

Annexure 4

(2A)
25



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
AT HYDERABAD

ORIGINAL APPLICATION NO.710/97

DATE OF ORDER : 09-06-1997.

Between :-

1. Lakshmana Rao

.. Applicant.

And

Union of India rep. by

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

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

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

.. Respondents

Counsel for the Applicant : Shri KSR Anjanayulu

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

COMMISSION

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

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

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

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.. 2.

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

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

2. The applicant in this D.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 ~~was~~ 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

....3.

Were formed

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Commission.

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

- (i) to direct the respondents to classify him as WDC with effect from 1.1.1947;
- (ii) to re-fix his pay in the scale of WDC and grant increments as and when due;
- (iii) to calculate the difference in arrears of pay arising due to re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt.4.11.87 (Annexure-4 to OA) and also as ordered in the CAT 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 O.A. is Judgement in OA 1037/92 or covered by the Bombay Bench of the Tribunal. But the learned counsel for the respondents submit that the applicant has filed the representation to follow the judgement of the Bombay Bench of the Tribunal read with the judgement of the Supreme Court dt.4-11-87 in Civil Appeal No.4201/85 in regard to payment of arrears. He further submits that a direction may also be given to dispose of the representation following the judgement of the Bombay Bench and Supreme Court. In fact this would mean that the respondents have to follow the directions fully and except that they have no other alternative. Instead of giving such a direction, this Bench itself can give direction to follow the Judgement of the Bombay Bench of CAT and Supreme Court in regard to payment of arrears. In view of the above, the OA is

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disposed of at the admission stage itself directing the respondents to follow the judgement of the Bombay Bench of CAT in OA 1037/92 decided on 20-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt.4.11.07 in Civil Appeal No.4201/95.

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

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
COURT OFFICER
केन्द्र, प्रशासनिक न्यायालय
Central Administrative Tribunal
पुणे
HYDRABAD DISTRICT

0.0.00/2
2/c (5)
1/2-1/2

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Annexure
Reference: 171301/8704

CAMPUS CASE
MORTUARY CASE
Engineer Shakti
HQ Southern Command
Engineers Branch
Pune-411 001

171301/17/JUDGEMENT/EIR (Pay Coord)

01 Sep 97

Chief Engineer
Pune Zone
PUNE-411 001

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

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

IMPLEMENTATION OF COURT JUDGEMENT
DECLASSIFICATION OF 'B' GRADE CASES
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 OMs in respect of individuals as per Appendix 'A'
to this letter have been disposed off by CAT Mumbai/CAT
Hyderabad in favour of the applicants vide judgement dated
11 Jun 97.
3. Further, some applicants have also filed MP in
CAT Mumbai, and revision of earlier Court judgement is
expected shortly.
4. To implement the judgement well in time and to avoid
contempt of court, following action need to be taken by all
respondents/Zonal CES on a TOP PRIORITY basis:-
 - (a) Obtain judgement from CAT Mumbai/Hyderabad for
all cases pertaining to their Zone.
 - (b) Obtain legal opinion of respective CGSO 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 P-in-C's Branch, New Delhi (with a copy
of all these documents to "Legal Cell" of this HQ)

Contd....2/-

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(1) Instruct all concerned to return Service Books of this HQ alongwith copy of approved fixation, complete LPO duly filled & LPO sent to authorities with a copy of PTO under which arrears fixation of pay and subsequent payment 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 CD/CE(Pers) of this HQ on same date.

6. Please ack receipt.

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

INTERNAL:
Copy to:

1. Pay Fixation
(LIR)

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

2. Pen Op-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 C&T.

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. LIR(R-DPC)

- As per the judgement, seniority & promotion had 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(Roc) be kept intimate on the progress of DPC for taking necessary action at their end.

Contd:.....4/-

Copy to:

C/E Mumbai
 C/E (NW) Mumbai
 C/E Pune
 C/E (IF) Mumbai
 C/E Secunderabad
 GE (P) No. 1 Mumbai
 GE (North) Mumbai
 GE (North) Deolali
 GE Gurgaon
 GE (South) Secunderabad
 DGNDs Mumbai
 ND, Khosakwala

For information and
 necessary action
 along with a copy of
 App. No. 12, 'A' ONLY.

