

Annexure 4

29

25



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
AT HYDERABAD

Page 6

ORIGINAL APPLICATION NO. 710/97

DATE OF ORDER : 09-06-1997.

Between :-

M. Lakshmana Rao

.. Applicant

And

Union of India rep. by

1. Secretary - Min. of Defence,
DHO P.O. New Delhi - 110 011.
2. Engineer-in-Chief, Army Head Quarters,
Kodambit House, DHO P.O., New Delhi - 110 011.
3. The Chief Engineer, Southern Command,
Pune 411 001.

.. Respondents

Counsel for the Applicant : Shri KSR Anjanayulu

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

CORAM:

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

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

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

JE

1

.. 2.

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

-- -- --

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

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

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no commission.

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

(i) to direct the respondents to classify him as WDC with effect from 1.1.1947;

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

(iii) to calculate the difference in arrears of pay arising due to re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt.4.11.87 (Annexure-4 to OA) and also as ordered in the CAT Bombay in OA 1037/92 dt.20.9.95 and 15.4.96 (Annexure-7, page-14 to OA) and also in OA 501/93 of Calcutta Bench Judgement dt.3.1.94 and to pay other consequential benefits arising out of the above.

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

....4.

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- 4 -

disposed of at the admission stage itself directing the respondents to follow the judgement of the Bombay Bench of CAT in UA 1037/92 decided on 28-9-95 but the applicant is entitled for arrears only in accordance with the judgement of the Supreme Court dt. 4.11.07 in Civil Appeal No. 4201/95.

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

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायाधीश (अधीक्षक)
COURT OFFICER
के.पी. वसुदेव शर्मा
Central Administrative Tribunal
HYDRABAD Bench

T.C

[Signature]
Counsel for the
applicant

0.0-10/20
2/6/15
1/7/15

Annexure 5

29

Telephone: 635781/2704

COURT CASE
MOSBY COURT
Dakshin Kanan Mahayalaya
Engineer Shakti
HQ Southern Command
Engineers Branch
Pune-411 007

171301/17/JUDGEMENT/EIR (Pay Coord)

01 Sep 97 1997

Chief Engineer
Pune Zone
PUNE-411 001

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

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

IMPLEMENTATION OF COURT JUDGEMENT
RECLASSIFICATION OF 'B' GRADE OFFICERS
FROM 01-01-1947

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

Contd....2/-

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2

ALLAHABAD.

H/7 H/7

CXI

1. Observing Govt Orders/Sanction for implementation of the Government which involve the following action:

2. Pl. dis. 1-1-1947

Initialisation of pay fixation w.e. 1-1-1947
submission to audit authorities.

SBI/CSW

S-2 (C)

SBI/CSW

SBI/CSW

AOI

AOI

OS

SECTION

(i) Approval of pay fixation.

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

(iv) Obtaining Govt Sanction for charged expenditure.

(v) Payment of arrears to the applicant.

(vi) Revision of pension and other terminal benefits.

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

9 SEP 1947

FWI

1. E/m to
Secy. Bd for
P.C. action.

2. arrears
fall due

3. for 1947
be devoted

to arrears

to be prepared

statement.

4. got many

to P.C. ch.

me. Enk. 2

7/11/47

10/19

1/19

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

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

(g) On receipt of CDA's approval, publish casualty (sample PTO attached for reference) in PTO and submit arrears bill from 1-1-1947 till their retirement to respective audit authorities and get it passed by personal liaison.

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

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

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

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(1) Instruct all formations to return the service books to this HQ alongwith the copy of approved pay fixation, and the LPO duly filled & LPO sent to the authorities with a copy of PTO under which casualties awards fixation of pay and subsequent promotion & increment have been notified for processing & award of pension and gratuity claims.

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

6. Please ack receipt.

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

INTERNAL:
CCDY, EIR

1. Pay Fixation
(EIR)

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

2. Pen Gp-I

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

3. EIO(S)

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

4. Legal Cell

- For information.

