

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. No.554 of 1999  
in  
OA. 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.

*Par 2*  
Section Officer *5/11*

Srr

1st AND 1nd COURT.

COPY TO:-

1. HDHNJ

2. HHRP M(A)

3. HBSOP M(J)

4. D.R. (A)

5. SPARE

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

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

THE HON'BLE MR. H. RASENORA 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./RA./GP. 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DISMISSED AS WITHDRAWN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.

coler

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
मेष्ट / DESPATCH

9 AUG 1999

हैदराबाद त्यायगीर  
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)

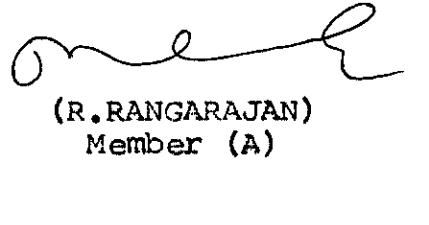
(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

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

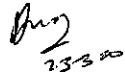
2. The time is extended up to 30-4-2000 for implementation of the judgement passed in O.A. MA disposed of.. No costs.

  
(B.S.JAI PARAMESHWAR)  
Member (J)  
16/3/00

  
(R.RANGARAJAN)  
Member (A)

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

avl/

  
233-20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,  
HYDERABAD.

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

COPY TO

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

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

3. HBSJP. M. ( JUDL )

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

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

16/3/00

MA/RA/EP. NO

243/00

IN

C.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

केन्द्रीय अधिकारिक अधिकार  
Central Administrative Tribunal  
HYDERABAD / DESPATCH

28 MAR 2000

HYDERABAD BENCH

## 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. JAW 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 <sup>had</sup> 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 Varadacharyulu 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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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 Varadacharyulu 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 the 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 refixation 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 ~~Exchequer~~ 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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-3-

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 ~~gm~~ 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.

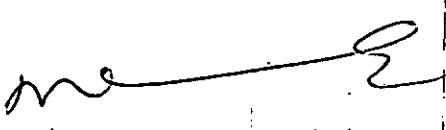
7. In view of the above the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT in OA.1037/92 decided on 28-9-95 in so far the arrears to be paid to the applicant till the deceased employee, <sup>husband</sup> of the applicant herein survived and those arrears 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.

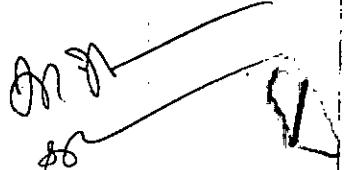
  
(B.S.JAI PARAMESHWAR)  
MEMBER(JUDL.)

21/11/97

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

  
(R. RANGARAJAN)  
MEMBER(ADMN.)

spr

  
M.R.  
86

Copy to:

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

YLKR

21/12/97  
21/12/97  
(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

D.A.NO. 1386/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

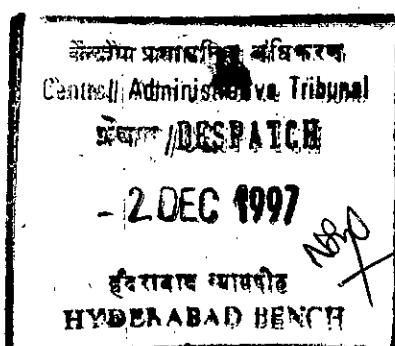
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



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. Lopamudra.

.. Respondent/Applicant.

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

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

CORAM:

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

The Tribunal made the following Order:-

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

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

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

*CERTIFIED TO BE TRUE COPY*

*30/6/98* *sd/-* Deputy Registrar.

न्यायालय अधिकारी

COURT OFFICER

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद भाग

To

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

pvm.

IN THE VIGILANT ADMINISTRATIVE TRIBUNAL, HYDERABAD, ANDHRA PRADESH

PL. NO. 554 OF 1939  
IN  
C. NO. 1386 OF 1937

Between:

Dated: 29.7.39

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

... applicants

And  
Smt. G. Lopamudra

... respondent

Counsel for the applicants

S. C. Rajeswara Rao

Counsel for the respondent

S. Venk. Venkayulu

Order:

1. The C. E. I. C. ... and the C. E. I. C. ...

2. The C. E. I. C. ... and the C. E. I. C. ...

... to

3. The C. E. I. C. ... and the C. E. I. C. ...

Heard before the Hon'ble Mr. Justice ...

