

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. No. 554 of 1999

in

DA. No. 1386 of 1997

Between:

Dated: 29.7.99

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

.. Applicants

And

Smt. G. Lopamudra

.. Respondent

Counsel for the Applicants

: Mr. V. Rajeswara Rao

Counsel for the Respondents

: Mr. K. S. R. Anjaneyulu

CORAM:

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

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

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

Extension of time for three months is granted.

MA is disposed of.

Section Officer *Dr 2*

Srr

COPY TO:-

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

1st AND 11nd COURT.

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

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

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

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

ORDER. Date. 29/7/99

ORDER / JUDGMENT

MA./BA./CP.NO 554/99
IN
DA.NO. 1386/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

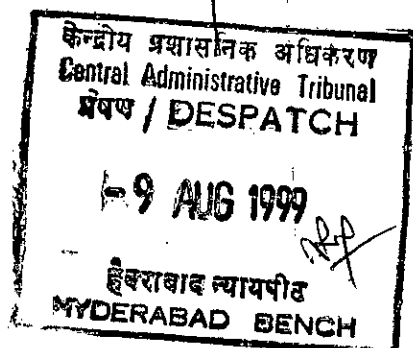
MA IS
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.



55

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 243/2000 in OA 1386/97

DATE OF ORDER : 16.3.2000

Between :-

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

...Applicants/Respondents

And

Smt.G.Lopamudra

...Respondent.

-- -- --

Counsel for the Applicants : Shri V.Rajeshwar Rao, Addl.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)

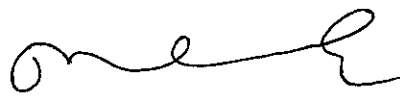
(Order per Hon'ble Shri R.Rangarajan, Member (A)).

-- -- --

Heard Sri V.Rajeshwar Rao for the applicants and Sri KSR Anjaneyulu for the Respondent.


2. The time is extended up to 30-4-2000 for implementation of the judgement passed in O.A. MA disposed of.. No costs.


(B.S.JAI PARAMESHWAR)
Member (J)
16.3.00


(R.RANGARAJAN)
Member (A)

avl/

Dated: 16th March, 2000.
Dictated in Open Court.


23-3-20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH.
HYDERABAD.

1ST AND 11ND COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON'BLE

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

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

3. HON'BLE M. (JUDL)

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

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

16/3/00

MA/RA/CP NO

243/00

IN

G.A. NO.

1386/92

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

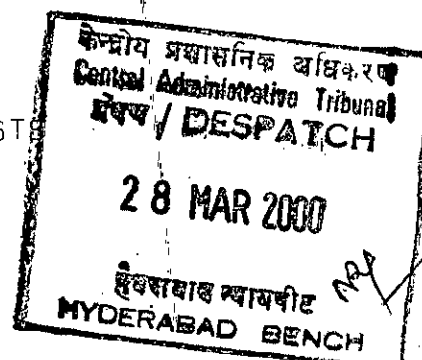
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1386/97.Dt. of Decision : 21-11-97.

Smt. G. Lopa Mudra

.. 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-1.

.. Respondents.

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

Counsel for the respondents : Mr. V. Rajeswara Rao, Addl. CGSC.

CORAM:

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

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

ORDER.

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

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

2. The applicant is wife of late K. S. Prakash Rao and the applicant is 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 19-5-43 and died on 13-5-74. 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

Tr


R

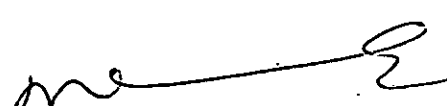


6. However the learned counsel for the respondents submitted in the reply that the case is a belated one and those who have filed much earlier got 60% of the arrears and hence the applicant herein should not be given the full arrears of 60% due to her deceased husband and is eligible for only a very 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 ~~in~~ 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^{was} 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.4201/8. 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.


(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..

Copy to:

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

YLKR

6/10/97
2/12/97

(7)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21.11.97

ORDER/JUDGMENT

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

in

O.A.NO. 1386/97

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 न्यायालय Central Administrative Tribunal
प्रेषण / DESPATCH
- 2 DEC 1997
हैदराबाद ब्याचपीठ HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.ANO. 448 /98 in O.A.1386 /97.

Date of Order: 29-6-98

Between:

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



.. Applicants/Respondents.

and

Smt. K. Lopa Mudra.

.. Respondent/Applicant.

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

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

FORAM:

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

The Tribunal made the following Order:-

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

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

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

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

(Signature)

न्यायालय अधिकारी
COURT OFFICER

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

30/6/98 Deputy Registrar.

To

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

/pvm.

