants are also entitled to arrears of monetary benefits from the date of filing of applications till to day and are entitled to future pension till their life-time.

(6) In the circumstances of the case, there will be no order as to costs.



(D.S. BAWEJA)
MEMBER (A)

Certified Copy
Dr. [Signature]
Secy. [Signature]
Tribunal,
Mumbai Bench.

(R.G. VAIDYANATHA)
VICE-CHAIRMAN

Pune- 411 001

109002/Policy/105/Legal Cell. 27/ Dec 99

All Zonal O's

CE R&D Secunderabad

COURT CASES FILED FOR RECLASSIFICATION OF
PERSONNEL ON 'B' GRADE AS UDC FROM
1.1.47

1. A copy of Supreme Court judgement dt 24 Oct 97 in SLR(C) No 17964 of 93 filed by UOI V/S RS V/S RD Gupta and O's in OA No 950/90 is forwarded herewith. As per the judgement erstwhile 'B' clerks on reclassification as UDC from 1.1.47 are eligible only for revision of pension and eligible for arrears/not of pay and allowances. Based on the above judgement, in a similar case, CAT PB New Delhi vide judgement dt 15 Jul 98 in OA No 580/94 filed by Shri Dhyansingh Ravat V/S UOI, disallowed payment of arrears of pay & allowances consequent on reclassification of applicant as UDC wef. 1.1.47 and on his subsequent promotion thereafter. This judgement of CAT PB New Delhi is published at P 517 to 521 of Aug 99 issue of All India Services Law Journal.

2. All the cases of above nature in your zone where payment of arrears of pay & allowances has not been made so far, may please be reviewed and necessary RP/MA/MP be filed in the concerned CATs in consultation with CGSC, against payment of arrears of pay & allowances. This may also be kept in view while defending all on going as well as future similar cases.

3. This may be accorded PRIORITY.

4. For CE CZ, Chennai - Please connect your letter No 0357/ scale 3046/578 dated 30 Nov 99 and this HQ signal No 0-7703 dt 10 Dec 99.

5. For CE (P) Bangalore - Please connect your letter No 11073/3/04/1525/99/11/513 dated 02 Dec 99 and this HQ telegram dt 11 Dec 99.

(MK Jain)
Lt Col
CIC Legal Cell
For Chief Engineer

Encl: As above

Copy to:-
Internal

BIO

BIR

BIB (2-DEC)

Alongwith copy of judgement of Supreme Court referred above.

Encl: As above

34 28
COPY

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL-APPEAL NO. 7453-OF 1997

(arising out of S.L.P. (C) No. 17964 of 1993)

Union of India & Ors.

...Applicants

Versus

R.D. Gupta & Ors

...Respondents

O - R - D - E - R

Special leave granted.

This appeal is directed against the judgement of the Central Administrative Tribunal, Principal Bench Delhi (hereinafter referred to as the Tribunal) dated February 24, 1993 in Review Petition No 86 of 1992 arising out of O.A. No 960 of 1990. The facts, briefly stated, are as follows.

The respondents were employed as 'B' Grade Clerks in the Directorate General of Supplies and Disposals. After attaining the age of superannuation they filed O.A. No 960 of 1990 before the Tribunal wherein they claimed that they should be deemed to have been appointed as UDC in the scale of Rs 80-220 with effect from January 1, 1947 on the basis of the recommendations of the First Pay Commission and that they are entitled to payment of salary and allowances of the post of UDC from January 1, 1947 till the date of retirement. The Tribunal, by its judgement dated February 6, 1992, upheld the claim of the respondents that they were entitled to be appointed as UDC on the basis of the recommendations of the First Pay Commission with effect from January 1, 1947. The Tribunal, however, did not direct payment of arrears of pay with effect from that date and directed that pay of the respondents in terms of the judgement shall be fixed notionally for the purpose of recomputing their pension but they would not be entitled to arrears of pay and allowances. It was, however, directed that they should be paid the arrears of pension on the basis of such computation from the date of superannuation. Feeling aggrieved by the denial of the arrears of pay and allowances for the period from January 1, 1947 till the date of their retirement, the respondents filed the Review Petition which has given rise to this appeal. By the

35 29

impugned judgement, the Tribunal, while allowing the Review Petition, has directed that the respondents be paid the arrears of their pay and allowances for the post of UDC with effect from January 1, 1947. The appellants have challenged the said direction given by the Tribunal on the Review Petition.

We are not required to go into the correctness of the impugned judgement of the Tribunal dated February 6, 1992 holding that the respondents were entitled to pay and allowances for the post of UDC with effect from January 1, 1947. By the said judgement the Tribunal, had, however, denied arrears of such pay and allowances to the respondents and the relief was confined to arrears of pension only which direction has been reversed by the impugned judgement the Tribunal whereby direction has been given for payment of arrears of pay and allowances with effect from January 1, 1947. The impugned order has been passed on the ground that two employees (Shri S.P. Gupta and Shri VK Nigam) had been paid the arrears with effect from January 1, 1947 under orders passed on the basis of the judgement of the Bombay High Court dated July 23, 1979. We are of the view that the said direction of the Tribunal on the review application cannot be upheld since O.A. No 960 of 1990 was filed before the Tribunal only in 1990 when they had already retired from service. The Tribunal had rightly disallowed the arrears of pay and allowances with effect from January 1, 1947 in the judgement dated February 6, 1992 and was in error in directing such payment of arrears in the impugned judgement merely because two other employees had been paid such arrears on the basis of an earlier judgement of the Bombay High Court.