Extension of time for filing answer is granted.

34 is disposed of.

प्राप्ति प्रति  
CERTIFIED TRUE  
क्रम संख्या MA 554 (92) C. NO. 1386 (92)  
CASE NO. ER .....  
निम्न निम्न  
DATE: 29.7.39  
TIME: 5.8.39  
JURISDICTION: 5.8.39  
Signature

महाराष्ट्र विधानसभा

विधायक दल

Joint Officer

विधायक

Administrative Tribunal

विधायक दल

340 BENCH

P. No. 10.554 of 1969  
In  
P. No. 1386 of 1977

Notified:

Dated: 29.7.79

1. The Secretary,  
Ministry of Home Affairs,  
21, 1st Floor, New Delhi.
2. The Engineer-in-Chief, Ranchi,  
Army Headquarters,  
New Delhi.
3. The Adjt. Minister,  
Southern Command,  
Guntur.

... Police Commissioner

and

Mr. K. L. Padamsee

... Commissioner

Central Part - Andhra

... Commissioner

Central Part - Bihar

... Commissioner

... 3

Mr. A. P. K. ... 29.7.79

Mr. A. P. K. ... 29.7.79

1. The Secretary, L.I.C. of India

2. The Secretary, State Electricity Board, ...

3. The Secretary, State Electricity Board, ...

4. The Secretary, State Electricity Board, ...

प्रमाणित प्रति  
CERTIFIED TRUE COPY

...  
Section - P.P.I. or

CASE NUMBER

नि 11

DATE

प्र.

COPIES

1386/27

29.7.79

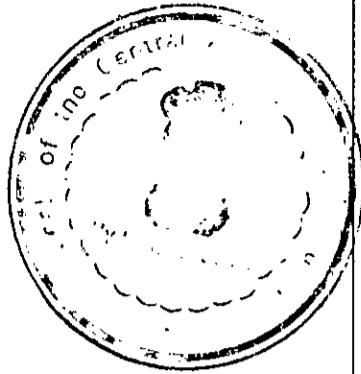
5-8-99

*Arun*

प्रमाणित प्रति  
Court Officer  
रेण  
Central Administrative Tribunal  
केन्द्रीय न्याय  
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**  
मा संख्या MA 243/2000-  
CASE NUMBER OA 1386/97...  
नि १११  
DATE 16.3.2000  
मा दिन १६.३.२०००  
COPY MADE READY ON 27.3.2000

मा नाम श्री विजय राम कारी  
Section Officer/Court Officer  
मा नाम विजय राम कारी  
Central Admin. Tribunal

0  
IN HIGH COURT FILE NO. 255/104

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 DHQ PO 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/Dismissed  
of the W.P. under Interim Suspension/Stay/Notice the operation of by  
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.

*Hand*  
Submitted.

*ED* *12/8/04*  
DEPUTY REGISTRAR (J)

*PT*  
12/8/04  
REGISTRAR

HON'BLE VICE-CHAIRMAN :

HON'BLE MEMBER (A) I : *✓* *13/8*

HON'BLE MEMBER (J) : *✓* *26/8/04*

HON'BLE MEMBER (A) II : *✓* *27/8*

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.



19 JUL 2004

प्राप्त/RECEIVED  
प्रेस्पैट/DESPATCH  
डॉक्यूमेंट/ TAPPAL SECTION

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

749  
1317/04

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.

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

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 Varadhanacharyulu 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 the 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 refixation 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 ~~Benches~~ Benches. The payment of arrears was granted on the basis of the Apex Court judgement dated 4-11-87. As this OA is similar to that, we do not see any reason to differ from the judgement.

R

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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 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 Varadacharyulu 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 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, <sup>husband</sup> of the applicant herein survived and these 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 प्रति  
CERTIFIED TO BE TRUE COPY

महानगर विधारी द्वय रजिस्ट्रार (न्यायिक)  
Court Officer/Dy. Registrar  
केंद्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
हैदराबाद व्यायामोऽ  
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

4/2/3/04

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 from the  
date of issue of the orders in this case for disposal of  
the appeal and pass such orders as deem fit and proper  
in the circumstances of the case.