No. 554 of 1999
in
No. 1386 of 1997

Between :

Dated: 29.7.99

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

.. Applicants

And

Mr. S. Lopsamudra

.. Respondent

Counsel for the Applicants

: Mr. V. Rajeswara Rao

Counsel for the Respondents

: Mr. ... Anjanayulu

ORDER

THE TRIBUNAL ... (1)

THE TRIBUNAL ... (2)

BEFORE THE TRIBUNAL ...

Heard Mr. V. Rajeswara Rao ...

Extension of time for three months is granted.

It is disposed of.

प्रमाणित प्रति
CERTIFIED TRUE COPY

क्रम संख्या

CASE NO

नि. त. त.

DATE

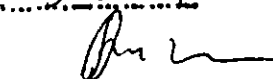
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पृष्ठ

MA 554/99
28-1386/97

29.7.99

5.8.99



Administrative Tribunal Officer

रज
Administrative Tribunal

HYDRABAD BENCH

**P. No. 554 of 1959
in
P. No. 1386 of 1977**

Notation:

Dated: 29.7.99

1. The Secretary,
Ministry of Defense,
New Delhi.
2. The Engineer-in-Chief's Branch,
Army Headquarters,
New Delhi.
3. The Chief Engineer,
Southern Command,
Bangalore.



.. Poll on 8.8.1959

and
at. M. L. P. Mudra:

.. Suspension

General for the appointments : ...
General for the appointments : ...

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**प्रमाणित प्रति
CERTIFIED TRUE COPY**

3/-
Section Officer

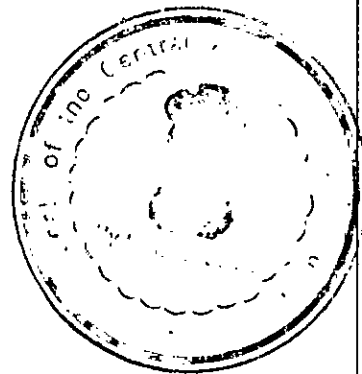
CASE NUMBER 1386/27
नि
DATE 29.7.99
प्र...
COPIES 5899

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... ..
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

MA 243/2000 in OA 1386/97

DATE OF ORDER : 16.3.2000



Between :-

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

...Applicants/Respondents

And

Smt.G.Lopamudra

...Respondent:

-- -- --

Counsel for the Applicants : Shri V.Rajeshwar Rao, Addl.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)).

-- -- --

Heard Sri V.Rajeshwar Rao for the applicants and Sri KSR Anjaneyulu for the Respondent.

2. The time is extended up to 30-4-2000 for implementation of the judgement passed in O.A. MA disposed of.. No costs.

CERTIFIED TRUE COPY
मम संख्या MA 243/2000-1
CASE NUMBER OA 1386/97
नि 16.3.2000
DATE 16.3.2000
रु 27.3.2000
COPY MADE READY ON 27.3.2000

अ. न्यायाधीश, म. न्यायाधीश
Section Officer/Court Officer
क. न्यायाधीश, म. न्यायाधीश
Central Administrative Tribunal

IN HIGH COURT FILE NO. 255/04

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : AT HYDERABAD

W.P.M.P. NO. /200

IN

W.P. NO. 4450/2004

A Writ Petition was filed in the High Court of Andhra Pradesh
by Sri M/o Defence DHAPO New Delhi
Vs. Smt. Lopamudra
against the Order/Judgment of this Hon'ble Tribunal dated 21-11-97
and made in O.A.No. 1386/97

The High Court was pleased to order ~~Dismissed/Allowed/Dispos~~ by
of the W.P. under ~~Interim Suspension/Stay/Notice~~ the operation of
Judgment dated 25/6/04

The Judgment of the Tribunal in O.A.No. 1386/97 and the
Order/Notice of the High Court of Andhra Pradesh is enclosed herewith
for perusal..

Submitted.

DEPUTY REGISTRAR (J)

HON'BLE VICE-CHAIRMAN :

HON'BLE MEMBER (A) I :

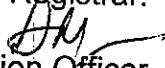
HON'BLE MEMBER (J) :

HON'BLE MEMBER (A) II :

REGISTRAR

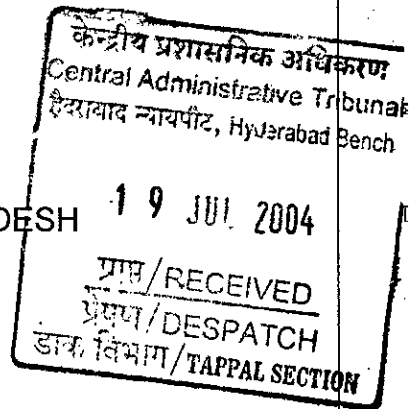
of 2004, dated 04.02.2004 shall be annexed to this Order. No costs.
Sd/-Asadullah Khan
Assistant Registrar.