5. ETB(R-DPG)

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

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

Contd:.....4/-

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Copy to:

CME Mumbai
 CME (NIC) Mumbai
 CME Pune
 CME (SE) Secunderabad
 CME Secunderabad
 GE (P) No. 1 Mumbai
 GE (North) Mumbai
 GE (North) Deolali
 GE Colsonada
 GE (South) Secunderabad
 BONDS Mumbai
 ND, Kharakwala

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

PUNE-41
 1205
 11010
 845

CHIEF ENGINEER SOUTHERN COMEED, PUNE:

9. Shri VD Prabhu, O/S	29.12.74	CE SC Pune	793/96	11.06.97	SC Pune
10. Shri M. K. Alexar, O/S	20.04.79	"	"	"	"
11. Shri K. K. Patil, O/S	28.02.81	"	"	"	"
12. Shri M. S. Desai, UDC	31.07.81	"	"	"	"
13. Shri M. M. Gandhi, UDC	12.12.70	CHE Pune	"	"	"
14. Smt KM Dani, w/o Lt. Shri D. D. Chav, UDC	31.10.80	CHE Pune (CE Pune Zone)	"	"	"
15. Shri K. V. Vasudevan, AOT	31.07.84	CE SC Pune	194/97	"	"
16. Shri T. Krishnan Hair, AO II	29.12.84	"	"	"	"
17. Shri T. Rangan, AO II	03.04.80	CE Pune Zone	348/97	"	"
18. Shri S. D. L. Andar, O/S	30.11.78	CE SC Pune	1206/96	"	"
19. Shri M. V. Vardac, UDC	31.08.79	"	"	"	"
20. Shri P. K. Hair, UDC	31.05.79	NDA Khadak- wasla	195/97	"	"

SC PUNE-411/001

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

Appendix 'A'

Sr. No.	IES No. Name and Designation	Date of retirement	Last formation where served/retired	Sl. No. & Date	Date of Judgement	HP No. & Date	Date of Judgement of HP	Remarks
1.	12055 Sari Fair	31.12.65	CWE Mumbai	461/94	11.06.97			
2.	11610 Shri W. Ramanna Shetty, OS-II	31.03.81	GE(P) Po. 1 Mumbai	"	"			
3.	8459754 Shri Karuvankat Chandran Nair, AOII	31.05.79	CE (Navy) Mumbai	"	"			
4.	31257 Shri RG Kulkarni, DEC	31.05.79	GE (North) Mumbai	"	"			
5.	32024 Shri Gappu Shanker, UDC	30.06.78	DGMS Mumbai	"	"			
6.	31883 Smt Shwela D. Daywant, O/S	31.12.76	GE (North) Deolali (CE Pune Zone, Pune)	"	"			
7.	30960 Shri Gopal Krishna Avchar, O/S	31.03.74	GE (North) Mumbai	"	"			
8.	32157 Sat Manorama Sahe, W/O Late RD Sahe, O/S	31.12.80	CWE (NW) Mumbai	"	"			

CHIEF ENGINEER HYDRO-ELECTRIC ZONE, SECUNDERABAD:

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

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SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE ZONE
PUNE-411 001

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

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

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

PART II
(SPL. CENTRALISED)

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

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

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

(RETIRED ON 31 MAR 80 (AN))

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

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

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

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

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

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

21 Sep 1948

21 Sep 1949

21 Sep 1950

21 Sep 1951

21 Sep 1952

21 Sep 1953

Pay fixed/re-fixed of pay, Consequent on re-classification of erstwhile 'D' Grade Clerks as UDCs wef.01 Jan 48 at Rs.90/-pm, in the scale of Rs.80-5-120-ED-0-200-10/2-220, with date of next increment on 21 Sep 48, provided no non-qualifying service intervenes.

Gtd. annual increment on NOTIONAL BASIS of Rs.5/-pm, raising pay from Rs.90/- to 95/-pm, in the scale of Rs.80-5-120-ED-0-200-10/2-220.