Te
 Sub-branch
 Counsel for the
 applicant

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S. 111

 PS No. 111
 Department

1205

S. 111

11610

S. 111

S. 111

S. 111

1 2 3 4 5 6 7 8 9

CHIEF ENGINEER SOUTHERN COASTAL, PUNE:

9. Shri VD Prabhune, O/S	29.12.74	CE SC Pune	793/96	11.06.97
10. Shri ME Karlekar, O/S	30.04.79	"	"	"
11. Shri SK Patil, O/S	25.02.81	"	"	"
12. Shri NG Desai, UDC	31.07.61	"	"	"
13. Shri KM Gandhi, UDC	12.12.70	CHE Pune	"	"
14. Smt KM Dahi, w/o	(Vol. Retd)	"	"	"
Lt. Shri D. D. Chav, UDC	31.10.80	CHE Pune	"	"
		(CE Pune Zone)	"	"
15. Shri KV Vasudevan, ACF	31.07.84	CE SC Pune	194/97	"
16. Shri T. Krishnan	29.02.84	"	"	"
Hair, AO II		"	"	"
17. Shri T. Ramesh, AO II	03.04.80	CE Pune Zone	348/97	"
18. Shri SD L. Andar, O/S	30.11.78	CE SC Pune	1206/96	"
19. Shri JV Vasudevan, UDC	31.08.79	"	"	"
20. Shri FK Hair, UDC	31.06.79	NDA Khadak- wasla	195/97	"

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SC PUNE-411-001

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

Appendix 'A'

Sr. No.	IES No. Name and Designation	Date of retirement	Last formation where served/retired	On No. & Date	Date of Judgement	IES No. & Date	Date of Judgement	Remarks
1.	12053 Shri Nair	31.12.85	CWE Mumbai	461/94	11.06.97			
2.	11610 Shri N. Ramanna Shetty, OS-II	31.05.81	GE(P) Fo. 1 Mumbai	"	"			
3.	8459754 Shri Karuvankhat Chandran Nair, AOH	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	LGES Mumbai	"	"			
6.	31883 Smt S. S. elia D. Gaywant, O/S	31.12.76	GE (North) Solali (CE Pune Zone, Pune)	"	"			
7.	30980 Shri Gopal Krishna Avchar, O/S	31.03.74	GE (North) Mumbai	"	"			
8.	32157 Smt Manorama Bace, W/O Late RD Bace, O/S	31.12.80	CWE (NW) Mumbai	"	"			

2/-

CHIEF ENGINEER HYDRAULIC POWER, SECUNDERABAD:

21. Shri. H. Lakshmi, O/S	30.09.82	CWE (AF) Hyderabad Secunderabad	710/97	09.06.97
22. Shri. B. Rama Rao, ULC	01.12.87	GE Goleunda	711/97	"
23. Shri. N. Vishwanathan, ULC	31.08.74	CWE (AF) Secunderabad	712/97	"
24. Shri. K. Thirumurthy, O/S	30.06.82	CWE Sec'bad	713/97	"
25. Shri. K. Venkatram, UDC	31.05.76	CWE Sec'bad	714/97	"
26. Shri. T. Satyanarayana, O/S	31.05.83	GE Goleunda	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.19/4/96
Dated 20 SEPTEMBER 1996

LAST SUBMIT II ORDER PUBLISHED SER.NO.18/S/96 DATED 10 SEP 96.

Sl. No	Name	Category & Grade	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
CLERKS AS UPPER DIVN. CLERKS WEF. 01 JAN 47

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

1. 32090 Shri K. B. MAHAJAN UDC TY (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 1955 Gtd. annual increment of Rs. 0/-per month raising pay from Rs. 120/- to 136/-pm, *

21 Sep 1956 Gtd. annual increment of Rs. 0/-pm, raising pay from Rs. 136/- to Rs. 144/-pm, *

21 Sep 1957 Gtd. annual increment of Rs. 0/-per month raising pay from Rs. 144/- to 152/-pm, *

21 Sep 1958 Gtd. annual increment of Rs. 0/-per month raising pay from Rs. 152/- to 160/-pm, *

21 Sep 1948

21 Sep 1949

21 Sep 1950

21 Sep 1951

21 Sep 1952

21 Sep 1953

Pay fixed/re-fixed of pay, consequent on re-classification of erstwhile 'D' Grade Clerks as UDCs wef. 01 Jan 48 at Rs. 90/-pm, in the scale of Rs. 80-5-120-ED-0-200-10/2-220, 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-0-200-10/2-220.