HYDERABAD

*UW*  
COUNSEL FOR APPLICANTS

Dt: 8 -07-1999

*Colt received  
Bhushan Rao  
8/7/99*

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH . HYDERABAD

MA NO 257 OF 1997

IN

OA NO 1386 OF 1997

BETWEEN :

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

APPLICANTS/  
RESPONDENTS

AND

1. **Shri G. LOPAMUDRA** ... RESPONDENT'S/  
W/O Late Shri KS PHAKASH BAO  
AFFIDAVIT

APPLICANT :

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 //

  
SC Datta  
Adm Offr  
CWE Secunderabad

// DEPONENT //

  
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 **Sgt 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.

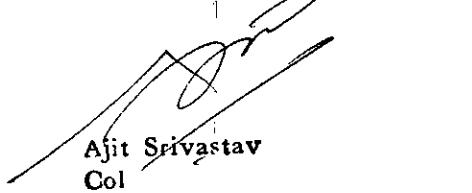
5. While implementing the judgement in OA No. **1386 of 1997** the Hon'ble Tribunal had given the directions that an appeal if received by the Appellate Authority i.e., Union of India represented by Secretary, Min of Defence, Govt of India, the Engineer-in-Chief, Army HQ, New Delhi, the Chief Engineer,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

// AFFERER //



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 LPP 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. 150101/18-A/98/Gen/150/EI B (R-DPC) dated 05 May 1999 as per the directions issued vide EiC's Branch A/ New Delhi letter No. A/41106/R-DPC/AO-II/99/EI R(0) dated 08 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 become 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

-: 4 :-

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 seem fit and proper in circumstances of the case.

Solemnly sworn and signed his

name on this *24* day of *Jan*

1999 before me.

// DISPONENT //

  
Ajit Srivastav  
Col  
Commander Works Engineers

// BEFORE ME

ATTESTER //

  
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: 8/7/97

FILED BY:

V. RAJESWARA RAO

ADDL.C.G.S.C.

S.C. FOR RAILWAYS

GEN/DEFENCE  
GEN/BENCH CASE

HCRN/HBSVD

GEN/ORIGINAL

MA. 554/99 in OA. 1386/997

M.A. No. 554 OF 1999

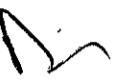
dt. 29-7-99

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)

O.A. No. 1386 OF 1997

IN

554 OF 1999

1386 OF 1997

Extension of Time

Mr. V. Rajeshwar 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: 843 OF 2000

IN

O.A. NO: 1386 OF 28.2.1997

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  
*from 31-3-2000*  
for a period of six(6) months 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.

*[Signature]*  
COUNSEL FOR THE APPLICANTS/  
Respondents

HYDERABAD,  
Dt: 6-3-2000

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.

DEPONENT

Ajit Srivastav  
(Col)  
Commander Works Engineers

BEFORE ME

ATTESTER

S.C. Datta  
Adm. Offr  
CWE Secunderabad

Reg:- Examination of witness

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : HYDERABAD BENCH AT  
HYDERABAD

M.A. NO: OF 2000

IN

R.A. NO: OF 2000

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

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 6/3/2000  
S.C.

Card file 6/3/2000

Wen/Refd  
D/CW

DEFENCE

BENCH CASE

ORIGINAL

MA 243/2000 in OA 1386/97

16.3.2K

MA disposed of. Order on  
separate sheet. No copy.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A. NO.

243

of 2000

IN

O.A. NO.

1386

of 1997

HBSJP

HRM

M(S)

MA

Extension of time

Mr. V. Rajeshwar Rao  
COUNSEL FOR THE APPLICANTS  
AND

Mr. K. S. R. Arjaneyulu

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: 2161 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 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.

COUNSEL FOR THE APPLICANTS

HYDERABAD

DT: 16/5/2001

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

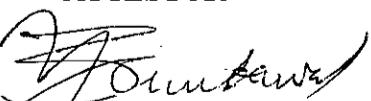
.....RESPONDENT/  
Applicant

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)

A E

A G E (Tech)

For Garrison Engineer (South)

DEPONENT



( R S Nahar )

Maj

Garrison Engineer (South)