//True copy//


Section Officer

- To 1.The Honourable Sri Justice G.Bikshapathy
(for His Lordship's kind perusal.)
2. The Union of India, rep. by the Secretary, Min. of Defence DHQ PO,
New Delhi-11.
3.The Engineer in Chief, Army Head Quarters, Kashmir House, DHQ
PO, New Delhi.
4.The Chief Engineer, South Command, Pune, Maharashtra
5.2.CD copies.
6. One Copy to the Registrar, CAT, Hyderabad Bench, Hyderabad.
Ty MKH C.By.

ch



IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4450 of 2004

Between:

- 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.
- 3 The Chief Engineer, South Command, Pune, Maharashtra.

..... PETITIONER(S)

AND

Smt.Lopamudra, w/o late K.S.P.Prakashrao,
H.No.23-78/181/F, Plot No.68, Sree Ram Apartments, Radhakrishna
Nagar, Malkajgiri, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the order in O.A.No.1386/97 dt.21-11-97 on the file of Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same by issue of writ of certiorari

Standing Counsel For the Petitioner: MR.ANDAPALLI SANJEEV KUMAR

Counsel for the Respondent : MR.G.RAMACHANDRA RAO

The Court Made the Following Order (Per GB.J.)

Heard the learned counsel for the petitioners.

2. Similar matters were disposed of by this Court as that of in this Writ Petition, viz., Writ Petition Nos. 399 and 565 of 2004, on 04.02.2004. Following the ratio in the above Judgments, this Writ Petition is also disposed of in terms of the orders passed in the above Writ Petitions. A copy of the Judgment in Writ Petition Nos. 399 and 565

749
03/7/04

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 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 ~~employee~~ 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 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 ~~Bench~~ 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.1386/97.

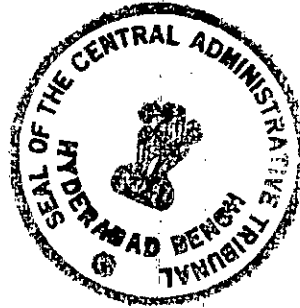
Dt. of Decision : 21-11-97.

Smt.G.Lopa Mudra

... 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-1.



.. Respondents.

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

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

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

ORDER

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

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

2. The applicant is wife of late K.S.Prakash Rao and the applicant is 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 19-5-43 and died on 13-5-74. 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

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 ~~in~~ 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^{was} 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 प्रती
CERTIFIED TO BE TRUE COPY

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

=2=

the Respondent is entitled for pension and pensionary benefits, but he is not entitled for the arrears of Salary as clarified by the Division Bench. The Petitioners are directed to settle the pension and pensionary benefits as directed within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/- Shaik John Basha
Assistant Registrar

//True Copy//

Section Officer

Note : This order is amended with regard to the cause title ordered on 04.2.2004 in W.P.MP NO.2123/2004 and this amended order shall be substituted for the order dispatched earlier on 08.03.2004, and made herein.

Sd/- Shaik John Basha
Assistant Registrar

//True Copy//

Section Officer

To

- 1) The Secretary, Ministry of Defence, Govt. of India, DHQ P.O. New Delhi-110001.
- 2) The Engineer -in- Chief, Army Head Quarters, Govt. of India, Kashmir House, DHQ P.O., New Delhi-110 001.
- 3) The Chief Engineer, Southern Command, Govt. of India, Pune-411 001.
- 4) Sri T.K. Venkataram (died) Per L.R., S/o. Late Kuppuswamayya, Hindu, H.NO. 18-71/1, MES Colony, Venkatapuram, Trimulgherry P.O., Secunderabad - 500 015.
- 5) Two C.D. copies.
- 6) The Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
- 7) One CC to Mr. G. Ramachandra Rao, Advocate. (OPUC)

Alongwith common
order in W.P.No.
14536/01 batch

RVR

22/3/04

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)

**WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR**

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO : 399 of 2004

BETWEEN:

- 1 Union of India, Rep., by (1) Secretary, Ministry of Defence DH
Q.P.O. New Delhi - 110 011.
- 2 Engineer-in-Chief, Army Head-Quarters, Kashmir House, DHQ P.O.
New Delhi-110 011.
- 3 The Chief Engineer, Southern Command, Pune-411 001.