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. Officer-II
.....2/-

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE ZONE

On : PUNE- 411 001

SECOND PAGE
SPECIAL PART II ORDER
SER.NO.19/8/96
Dated 20 SEPTEMBER 96

PART II (CONTD)
(SBS CENTRALISED)

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

1. Casualty contd. from last page No.1

Shri 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-
160-0-200-ED-0-256-ED-
0-200-10-300, with date
of next increment on
21 Sep 59, provided no
non-qualifying service
intervenes.

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

21 Sep 1967 Gtd.annual increment of
Rs.10/-pm, raising pay
from Rs.200/- to 290/-
per month in the scale
of Rs.130-5-160-8-200-
ED-0-256-ED-8-200-
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 1968 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

ation : PUNE- 411 001

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

PART II (CONTD)
(SBS CENTRALISED)

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

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

Shri KP Mahajan, 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-
10-380-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)

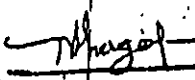
Dated - 20 Sep 96.

Distributions:-

CE SC Pune - 411 001, CDA SC Pune - 411 001 (Pay/3/3)

Internal:- E10(Pay), Cashier, Guar. Book,

NGP*


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

SPECIAL PART II ORDER

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

FIRST AND LAST PAGE
SPECIAL PART II ORDER
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.	MEB No.	Name	Category & Grade	Date	Particulars
1	2	3	4	5	6

PART II
(SBs CENTRALISED)

FIXATION OF PAY/RE-FIXATION OF PAY CONSEQUENT ON RE-CLASSIFICATION OF ERSTWHILE 'B' GRADE CLERKS AS UPPER DIVN. CLERKS WEF. 01 JAN 97
(ADDENDUMS/AMENDMENTS)

REF. CEPZ 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. 05/- to Rs. 90/- pm, in the scale of Rs. 05-5-120-200-10/2-220.

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. 05-5-120-200-10/2-220, with effect of next increment on 21 Sep 48, provided non-qualifying service intervenes.

READ

then contd. as per CEPZ 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 Cler. as UDCs wef. 01 Jan 48 at Rs. 85/- pm, in the scale of Rs. 05-5-120-200-10/2-220, with effect of next increment on 21 Sep 47, provided non-qualifying service intervenes.

Authy:- CDA SC Pune letter No. P/1/3/7055/Viz. 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. 18579/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 Engineer

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE/ZONE
PUNE- 411 001

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

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

MTS No	Name	Category & Grade	Date wef.	Casualty Particulars
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2	3	4	5	6
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PART II
(SBS CENTRALISED)

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

REF CBPZ 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/
E1R (Pay Coord)
dated 27 Nov 96.

" PART II ENDS WITH SER.NO.1 "

18579/E10(S)

dated 02 Dec 96

(CN Dhagut)
Prashashan Adhikari-2
Adm Officer- II (Adm)
Krute Mukhya Engineer
for Chief Engineer

Distributions:-

SC Pune-1, CDA SC Pune-1

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

T.E
K. N. B. R. A. C. S.
Counsel for the
applicant

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Annexure-b
REGISTERED ACK/DUE

From
Smt G SUNDARAMMA
W/O Late Shri G KAMESHWARA RAO
H.No.06-1-630/5, Savita Sadan
1st Floor, Market Road,
Khanatabad, Hyderabad-500004

HYDERABAD
Dt. 21 Jul 97

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To
The Engineer-in-Chief (EIC)
Army Headquarters
Kashmir House, New Delhi-110010 ✓

FIXATION OF PAY UNDER CPC-1947 IN R/O OF ERSTWHILE 'D'
GRADE CLERKS OF UNIFIED SCALES OF PAY 1944-MES CIVILIANS
PERSONNEL

Sir,

1. My Husband Shri G Kameshwara Rao, (Late who was one of those erstwhile 'D' Grade clerks under USP-1944 whose pay under RPC 47 has not been refixed in the grade of Lower Division Clerk from 01-1-47 and the arrears of Pay conveyed vide your HQ letter under reference. In this connection, your kind attention is also invited to the following orders, subsequently issued in this case:-

- (a) Supreme Court Order dated 04-11-87 in Civil Appeal No. 4285 of 1985.
- (b) Govt. of India. Ministry of Defence Order No.50237/4090/E/C(3)442-LC/D(Civ-I) dt 08-6-94, extending the benefits to MES clerks as per order dt 03-1-94 of CAT Calcutta Bench in OA No.501/93.
- (c) Order dt 29-9-95 of CAT Bombay Bench in OA 1037/92 and also order No.OA No.1037/92 dt 15-4-96 in respect of Shri KP Mahajan of CESC Pune versus Union of India.