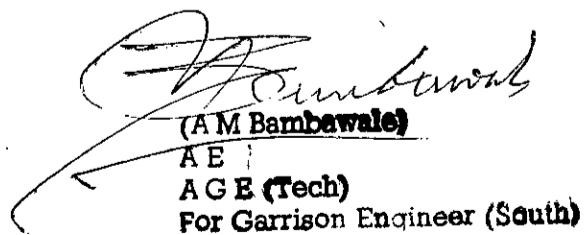
3. I respectfully submit that the copy of the order in OA NO: 1386 of 1997 was received by the department on 12-10-1998. After receipt of the judgement, the department has taken action in compliance with the directions given by the CAT. However for the reconstruction of the file which spread over for 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 15 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 condone the delay of Two years 10 months 15 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 10/15 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)

135  
M.A. (L) 52

5/6/91  
Date of receipt

COUNCIL FOR RESPONDENTS

STANDING COUNCIL FOR CENTRAL GOVERNMENT AND RAILWAYS

7. RAJESWARA RAO

FILED BY

FILED ON

16/8/2005

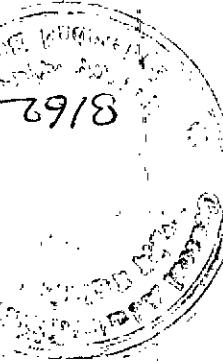
Mr. S. G. Attri (Adv.)

RESPONDENT NO:

STATEMENT FILED BY THE

REPLY AFFIDAVIT / WRITTEN

Mr. Gundewar Rao



Hyderabad Bench at Hyderabad  
M.A. No: 1386 of 1997/2000

CENTRAL ADMINISTRATIVE TRIBUNAL

Re: - Gundewar Rao, a

OR/ORIGINAL

DEFENCE

BENCH CASE

MA. 683/2000 in RASR. 7161/2000 in  
O.A. 1386/97

dt. 31-8-2000

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

Heard.

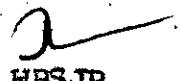
Order delivered vide separate  
sheets. M A is dismissed.

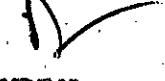
M.A. 683

OF 2000

In RA 82 3161/00

O.A. No. 1386 OF 2000/2

  
HBSJP  
M(J)

  
HRRN  
M(A)

Case done done delay  
left him

Mr. COUNSEL FOR THE APPLICANT  
AND

Mr. V. Ratanwara Rao  
Standing counsel

Addl Standing counsel for Central  
Govt.

Sr. Standing counsel for Central  
Govt.

Standing Counsel for Railways.

W. KSR Anganegulu  
Advocate

( SEE RULE 12 )

FORM No. 4

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

ORDER - SHEET

O.A. No. \_\_\_\_\_ OF 2000

Mr. Secre bby, Mysore Applicant(s)  
M/s

Through M/s \_\_\_\_\_

(Advocate)

V E R S U S

Smt. K. L. Somwara

Respondents

| DATE      | Note of the Registry | Order of the Tribunal   |
|-----------|----------------------|---|
| 31-8-2000 |                      | <p>Heard.<br/>The RA is rejected as the<br/>MA is dismissed. Orders vide<br/>separate sheets.</p> <p>76<br/>HBSJP<br/>M(J)</p> <p>✓<br/>HRRN<br/>M(A)</p> |

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.Rangarajan, 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.

*Sub  
21/8*

*First Admin. 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,  
DHO (PO) New Delhi- 110 001. & 2 Others.

... APPLICANTS/  
Respondents.

A N D

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

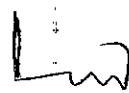
... RESPONDENT/  
Applicant.

MATERIAL INDEX

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

Place: Hyderabad.

Date : 16 Aug.2000.

  
COUNSEL FOR THE RESPONDENT.

Lp

**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 .....RESPONDENT/  
W/O Late Shri KS Prakash Rao 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.

L

**COUNSEL FOR THE APPLICANTS/**

**HYDERABAD,**

Dt: 16/10/97

**RESPONDENTS**

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

R.A. SER. 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.

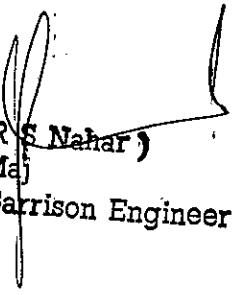
2. I submit that the Respondent is the wife of Late Shri KS Prakash Rao, was expired on 13 May 1974 while in service. There was restructuring of clerical cadre in the department basing on the Vardacharyulu Pay Commission report in the year 1947.

*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.  
A.G.E (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 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.