..... Petitioners

AND

- 1 T.K. Venkataram (died) Per L.R.; S/o. Late Kuppuswamayya,
Hindu, H.NO. 18-71/1, MES Colony, Venkatapuram,
Trimulgherry P.O., Secunderabad - 500 015.
- 2 T. Bharathi W/o Late T.K. Venkataram, aged 68 Years
R/o 18-71/1 M.E.S. Colony, Trimulgherry, Secunderabad
(R-2 brought on record as LR of deceased Respondent as per Court
order dated 04.02.2004 in W.P.M.P.NO.2123/2004)

..... Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the order in O.S.No. 714 of 1997 dated 9-6-1997 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and quash the same as arbitrary, illegal by way of issue of a Writ of "Certiorari" or any other appropriate writ, order or orders.

For the Petitioner: Mr. Andapalli Sanjeev Kumar, Advocate
For the Respondents: Mr. G. Ramachandra Rao, Advocate

The Court at the stage of admission made the following order:-

ORAL ORDER: (Per G.B. J)

The learned Standing Counsel for the Central Government and also the learned counsel for the Respondent submitted that the matter is covered by the decision of this Court in Writ Petition No.14536 of 2001 and batch, dated 04.04.2001.

2. Recording the above submission and following the above said decision, this Writ Petition is also disposed of. It is further directed that

(Contd....)

=2=

2. Recording the above submission and following the above said decision, this Writ Petition is also disposed of. It is further directed that the Respondent is entitled for pension and pensionary benefits, but he is not entitled for the arrears of salary as clarified by the Division Bench. The Petitioners are directed to settle the pension and pensionary benefits as directed within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-Shaik John Basha
Assistant Registrar

// True Copy //

Section Officer

NOTE : This Order is amended as per Court Order dated 04.02.2004 in W.P.M.P.No.2012/2004) and this amended order shall be substituted for the order dispatched earlier on 09.03.2004 and made herein.

Sd/-Shaik John Basha
Assistant Registrar

// True Copy //

Section Officer

To

- 1) The Secretary, Union of India, Ministry of Defence, DHQ., PO, New Delhi-110 011.
- 2) The Engineer-in-Chief, Army Head Quarters, Kashmir House, DHQ P.O. New Delhi-110 011.
- 3) The Chief Engineer, Southern Command, Pune-411001.
- 4) Sri T.R.Krishna Murthy, Retired Administrative Officer, CDE-III, Kalasiguda, Secunderabad.
- 5) Two C.D. copies.
- 6) The Registrar, Administrative Tribunal, Hyderabad Bench at Hyderabad.
- 7) One CC to Mr. G. Ramachandra Rao, Advocate.(OPUC)

Along with Common
Judgment in
W.P.No.14536/01
and batch

RVR

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR**

**PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE S. ANANDA REDDY**

WRIT PETITION NO : 565 of 2004

BETWEEN:

- 1 Union of India rep., by Secretary, Ministry of Defence, DHQ., PO, New Delhi-110 011.
- 2 Union of India, Engineer-in-Chief, Army Head Quarters, Kashmir House, DHQ P.O. New Delhi-110 011.
- 3 The Chief Engineer, Southern Command, Pune-411001.

..... Petitioners

AND

- 1 T.R.Krishna Murthy (died) per LRs S/o T. Rama Murthy, Hindu, Kalasiguda, Secunderabad.
 - 2 T.V.S. Rama Rao, S/o Late T.R. Krishna Murthy, aged 51 years R/o Plot NO.9, MES Colony, Picket, Secunderabad-26
 - 3 T.S. Narayana Rao, S/o Late T.R. Krishna Murthy, aged 49 years R/o Plot No.9, MES Colony, Picket, Secunderabad.
 - 4 T. Ramesh, S/o Late T.R. Krishna Murthy, Aged 45 years R/o Plot No.9, MES Colony, Picket, Secunderabad
 - 5 T.V.S. Rama Murthy, S/o Late T.R. Krishna Murthy, aged 40 years R/o Plot NO.9, MES Colony, Picket, Secunderabad-500 026
- (RR2 to 5 are brought on record as LRs of the deceased Respondent as per Court Order dated 04.02.2004 in W.P.M.P.NO.2012/2004)

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the order in O.A.No.1690 of 1997 dated 23.12.1997 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same as arbitrary, illegal by way of issue of a Writ of Certiorari or any other appropriate writ, order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

**For the Petitioner: Mr. Andapalli Sanjeev Kumar, Advocate
For the Respondent No.: Mr. G. Ramachandra Rao, Advocate**

The Court at the stage of admission made the following Order:-

ORAL ORDER: (Per G.B. J)

The learned Standing Counsel for the Central Government and also the learned Counsel for the Respondent submitted that the matter is covered by the decision of this Court in W.P. NO.14536 of 2001 and batch, dated 04.4.2001.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