2. My Husband died while in service on 06-5-1969 as Lower Division clerk from the office of GE(South) Sec'Bad as a result of the re-fixation of Pay as contemplated in the above orders my husband is eligible for arrears of Pay & Allow. I therefore, request that necessary directives may please be issued to the concerned authorities to expedite payment of all arrears of my Late husband to me including of refixation of his pay and allows and my family pension may also be refixed basing on refixing of my (Late) husband's pay and allows and arrears of my family pension thereof.

Thanking you,

Yours faithfully,

G Sundaramma
(G SUNDARRAMMA)
W/O Late G Kameswara
(Rao)

C.C. To:

1. (Registered A.D) Chief Engineer, HQ SC Pune - For information and necessary action, please with ref. to his letter No. 131701/143/ElB(S) dt 25-7-91 & 17201/17/ElR (Pay Coord) of 17-12-90 in similar case.
2. CE (Fy) Hyd'Bad, Opp Parade grounds Sec'Bad
3. CWE (MES) Sec'Bad-3
4. GE (S) Mudfort Sec'Bad - 3

Te
Konbaralrao
Counsel for the applicant

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. No. 38 of 2000

in

C.A. No. 1385 of 1997

Between:

Dated: 20.1.2000

1. The Secretary,
Min. of Defence,
New Delhi.
2. The Engineer-in-Chief's Bench
Army HQ, New Delhi.
3. The Chief Engineer, Southern Command,
Pune.

.. Applicants
.. Respondents

sub. ^{AND} *En. Sundaramma*
Counsel for the Applicants

: Mr. V. Rajeswara Rao

Counsel for the Respondent

; Mr. K. S. R. Anjanayulu

GRAM:

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

THE HON'BLE MR. S. MANIKA VARAGAN : MEMBER (A)

* *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard.

The extension of time for complying with the direction given by this Tribunal in C.A. No. 1385/97 dated 21.11.97 is granted upto 31.3.2000.

The MA is disposed of accordingly. No Costs.

[Signature]
Section Officer

Srr

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

31/1/2000

COPY TO:

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

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR. R. RANGA RAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 20/1/2000

MA/RA/CP.NO.

IN

OA. NO.

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

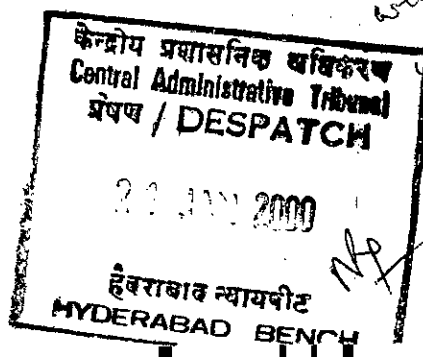
ORDER/REJECTED

NO ORDER AS TO COSTS

7 copies

Case

where is the original
to be sent to



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1385/97.

Dt. of Decision : 21-11-97.

Smt. G.Sundaramma

.. Applicant.

Vs

1. The Union of India rep.by the Secretary, Min. of Defence, DHQ PO, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer, Southern Command, Pune, Maharashtra-411 011.

.. Respondents.

Counsel for the applicant : Mr.K.S.R.Anjaneyulu

Counsel for the respondents : Mr.K.Bhaskara Rao, Addl.CGSC.

FORAM:

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.~~Hyderabad Bench~~ K.Bhaskara Rao, learned counsel for the respondents.

2. The applicant is ^{late} wife of late G.Kameswara Rao and the applicant is the legal representative of the deceased employee.

3. The husband of the applicant in this OA ^{had} joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 1-10-44 ^{and died on 6-5-69.} 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

Je

J

all the three grades were abolished and in that place two grades viz., LDC and UDC were introduced. The recommendations of Varadha-charyulu Pay Commission were accepted by the respondents w.e.f., 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 husband of the applicant was serving as Grade-B and that the contention is that deceased employee should be treated as UDC as on 19-1-47. Though deceased employee was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the husband of the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

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

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

(ii) to re-fix the pay of the deceased 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 dated 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.

5. 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.