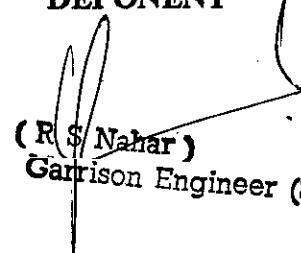
b) As per Law, latest Judgement of Court will prevail/supersede over the earlier Judgement.

c) The Hon'ble Supreme Court by an order dated 24<sup>th</sup> 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. ~~in 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 Bambawala)  
A E  
A.G.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.

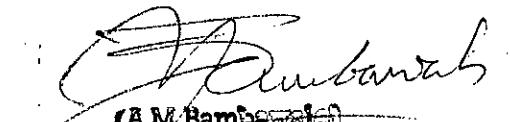
DEPONENT

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

( R S Nahar )  
Maj  
Garrison Engineer (South)

BEFORE ME

ATTESTER

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

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 Varadacharyulu 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 the 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 refixation 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.Lakshman Rao Vs. UOI & Ors). That was disposed of on 9-6-97 following the judgement of the Bombay Bench and also the other ~~Benches~~ 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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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. JAWAHARLAL 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.

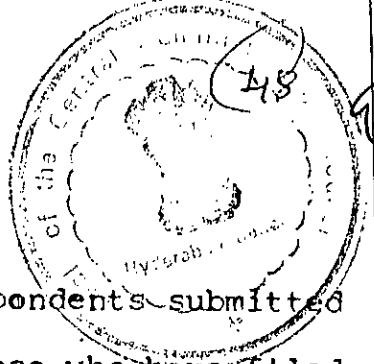
The applicant is wife of late K. S. Prakash Rao and the applicant is legal representative of the deceased employee.

3. The husband of the applicant in this OA 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 Varadacharyulu 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 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, <sup>husband</sup> 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 प्रति  
CERTIFIED TO BE TRUE COPY

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

OA.1386/97  
Name of the Applicant: Smt. R. Lata, n/a  
Date of presentation: 13/6/97  
Date of filing of application: 13/6/97  
Date of hearing: 13/6/97  
Date of final disposal: 13/6/97  
Date of preparation of order: 13/6/97  
Date of delivery of order: 16/6/97

उप रजिस्ट्रार (न्यायिक)  
Dy. REGISTRAR (JUDL.)

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

हैदराबाद अधिकारी

Reg: Review Application

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

RJNw

O.A. NO: 1386 OF 1997  
2000



Review Application

REPLY AFFIDAVIT/ WRITTEN

STATEMENT FILED BY THE

RESPONDENT NOS

V/R H & ESTCP, Nahr

FILED ON

16/8/2000

Review

FILED BY

V. RAJESWARA RAO

STANDING COUNSEL FOR CENTRAL  
GOVERNMENT AND RAILWAYS

COUNSEL FOR RESPONDENTS

Non Ltr  
22  
78

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 Command, 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.

~~sk~~  
(B.S. Jai Parageshwar)  
Member (Judl.)  
31-8-2000

*me*  
(R. Rangarajan)  
Member (Admn)

Dated : 31 Aug, 2000  
Dictated in Open Court

sk

*b2*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

COPY TO

~~1ST AND 2ND COURT~~

## 1. HDHNJ

TYPED BY  
COMPARED

CHECKED BY  
APPROVED BY

2. HRRN (AD MN.) MEMBER

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

3. HBSJP(JUD L.) MEMBER

~~VICE-CHAIRMAN~~

4. D.R. (AD MN.)

THE HON'BLE MR.R.RANGARAJAN:  
ME MPR(AD MN.)

## ~~5. SPARE~~

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

7 STANDING COUNSEL

DATE OF ORDER 31.8.2000

MA/RT/CP. NO. 683 2000 IN  
RA8R 3161 2000 &  
IN RA8R 3161 2000 IN  
OA. NO. OA 1386 17  
ADMITTED AND INTERIM DIRECTIONS  
IS SUED

### ALLOWED

C. P. CLOSERD

R.A. CLOSED

~~D-POSED~~ OF WITH DIRECTIONS

~~MA~~ DISMISSED

~~DISMISSED AS WITHDRAWN~~

Q752 ~~ORDER/REJECTED~~

NO. ORDER AS TO COSTS

Seven COPN