Gtd.annual increment of Rs.5/-pm, raising pay from Rs.95/- to 100/-pm, *

Gtd.annual increment of Rs.5/-pm, raising pay from Rs.100/- to 105/-pm, *

Gtd.annual increment of Rs.5/-pm, raising pay from Rs.105/- to 110/-pm, *

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

Gtd.annual increment of Rs.5/-pm, raising pay from Rs.115/- to 120/-pm, *

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

1. dm' Offr-11
.....2/-

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SPECIAL PART II ORDER

: CHIEF ENGINEER
PUNE ZONE

on : PUNE- 411 001

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

PART II (CONTD)
(SER CENTRALISED)

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

1. Casualty contd. from last page No.1

Shri. KP Mahajan, UDC Ty
(LDC Opt)
Contd.....

01 Jul
59 (FN)

Pay fixed under C.D.S.
Revised pay Rules-1960
Pay fixed at Rs.216/-
per month with effect
from 01 Jul 59 (FN), in
the scale of Rs.130-5-
160-8-200-ED-8-256-ED-
8-200-10-300, with date
of next increment on
21 Sep 59, provided no
non-qualifying service
intervenes.

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

21 Sep
1967 Gtd.annual increment of
Rs.10/-pm, raising pay
from Rs.280/- to 290/-
per month in the scale
of Rs.130-5-160-8-200-
ED-8-256-ED-8-200-
10-300.

21 Sep
1959

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

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

21 Sep
1960

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

21 Sep
1961

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

21 Sep
1962

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.240/- to 248/-pm,

21 Sep
1963

Gtd.annual increment of
Rs.0/-pm, raising pay from
Rs.248/- to 256/-pm,

21 Sep
1964

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

21 Sep
1965

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

21 Sep
1966

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

Adm Offr-II
.....3/-

SPECIAL PART II ORDERCHIEF ENGINEER
PUNE ZONE

Location : PUNE- 411 001

THIRD AND LAST PAGE OF
SPECIAL PART II ORDER
SER.NO.19/S/96
Dated 20 SEPTEMBER 1996PART II (CONTD)
(SUN CENTRALISED)FIXATION OF PAY/RE-FIXATION ON PAY.. (CONTD)

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

Shri KP Mahajan, UDC Ty
(LDC Dpt)

Contd.....

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

Further increments granted
as under:-

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

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

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

" PART II ENDS WITH SER.NO. 1 "

No.10579/E10(S)

Dated - 20 Sep 96.

Distributions:-

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

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

NGP*

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SPECIAL PART II ORDER

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

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

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

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

PART II
(SBs CENTRALISED)

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

REF.CMPZ PUNE SPL.PTO. NO.19/S/01/96 dated 20 Sep 96 add the THE FOLLOWING:-
UNDER COL.NO. 5 & 6

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

FOR

(Retired on 31 Mar 80 (AN))

01 Jan 48 (FN)

*** UNDER COL.NO. 5 & 6

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

Pay fixed/re-fixed of pay consequent on re-classification of erstwhile 'B' Gde Cler. as UDCs wef.01 Jan 48 at Rs.90/-pm, in the scale of Rs.05-5-120-200-10/2-220, with effect of next increment on 21 Sep 48, provided non-qualifying service intervenes.

READ

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

01 Jan 47 (FN)

Pay fixed/re-fixed of pay, consequent on re-classification of erstwhile 'B' Gde Cler. as UDCs wef.01 Jan 48 at Rs.85/-pm, in the scale of Rs.05-5-120-200-10/2-220, with effect of next increment on 21 Sep 47, provided non-qualifying service intervenes.

Authy:- CDA SC Pune letter No. P/1/3/7055/E1m dated 25 Mar 97 received under CESC Pune letter No. 170101/27/KPM/40/E1R (F/F Gp.III) at 07 Apr 97.