M.A. NO: 554 OF 1999

IN

O.A. NO: 1386 OF 1997

BETWEEN:

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

.....APPLICANTS

A N D

Smt. G. Lopamudra
W/O Late Shri K S Prakash Rao


.....RESPONDENT

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

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

HYDERABAD

Dt: 8-07-1999


COUNSEL FOR APPLICANTS

*copy received
Hansraj Singh
8/7/99*

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH . HYDERABAD

MA NO ~~527~~ OF 1999

IN

OA NO ~~1386~~ OF 1997

BETWEEN :

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

... APPLICANTS/
RESPONDENTS

AND

1. **Sgt G. LOPAMUDRA**
W/O Late Smt KS PRAKASH RAO

... RESPONDENT S/
APPLICANT :

AFFIDAVIT

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

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

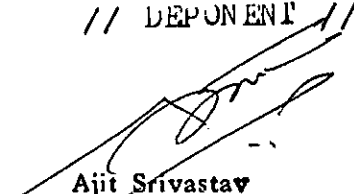
3. It is respectfully submitted that the OA was filed seeking a direction to the department to clarify the applicant as UDC wef 1-1-1947 and refix his pay in the scale of UDC and other benefits basing on the Apex Court judgement dated 4-11-87. The Hon'ble Tribunal disposed off the OA by an order dated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

// ATTESTER //

// DEPONENT //



SC Datta
Adm Offr
CWE Secunderabad




Ajit Srivastav
Col
Commander Works Engineers

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

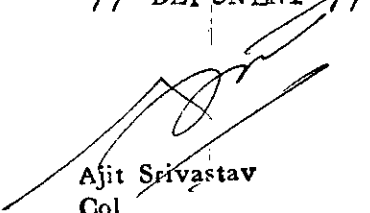
4. It is further respectfully submitted that on receipt of the copy of the order in the above case the Applicant/Respondents initiated steps to implement the directions contained in the above orders. It is submitted that the case in question pertains to the application filed by the erstwhile 'B' Gde Clerks **Smt G. LOPANUDRA** aggrieved petitioner (after his retirement from Govt Service) based on the consequential benefits of Judgement delivered by the Hon'ble Tribunal Court, Hon'ble CAT Calcutta Bench and Hon'ble Bombay High Court. The Hon'ble Tribunal court, Hyderabad Bench at Hyderabad while disposing off the MA No. **448 of 1996** in OA No. **1386 of 1997** had given directions making the applicant entitled in law for the benefits of revised pay fixation, arrears of pay since 1-1-1947 and other consequential benefits and revised pensionary benefits etc., arising out of the above order.

5. While implementing the judgement in OA No. **1386 of 1997** the Hon'ble Tribunal had given the directions that an appeal if received by the Appellate Authority i.e., Union of India represented by Secretary, Min of Defence, Govt of India, the Engineer-in-Chief, Army Hq, New Delhi, the Chief Engineer, Southern Command, Pune from **Smt G. LOPANUDRA** for re-classification

// ATTESTER //


SC Datta
Adm Offr
CWE Secunderabad

// DEPONENT //


Ajit Srivastav
Col
Commander Works Engineers

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

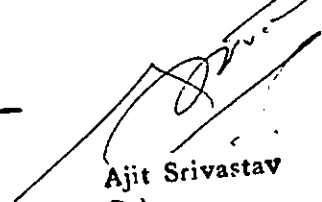
6. It is submitted that the case in question pertains to the period from 1-4-47 (1st pay commission) to 1-12-67 (2nd pay commission) and considerable quantum of work is involved in finalising the fixation of pay and in claiming the arrears at various stages of promotions to the individual. This would entail tracing and collecting of SBs, Compiling of Seniority, preparation of DPC papers and its finalisation by the Authority concerned after going through old documents, publication of casualty, fixing of pay, preparation of bills, vetting of audit authority at various stages and finally issue of amendments to LPC for revision of pension. Presently the Chief Engineer, Southern Command, Pune have finalised DPC for promotion to AO - II and AO - I vide their letter No. 150101/13-A/93/Gen/150/El B (R-DPC) dated 05 May 1999 as per the directions issued vide ElnC's Branch AH, New Delhi letter No. A/41106/R-DPC/AO-II/99/ElR(O) dated 03 Apr 99. A copy of CESC Pune ibid letter is enclosed as Annexure - I. The time to be allowed therefore should commensurate with the quantum of work involved. The Appellate Authority and the Subordinates Offices though working with all odds to finalise the case on Court priority but because of constant constraints, it has not becoming practicable for the Appellate Authority to comply with the directions given by the Hon'ble Tribunal to dispose off the appeal finally within the short period by 30 June 1999 as applied for earlier.