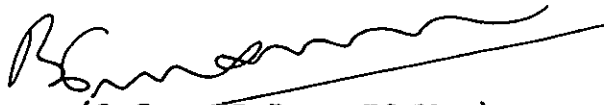
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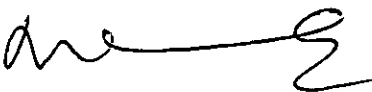
A

6. 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% due to her deceased husband and is 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 that direction 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. The deceased employee, the husband of the applicant herein is entitled for arrears equal to same as what was granted to the applicant in OA.710/97.

7. In view of the above 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 in so far the arrears to be paid to the applicant till the deceased employee, ^{the} husband of the applicant herein survived and those arrears should be in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/89. The family pension of the applicant herein, if, she is eligible should be paid in accordance with law.

8. The OA is ordered accordingly. No costs.


(E.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
21.11.97


(R. RANGARAJAN)
MEMBER (ADMN.)

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

-4-

Copy to:

1. The Union of India rep. by the Secretary, Min. of Defence, DHQ PO, New Delhi -11.
2. The Engineer-in-chief, Army Head Quarters, Kashmir House, DHQ PO, New Delhi- 11.
3. The Chief Engineer, Southern Command, Pune, Maharashtra- 411 011.
4. One copy to Mr. K.S.R. Anjaneyulu, Advocate, C.A.T. Hyderabad.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, C.A.T. Hyderabad.
6. One copy to D.R. (Admn), C.A.T. Hyderabad.
7. One duplicate copy.

6/12/97
3/12/97

(X)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21/11/97

ORDER/JUDGMENT

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

in

O.A.NO. 1385/97

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

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH - 2 DEC 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
--

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. No.38 of 2000
in
OA. No.1385 of 1997

Between:

Dated: 20.1.2000

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

o. Appellants
.. Respondents *

sub. C. Sundaram
Counsel for the Applicants

: Mr. V. Rajeswara Rao

Counsel for the Respondent

: Mr. K. S. R. Anjanayulu

ORAM:

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

THE HON'BLE MR. S. MANICKA VARADAN : MEMBER (A)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard.

The extension of time for complying with the direction given by this Tribunal in O.A.No.1385/97 dated 21.11.97 is granted upto 31.3.2000.

The MA is disposed of accordingly. No.Costs.

Sd/- X X
Section Officer

Srr

प्रमाणित प्रति
CERTIFIED TRUE COPY

कम संख्या MA.38/2000

CASE NUMBER

निर्णय का तिथि

DATE OF JUDGEMENT

प्रति तय्यार किया गया

COPY MADE READY ON

अनुभाग अधिकारी/अधीनस्थ अधिकारी
Section Officer/Court Officer
केन्द्रीय प्रशासनिक न्यायकरण
Central Administrative Tribunal
हैदराबाद ब्याचपीठ
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : 685 OF 2000

IN

R.A. NO: 3165 OF 2000

IN

OA NO : 1385 OF 1997

BETWEEN :

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

.....APPLICANTS/
Respondents

AND

Smt G Sundaramma
W/O Late Shri G Kameshwar Rao

.....RESPONDENT/
Applicant

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

For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Tribunal may be pleased to condone the delay of 2 years 10 months months, days in filing review in OA NO: 1385 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

[Signature]
COUNSEL FOR THE APPLICANTS

HYDERABAD,

DT: 16/8/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : 285 OF 2000
IN

R.A. S.R NO: OF 2000
IN

OA NO : 1385 OF 1997

BETWEEN :

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

...APPLICANTS/
Respondents

AND

Smt G Sundaramma
W/O Late Shri G Kameshwar Rao

.....RESPONDENT/
Applicant

AFFIDAVIT

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

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

2. I respectfully submit that the Hon'ble Tribunal was pleased to dispose of the OA NO: 1385 of 1997 by an order dated 21-11-1997 by directing the department to follow the judgement of the Bombay Bench, CAT passed in OA NO : 1037 of 1992 and with other directions. Aggrieved by the decision, the department has filed review for the reasons stated therein.