The appeal is, therefore, allowed, the impugned judgement of the Tribunal dated February 24, 1993 directing payment of arrears to the respondents for the post of UDC with effect from January 1, 1947 till the date of retirement is set aside. No order as to costs.

Sd/-

(S.C. AGRAWAL)

Sd/-

(G.T. NANAVATI)

NEW DELHI

OCTOBER 24, 1997

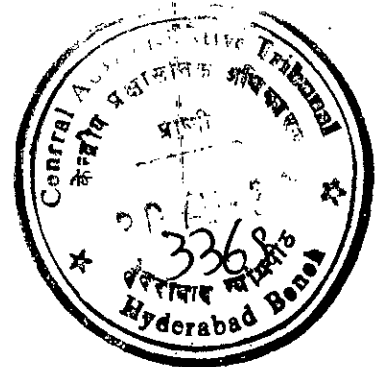
19! - Review Application
(2)

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

B.A.No. of 2000

in

O.A.No. 1384 of 1997



REVIEW APPLICATION

Received by
4/4/17/8

M. G. S.
6/9

B. NARASIMHA SHARMA,
Sr. CGSC.

Counsel for the Respondents.
Applicants/Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 749/2000 in RASR 3369/2000

in OA 1384/2000 97

DATE OF ORDER : 21.9.2000

Between :-

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

...Applicants/Respondents

And

M. Bakkaraju

...Respondent/Applicant

-- -- --

Counsel for the Applicants : Shri B.N.Sharma, Sr.CGSC

Counsel for the Respondent : Shri KSR Anjaneyulu


-- -- --

CORAM:

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

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

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



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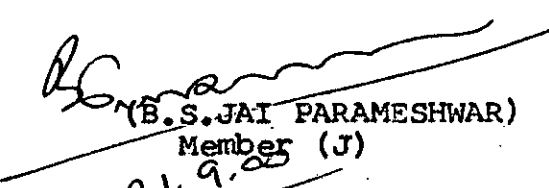


(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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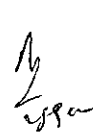
Heard Sri M.C.Jacob for Sri B.N.Sharma, learned standing counsel for the applicants and Sri KSR Anjaneyulu for the respondent.

2. MA 749/2000 is filed for condoning the delay of filing the Review Petition. Similar ^{M.A. in} RASR No.864/2000 in OA 392/98 was considered and rejected by order dated 19.4.2000. For the same reasons stated in that judgement dated 19.4.2000 this M.A. is also rejected. As the M.A. is dismissed, RASR stands rejected. No order as to costs.


(B.S.JAI PARAMESHWAR)
Member (J)
21.9.00


(R.RANGARAJAN)
Member (A)

Dated:21st September, 2000.
Dictated in Open Court.



avl/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:HYDERABAD.

COPY TO

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

1ST AND 2ND COURT

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

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

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

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

DATE OF ORDER 21/9/2000

MA/RA/EP.No. 749/2000 W Rasm 3369/2000

IN
QA.No. 1384/2000

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

7 copies

R.A. CLOSED

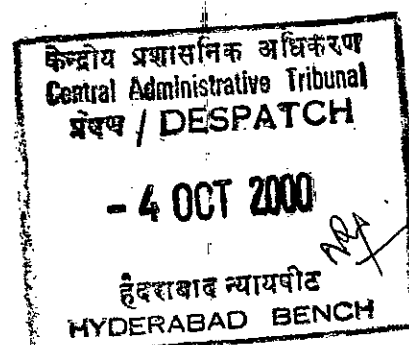
DISPOSED OF WITH DIRECTIONS

MA ~~DISMISSED~~ & ~~Rejected~~

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH:HYDERABAD

COPY TO:-

1ST AND 11ND COURT

1. HDHND

TYPED BY CHECKED BY
COMPARED BY APPROVED BY

2. HERN:MEMBER:(ADMN)

3. HBSJP:MEMBER:(JUDL)

THE HON'BLE MR JUSTICE DH:NASIR
VICE-CHAIRMAN

4. D.R. (ADMN)

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

5. SPARE

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

6.ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 24/10/2000

MA/RA/EP.NO. 749/2000 in RA22 3369/2000

IN

CA.NO. 1384/92

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER / REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

25 OCT 2000

हैदराबाद ब्याचपीठ
HYDERABAD BENCH

IN THE COURT OF THE JUDGE IN CHARGE OF THE JUDICIAL OFFICE AT HYDRABAD

MA. NO. 743/2000 IN WACR. 3369/2000

IN

MA. NO. 1334/1997

Between

Date: 24-10-2000

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

...Applicants

And

M. Sakkaraju

...Respondent

Counsel for the Applicant
Counsel for the Respondents

... B. Sharma, Sr. 1990
... J. Anjaneyulu

C. A. THE HON'BLE JUDGE IN CHARGE OF THE JUDICIAL OFFICE AT HYDRABAD (1990)
THE HON'BLE JUDGE IN CHARGE OF THE JUDICIAL OFFICE AT HYDRABAD (1997)

FOR RECORD

THE JUDICIAL OFFICE AT HYDRABAD

dated 27-9-2000. A corrigendum has been issued to the order as the year of the OA has been inadvertently noted as 2000 instead of 1997 above the cause title.

F. No- MA 743/2000 in WACR 3369/2000 in OA 1334/2000

RECORDED- MA 743/2000 in WACR 3369/2000 in OA 1334/2000

Deputy Registrar (JUDL)

DEPUTY REGISTRAR (JUDL.)

Central Judicial Office

HYDERABAD BENCH