// ATTESTER //



SC Datta
Adm Offr
CWE Secunderabad

// DEPONENT //



Ajit Srivastav
Col
Commander Works Engineers

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

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

Solemnly sworn and signed his

name on this

1999 before me.

[Signature] day of *[Month]*

// DEPONENT //

[Signature]
Ajit Srivastav
Col
Commander Works Engineers

// BEFORE ME

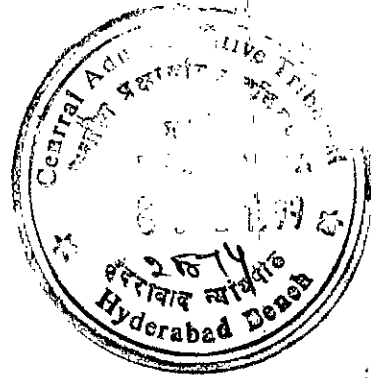
ATTESTER //

[Signature]
SC Datta
Adm Offr
CWE Secunderabad

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
H Y D E R A B A D

M.A./Rea NO: OF 1999

IN
O.A. NO: 1386 OF 1997



EXTENSION OF TIME /
~~VACATE STAY APPLICATION~~

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

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

FILED ON: 8/7/93

FILED BY:

V. RAJESWARA RAO
ADDL.C.G.S.C.
S.C. FOR RAILWAYS

DEFENCE
BENCH CASE

HARN/HBS(77)
ORIGINAL

MA. 554/99 in OA. 1386/1997

M.A. No. 554 OF 1997

IN

O.A. No. 1386 OF 1997

dt. 29-7-99

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

Extension of time for three
months is granted.

MA is disposed of.

HBSJP
M(J)

HRRN
M(A)

Extension of Time

Mr. V. Rajeswara Rao
COUNSEL FOR THE APPLICANT

AND

Mr. K.S.R. Anjaneyulu
Sr. Addl. Standing Counsel for,
C.G. Rlys.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH AT

HYDERABAD

M.A. NO: 243 OF 2000

IN

O.A. NO: 1386 OF 2000 1997

BETWEEN:

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

.....APPLICANTS/
Respondents

A N D

Smt. G Lopamudra

....RESPONDENT

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

FOR the reasons stated in the accompanying affidavit
the Applicants/Respondents herein prays that the
Hon'ble Tribunal may be pleased to extend the time limit
for a period of six(6) months ^{from 31-3-2000} to comply with the
directions passed in OA NO: 723 of 1997 and pass such
other order or orders as the Hon'ble Tribunal may deem
fit and just.

HYDERABAD,

Dt: 6-3-2000


COUNSEL FOR THE APPLICANTS/
Respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A. NO : 243 OF 1999

IN

O.A. No 1386 OF 1997

BETWEEN :

The Secretary, Ministry of Defence
New Delhi and 2 others

.... APPLICANTS/
RESPONDENTS

AND

Smt G Lopamudra

.... RESPONDENT/
APPLICANT

AFFIDAVIT

1. I, IC-31632 M Col Ajit Srivastav S/O Late SD Srivastav aged 44 years, R/O Secunderabad do hereby solemnly affirm and sincerely state as follows :

2. I am working as Commander Works Engineers in the office of CWE Secunderabad and as such I am acquainted with the facts of the case. I am filing this affidavit on behalf of Applicants/Respondents and I am authorised to file the same.

3. It is respectfully submitted that the Hon'ble Tribunal disposed off the OA No 723/97 with directions .

4. It is further respectfully submitted that pursuant to the direction of the Hon'ble Tribunal the department is taking expeditious steps to comply the directions in full to pay all consequential benefits like arrears of pay and allowances due and issue final LPC for revision of pension. An amount of Rs.17,570/- + Rs.1,646/- has already been paid upto the post of AO II and AO I and revision of pension by higher HQ is awaited. However, the department could not implement the directions in full and it is only partly complied with. The delay is being caused due to the work involved in complying of the directions of this Hon'ble Tribunal. The delay is neither intentional nor deliberate and it is only due to nature of the issue involved.