ATTESTOR

(A M Bambawale)

A E

AGE (Tech)

For Garrison Engineer (South)

DEPONENT

(R S Nahar)

Maj

Garrison Engineer (South)

3. I respectfully submit that the copy of the order in OA NO: 1385 of 1997 was received by the department on 12-10-1998. After receipt of the judgement, the department has taken action in compliance with the directions given by the CAT. However for the reconstruction of the file which spread over for so many years from 1940 onwards and the work involved in the issue, the department has filed Miscellaneous application seeking extension of time to comply with the directions of the Tribunal. In the meanwhile, the judgement of the Hon'ble supreme court rendered in CA NO: 7453 of 1997 is received. The judgement of the Hon'ble Supreme court order dated 24 Oct 1997 in CA NO: 7453 of 1997 was received by the department on 03-1-2000 and it was referred to various sections to circulate for the necessary action. Hence the delay of 2 years 10 months — days. The delay is neither intentional nor deliberate. It is only due to administrative reasons. If the delay is not condoned the Public cause would suffer. The department has a strong case in its favour and if the delay is not condoned and review the Judgement, the judgement already rendered in the present OA would be contrary to the latest judgement of the Apex court.

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

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

DEPONENT

(R S Nahar)

Maj

Garrison Engineer (South)

ATTESTOR

(A M Bambawale)

A E

A G E (Tech)

For Garrison Engineer (South)

DEFENCE

ORIGINAL

MA. 685/2000 in RASR. 316/20000
in OA. 1385/97

dt. 31-8-2000

Heard.

Order delivered vide separate
sheets. MA, is dismissed.

R
(HBSJP)
M(J)

V
(HRRN)
M(A)

BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

M.A. NO. 685 OF 2000

In RASR 316/00

O.A. NO. 1385 OF 2000-97

Condore ady Petition

Mr. _____

COUNSEL FOR THE APPLICANT

AND

Mr. *V. Rameshwar Reddy*

standing counsel

Addl Standing Counsel for Central
Govt.

Sr. Standing Counsel for Central
Govt.

Standing Counsel for Railways.

M. KSR Aravane July
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Page=3165/10

O.No. 1885 of 98

Applicants.

VERSUS

(Respondents)

INDEX SHEET

S.No.	Description of Documents & Date	Pages.
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2.	Original Application	2609
3.	Material papers.	
4.	Interim Orders	
5.	Orders in MAS.	
6.	Reply statements.	
7.	Rejoinder	
8.	PA Final Orders. 31/8/10	10 to 12

Signature of dealing Head
in Record Section

[Signature]
29/9/10

Signature of S.O.

(SEE RULE 12)

FORM No.4

CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH; HYDERABAD

ORDER - SHEET

RA 12000 w

O.A.No. 1385 OF 2000.

The Secy to Govt, Madras Applicant(s)
N. DEVI

Through M/s

(Advocate)

VERSUS

Smt - G. Sundaramma

Respondents

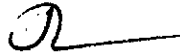
DATE

Note of the Registry

Order of the Tribunal

31-8-2000

Heard.
Order delivered. The RA is
rejected, as the MA is dismissed.
Orders vide separatesheets.


HESJP
M(J)


HRRN
M(A)

2

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. 685 OF 2000

IN
REVIEW APPLICATION NO. 3165 OF 2000

IN
ORIGINAL APPLICATION NO. 1385 OF 1997.

The above Review Application has been filed for review of the judgement of the Bench dated 21.11.97 of the Tribunal consisting of ~~Hon'ble Mr. Justice D.H. Nasir, Vice-Chairman and~~ Hon'ble Mr. R. Rangarajan, Member (A) and Hon'ble Mr. S.S. Jai Parameswar, Member (J) in Original Application No. 1385 of 1997.

Circulated as per rule 49 of the Central Administrative Tribunal Rules of Practice, 1993.

Submitted.

[Signature]
24/11/97

*list for
admission hearing*

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A. NO: OF 2000

IN

OA NO : 1385 OF 1997

BETWEEN :

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

.....APPLICANTS/
Respondents

AND

Smt G Sundaramma
W/O Late Shri G Kameshwar Rao

.....RESPONDENT/
Applicant

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

For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Tribunal may be pleased to review the order passed in OA NO: 1385 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.