" PART II ENDS WITH SER.NO.1 "

No.10579/E10(S)

Dated :- 09 Apr 97

Distributions:-

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

ngp/*

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

SPECIAL PART II ORDER

CHIEF ENGINEER
PUNE, ZONE
PUNE- 411 001

FIRST AND LAST PAGE
SPECIAL PART II ORDER
SER.NO.22/9/96
DATED 02 DECEMBER 1996

ST SPL PART II ORDER PUBLISHED SER.NO.21/9/96 Dt 24 OCT 96

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

PART II
(SPL CENTRALISED)

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

REF CEPZ SPL.PTO.NO.
19/9/01/96
dated 20 SEP 96, UNDER
COL.NO.6, line-14

1. 32090 Shri. KP
MAHAJAN UDC Ty
(LDC Pe) FOP
READ

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

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

AND BOTTOM OF PAGE

delete the line

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

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

" PART II ENDS WITH SER.NO.1 "

13579/E10(S)

dated - 02 Dec 96

Contributions:-

SC Pune-1, CDA SC Pune-1

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

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

T.C
Houtal Bhagat
Consent to keep present

REGISTERED A/D

SECUNDERABAD
DT. 17 June '97

FROM:

Smt. G. NAGARATNAM,
W/O (Late) Shri. G. ANJANEYULU
H. No. 10-1-640,
Marred Pally (West)
Near Canara Bank
SECUNDERABAD - 500 026

To :

The Engineer-in-Chief, (MTC) ---
Army Headquarters
Kashmir House
NEW DELHI 110 011

Sub : FIXATION OF PAY UNDER CPC-1947 IN RESPECT OF ERSTWHILE
"B" GRADE CLERKS OF UNIFIED SCALES OF PAY 1944-M.E.S.
CIVILIAN PERSONNEL

Sir,

My husband MES No. 11649 Shri. G. Anjaneyulu (Late) who was one of those erstwhile "B" Grade Clerks under USP-1944 whose pay under RPC 47 has not yet been refixed in the grade of Upper Division Clerk from 01.01.1947 and the arrears of Pay and Allowances have not been paid as per Government Orders, conveyed vide your HQ letter under reference. In this connection, your kind attention is also invited to the following orders, subsequently issued in this case :-

1. Supreme Court Order dated 04.11.'87 in Civil Appeal No. 4285 of 1985.
2. Government of India, Ministry of Defence- Order No. 90237/4090/A/C(3)442 - LG/D(Civ-1) dt 08.6.94, extending the benefits to MES clerks as per order dated 03.1.94 of CAT Calcutta bench in OA No. 501/93.
3. Order dt 29.9.95 of CAT Bombay Bench in OA 1037/92 and also order No. OA No. 1037/92 dt 15.4.96 in respect of Shri. KP Mahajan of CA SC Pune versus Union of India.

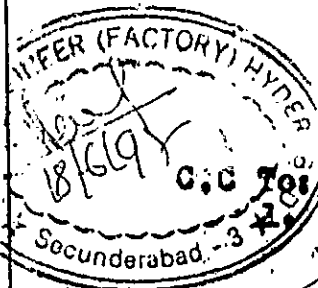
My husband died while in service on 09.01.1975 as Upper Division Clerk from the Office of GA (South) Sec'bad as a Result of the refixation of pay as contemplated in the above orders my husband is eligible for arrears of Pay & Allowance. I therefore, request that necessary directives may please be issued to the concerned authorities to expedite payment of all arrears of my late husband to me including of refixation of his pay and allowance and my family pension may also be refixed basing on refixing of my (late) husband's Pay and Allowances and arrears of my family pension thereof.

Thanking you,

Yours faithfully,

25. 7. 97

(G. NAGARATNAM)
W/o Late G. ANJANEYULU



(Registered A/D) Chief Engineer, HQ Southern Command, Pune 411001. For information & necessary action, please with reference to his letter No. 131701/143/ELB(S) dt 25.7.91 & letter No. 171301/17/ELB(Pay Coord) of 17.12.90 in similar case.