5. In view of the above circumstances the Hon'ble Tribunal may be please to extend time limit for a period of 6 months to comply the directions and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

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

BEFORE ME

DEPONENT

Ajit Srivastav
Col

Commander Works Engineers

ATTESTER

SC Datta

Adm Offr

CWE Secunderabad

61- Extension of time

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

M.A. NO: OF 2000

IN

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

IN

O.A. NO: 1386 OF 1999/2000 1997

*Received
6/6/2000*

EXTENSION OF TIME/
VACATE STAY APPLICATION

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

~~REVIEW APPLICATION FILED UNDER~~

~~17 OF CAT(P) RULES 1987~~

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

FILED ON: 6-3 -2000

FILED BY:

V. RAJESWARA RAO
S.C. FOR RAILWAYS

ADDL. CGSC
CAT/HYDERABAD

PH NO: 3702585

*Recd on 6/6/2000
8/3*

Ext of time & stay

*Not Filed
8/3
Cm*

DEFENCE

केच/BENCH CASE

ORIGINAL

MA 243/2000 in OA 1386/97

16.3.2K

MA Disposed of order on
separate sheets. No copy:

HBSJP

HRRV

M(S)

MAH

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A.No.

243

of 2000

IN

O.A.No.

1386

of 1997

Extension of time

Mr.

V. Rajeshwar Rao.

COUNSEL FOR THE APPLICANTS

AND

Mrs.

K. S. R. Anjaneyulu

Standing Counsel

Addl Standing Counsel for Gen.
Govt.,

Sr. STANDING COUNSEL FOR Cen.
Govt.,

S.C. for RLYS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : 683 OF 2000

IN
R.A. S.R. NO: 216 OF 2000

IN
OA NO: 1386 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 K Lopamudra
W/O Late Shri KS Prakash Rao

.....RESPONDENT/
Applicant

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

For the reasons stated in the accompanying affidavit it is prayed that the Hon'ble Tribunal may be pleased to condone the delay of 2 years 10 months months, days in filing review in OA NO: 1386 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: 16/5/2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : OF 2000
 IN
R.A. S.R NO: OF 2000
 IN
OA NO : 1386 OF 1997

BETWEEN :

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

...APPLICANTS/
Respondents

AND

Smt K Lopa Mudra
W/O Late Shri KS Prakash 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: 1386 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)

AE

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: 1386 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 — 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 10 day of August 2000
before me.

DEPONENT

(R S Naikar)
Maj
Garrison Engineer (South)

ATTESTOR

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

174
18/10/2000

16/10/2000
18/10/2000

COUNCIL FOR RESPONDENTS

STANDING COUNSEL FOR CENTRAL
GOVERNMENT AND RAILWAYS

V. RAJESWARA RAO

FILED BY

FILED ON

16/8/2000

16/8/2000

RESPONDENT NOS

STATEMENT FILED BY THE

REPLY AFFIDAVIT/ WRITTEN

Delan Gudaw Ruk



CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD
O.A. NOS: 1384 OF 1997 / 2000
18/10/2000

18/10/2000
18/10/2000

बेच केस / BENCH CASE

dt.31-8-2000

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

Heard.

Order delivered vide separate sheets. M A is dismissed.

M.A. 683 OF 2000

In RA-80 316160

HBS JP
M (J)

HRRN
M(A)

O.A.No. 1386 OF 2000 92

Can alone alone delay
petition

Mr. _____
COUNSEL FOR THE APPLICANT
AND
Mr. V. Ratanwara C.
Standing counsel

Addl Standing counsel for Central Govt.

Sr. Standing counsel for Central Govt.

Standing Counsel for Railways.

Dr. KSR Aranganjulu
Dawood

(SEE RULE 12)

FORM No.4

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

ORDER - SHEET

O.A.No. _____ OF 2000

The Secretary, Ministry of Revenue Applicant(s)
NORTH

Through M/s _____

(Advocate)

V E R S U S

Sd/- K. Lakshmana

Respondents

DATE

Note of the Registry

Order of the Tribunal

31-8-2000

Heard.

The RA is rejected as the
MA is dismissed. Orders vide
separate sheets.

For
HBSJP
M(J)

N
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. 683 OF 2000
IN
REVIEW APPLICATION NO. 3161 OF 2000
IN
ORIGINAL APPLICATION NO. 1386 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. Rengerajan, Member (A) and Hon'ble Mr. S.S. Jai Parameshwar, Member (J) in Original Application No. 1386 of 1997.

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

Submitted.

Subd
24/8

*dir for
admission hearing*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT: HYDERABAD.

R.A.No: OF 2000.

IN

O.A.No. 1386 OF 1997.

BETWEEN:-

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

... APPLICANTS/
Respondents.

A N D

Smt. K. Lopamudra
W/o.Late Shri K.S.Prakash Rao.


... RESPONDENT/
Applicant.

MATERIAL INDEX

Sl. No.	Date	Particulars of Documents	Annexure	Page No.
1.	11-08-2000.	Affidavit	-	01 to 03
2.	21-11-1997.	A copy of order of the Tribunal passed in O.A.No.1386 of 97.	A-1.	4-6

Place: Hyderabad.

Date : 16 Aug.2000.