COUNSEL FOR THE APPLICANTS/

HYDERABAD,

Dt: 16/8/2000

RESPONDENTS

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A. NO: OF 2000

IN

OA NO : 1385 OF 1997

BETWEEN :

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

...APPLICANTS/
Respondents

AND

Smt G Sundaramma
W/O Late Shri G Kameshwar Rao

.....RESPONDENT/
Applicant

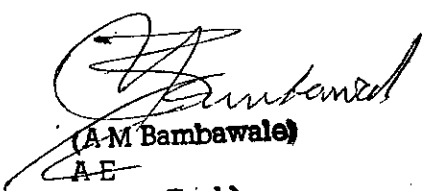
A F F I D A V I T

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

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

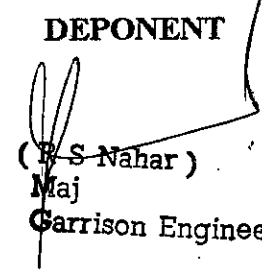
2. I submit that the Respondent is the wife of Late Shri G Kameshwar Rao, was
expired on 06 May 1969 while in service. There was restructuring of clerical cadre in the
department basing on the Vardacharyulu Pay Commission report in the year 1947.
As per that restructuring, the employees who are previously/provisionally in the cadre of
A&B were to be brought on to the grade of UDCs in the scale of Rs. 80-220. So it is
contended in the OA for the respondent that the post of deceased central Govt Servant
should be upgraded as UDC in the scale of Rs. 80-220 instead of LDC.

ATTESTER


(A.M. Bambawale)

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

DEPONENT


(R.S. Nahar)

Maj
Garrison Engineer (South)

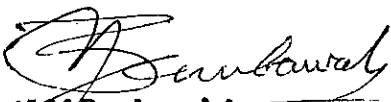
The OA was filed seeking a direction to reclassify the post of the deceased employee as UDC wef 1-1-1947 and fix his pay in the scale of UDC and other benefits. The Hon'ble Tribunal was pleased to dispose off the above OA by an order dated 21-11-1997 at the time of admission stage directing the department to follow the Judgement of Bombay Bench of CAT in OA NO: 1037 of 1992 decided on 28-9-1995. Copy of the order was received by the department on 12-10-1998. Hence there is a delay of 24 months 10 months days in preferring the review application. A separate application has been filed for the condonation of the delay.

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

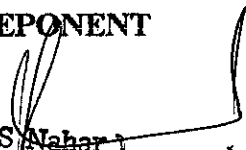
GROUND S

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

ATTESTER


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

DEPONENT


(R S Nahar)
Maj
Garrison Engineer (South)

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

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

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

In view of the above it is therefore prayed that the Hon'ble Tribunal may be pleased to review the order dated 21-11-1997 passed in OA NO: 1385 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

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

DEPONENT

(R S Nahar)
Maj
Garrison Engineer (South)

BEFORE ME

ATTESTER

(A M Bambawale)

A E

A E (Tech)

For Garrison Engineer (South)

all the three grades were abolished and in that place two grades viz., LDC and UDC were introduced. The recommendations of Varadha-charyulu Pay Commission were accepted by the respondents w.e.f., 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 husband of the applicant was serving as Grade-B and that the contention is that deceased employee should be treated as UDC as on 1-1-47. Though deceased employee was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the husband of the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

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

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

(ii) to re-fix the pay of the deceased 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 dated 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.

5. 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.

(4) AL (46) 7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1385/97.

Dt. of Decision : 21-11-97.

Smt. G.Sundaramma

.. Applicant.

Vs

1. The Union of India rep.by the Secretary, Min. of Defence, DHQ PO, New Delhi-11.
2. The Engineer-in-Chief, Army Head Quarters, Kashmir House, DHQ PO, New Delhi-11.
3. The Chief Engineer, Southern Command, Pune, Maharashtra-411 011.

.. Respondents.

Counsel for the applicant : Mr.K.S.R.Anjaneyulu

Counsel for the respondents : Mr.K.Bhaskara Rao, Addl.CGSC.

FORAM:

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

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

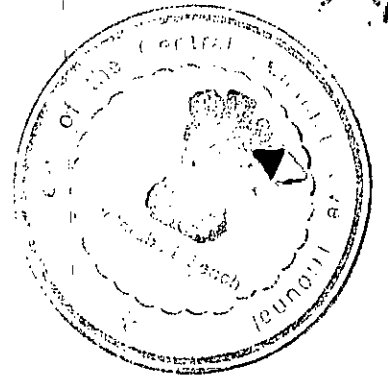
ORDER

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

Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.~~Hyderabad Bench~~ K.Bhaskara Rao, learned counsel for the respondents.