COUNSEL FOR THE RESPONDENT.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

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

IN

OA NO: 1386 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 K Lopamudra
W/O Late Shri KS Prakash 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: 13886 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: 16th Sep 2001

RESPONDENTS

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A. NO: OF 2000

IN

OA NO : 1386 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 Lopa Mudra
W/O Late Shri KS Prakash 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. 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 KS Prakash Rao, was expired on 13 May 1974 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 provisionally/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.

AGE (Tech)

For Garrison Engineer (South)

DEPONENT


(R.S. Nahar)

Maj

Garrison Engineer (South)


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

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

G R O U N D S

- a) There is an error apparent on the face of the record due to the reason that the APEX COURT differs the earlier view in the subject case and held contrary.
- b) As per Law, latest Judgement of Court will prevail/supersede over the earlier Judgement.
- c) The Hon'ble Supreme Court by an order dated 24th October 1997 in Civil Appeal NO:7453 of 1997 in the case of Union of India and others Vs R.D. Gupta and others held that directing payment of arrears to the retired employees is not correct and it was an error. Hence the order 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.E (Tech)
For Garrison Engineer (South)

DEPONENT


(R S Nahar)
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: 1383 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

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

DEPONENT

(R S Nahar)
Maj
Garrison Engineer (South)

BEFORE ME

ATTESTER

(A M Bamba)

A E

A G E (Tech)

For Garrison Engineer (South)

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a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendation of Varadhacharyulu 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 ~~employee~~ 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 ~~Bench~~ 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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A1 (4) 46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1386/97.

Dt. of Decision : 21-11-97.

Smt.G.Lora Mudra

.. 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-1.

.. Respondents.



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

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:

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

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

ORDER.

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

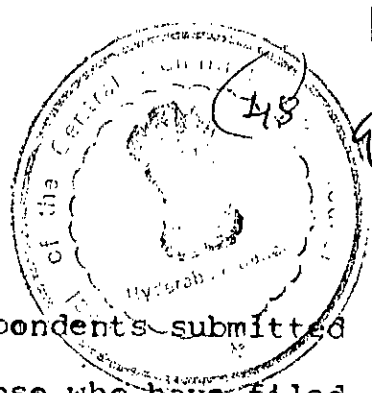
Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

The applicant is wife of late K.S.Prakash Rao and the applicant is 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 19-5-43 and died on 13-5-74. 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

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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 ~~in~~ 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^{was} 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 प्रती
CERTIFIED TO BE TRUE COPY

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

OA: 1286/97
Name of the Applicant: Smt. B. L. P. N. N. N.
Date of presentation: 13/6/00
Date of receipt: 3/7/00
Date of disposal: 3/7/00
Date of preparation of copy: 13/6/00
Date of delivery of copy: 16/6/00

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

Reg. Review Petition

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

Rano *S. Rao*
O.A. NO: 1386 OF 1997/2000



Review Petition

REPLY AFFIDAVIT/ WRITTEN
STATEMENT FILED BY THE
RESPONDENT NOS.

v/n 17 & estcp, Rano

FILED ON

16/8/2000

Rano

FILED BY

Nar
W. K. S. Rao
V. RAJESWARA RAO
STANDING COUNSEL FOR CENTRAL
GOVERNMENT AND RAILWAYS

COUNSEL FOR RESPONDENTS

Mon 6/10/00
178

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA.683 /2000 in RASR.3161 /2000 &
RASR. 3161 /2000
in OA. 1386 /97

dt.3 1-8-2000

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 Comman, Pune
Maharashtra 411001

Applicants/
Respondents

and

Smt. K. Lopamudra

Respondent/ Applicant

Counsel for the applicants

: V. Rajeswara Rao, CGSC

Counsel for the respondent

: K.S.R. Anjaneyulu
Advocate

Coram

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

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



MA. 683 /2000 in RASR.3161/2000
& RASR. 3161 /2000 in
OA. 1386 /2

dated : 31-8-2000

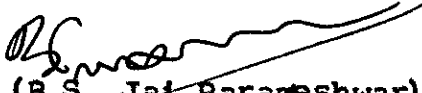
Order


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

Heard Mr. 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.
236/2000 in RASR.864/2000 in OA.392/98 was considered and
rejected. For the same reasons stated in that judgment
dated 19-4-2000 this MA is also rejected.

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


(B.S. Jai Parameashwar)
Member (Judl.)
31-8-2000


(R. Rangarajan)
Member (Admn)

Dated : 31 Aug, 2000
Dictated in Open Court

sk



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

IST AND IIND COURT

TYPED BY

CHECKED BY

COMPILED 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 W

IN

OA. NO. 3161/2000 W

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

MA DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

Seven COPY