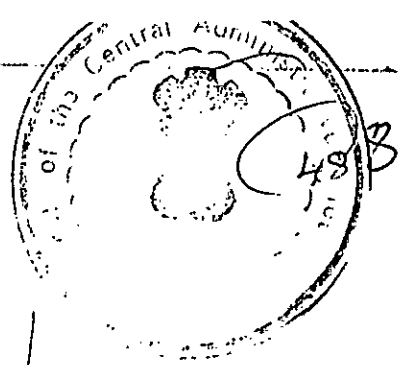
2. The applicant is ^{the} wife of late G.Kameswara Rao and the applicant is the legal representative of the deceased employee.

3. The husband of the applicant in this ^{had} OA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 1-10-44^{and died on 6-5-69.} 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



No. 1385/97
Name of the Applicant Br. Sundaramma
Date of application 13/6/00
of ... is ...
No of pages ... 3 ...
Copying fees ... 3/-
Jurat fees ... 3/-
TOTAL ... 3/-
Date when fee is demanded ... 13/6/00
Date when fee was paid ...
Date of preparation of copy ...
Date of delivery of copy ... 16/6/00

उप रजिस्ट्रार (न्यायिक)
DEPUTY REGISTRAR (JUDL.)
के प्रौढ प्रशासक अ. न. न.
Central Administrative
हैदराबाद न्यायपीठ
HYDERABAD BENCH

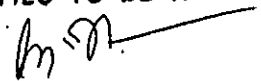


6. However the learned counsel for the respondents submitted in the reply that the case is a belated one and those who have filed much earlier got 60% of the arrears and hence the applicant herein should not be given the full arrears of 60% due to her deceased husband and is eligible for only a very 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 that direction 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. The deceased employee, the husband of the applicant herein is entitled for arrears equal to same as what was granted to the applicant in OA.710/97.

7. In view of the above 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 in so far the arrears to be paid to the applicant till the deceased employee, ^{his} husband of the applicant herein survived and those arrears should be in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/85. The family pension of the applicant herein, if, she is eligible should be paid in accordance with law.

8. The OA is ordered accordingly. No costs.

प्रमाणित प्रतिलिपि
CERTIFIED TO BE TRUE COPY


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

Appl. - Review Application

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

RAN *J. Rao*
O.A. NO: *1385* OF 1997/
2000



REPLY AFFIDAVIT/ WRITTEN

STATEMENT FILED BY THE

RESPONDENT NO:

Review Affidavit
v/n 17 of 1997

FILED ON *16/8/2000*

[Signature]
[Signature]
[Signature]

FILED BY

V. RAJESWARA RAO

STANDING COUNSEL FOR CENTRAL
GOVERNMENT AND RAILWAYS

COUNSEL FOR RESPONDENTS

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17/8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA. 685 /2000 in RASR. 3165/2000 &

RASR. 3165 /2000 in OANo. 1385 / 97

dt. 31-8-2000

Between

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

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

3. Chief Engineer
Southern Command, Pune
Maharashtra 411001

: Applicants/
Respondents

and

G. Sundaramma

: Respondent/Applicant

Counsel for the applicants

: V. Rajeswara Rao
CGSC

Counsel for the respondent

: K.S.R. Anjaneyulu
Advocate

C oram

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

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





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MA. 685 /2000 in RAS_r.3165/2000

& RASR.3165/2000 in
OA.1385

dt.31-8-2000

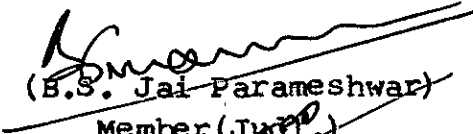
Order

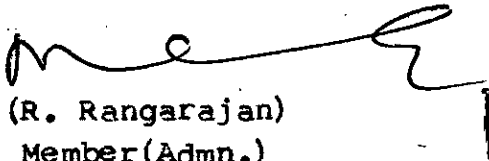
Oral order (per Hon. Mr. R. Rangarajan, Member (Admn))

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

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

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


(B.S. Jai Parameshwar)
Member (Judl.)
31.8.2000


(R. Rangarajan)
Member (Admn.)

dated : 31 Aug, 2000
Dictated in Open Court

My
2
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sk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD.

COPY TO

1. HDHNU
2. HRRN (ADMN.) MEMBER
3. HBSJP (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
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 31.8.2000

MA/RA/CP. No. 683/2000 in RAR 3165/2000

IN RAR 3165/2000 in

OA. No. 1383/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

MA DISMISSED

DISMISSED AS WITHDRAWN

RAR ORDER/REJECTED

NO ORDER AS TO COSTS

7 (Summ. Coram)