2. Chief Engineer (FY) Hyderabad, Opp. Parade Grounds Sec'bad

3. CWS (MES) Mudfort Sec'bad - 3

4. GA (S) Mudfort Sec'bad - 3

21/6/97

51

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD
M.A.NO. 619/98 in O.A. 1388/97.

Date of Order: 7-8-98.

Between:

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

.. Applicants/Respondents.

Gi. Nagarajam.

... Respondent/Applicant.

For the Applicants: *Mr. N. V. Raghava Reddy* Addl. CGSC.

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

CORAM:

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

The Tribunal made the following Order:-

Heard Sri Subrahmanyam

In view of the circumstances and reasons explained in the M.A., time is granted upto 1st October, 98 for the implementation of the orders in the O.A.

Thus, the MA is disposed of.

[Signature]
Deputy Registrar.

To

1. The Secretary, Ministry of Defence, Union of India,
DHQ PO, New Delhi.
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. K. S. R. Anjaneyulu, Advocate, CAT. Hyd.
5. One copy to Mr. *N. V. Raghava Reddy* Addl. CGSC. CAT. Hyd.
6. One spare copy.

pvm.

26/8/98
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 7-8-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

619/98

in

O.A.No.

1388/97.

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

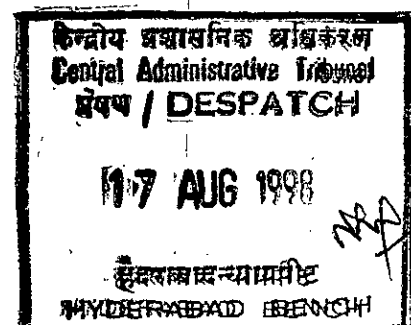
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH ; HYDERABAD.

MA. No.561 of 1999

in

OA. No.1388/97

Between:

Dated:29.7.99

1. The Secretary,
Ministry of Defence,
DHQ 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.Nagaratnam

.. Respondent

Counsel for the Applicants : Mr.V.Rajeswara Rao

Counsel for the Respondents : Mr.KSR.Anjaneyulu

CORAM:

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

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

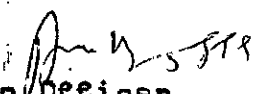
* * *

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

Srr

COPY TO:-

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

1st AND 2nd COURT.

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

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

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

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

ORDER. Date. 29/7/99

ORDER / JUDGMENT

MA./RA./CB.NO 561/99
IN
DA.NO. 1388/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

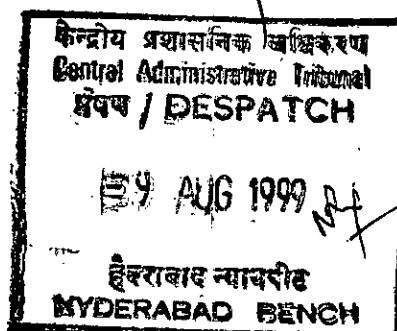
MA IS
DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. NO.240 of 2000
in
OA. No.1388 of 1997

Between:

Dated:16.3.00

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

And

Smt. G.Nagarathnam

.. 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 Sri V.Rajeswar Rao for the applicants and Sri K.S.R.
Anjaneyulu for the Respondent.

Time is extended upto 30.4.2000. MA disposed-of accordingly.
No costs.

213-0
Section Officer

Srr

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/CE NO

240/00

IN

G.A. NO.

1388/97

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

DESPATCH

9 MAR 2000

HYDERABAD BENCH

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1388/97.

Dt. of Decision : 21-11-97.

Smt.G.Nagaratnam

.. 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.N.V.Raghava Reddy, Addl.CGSC.

CORAM:

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

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

" *****

ORDER

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

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

2. T The applicant is wife of late G.Anjaneyulu 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 13-6-44 and died on 9-1-75. At that relevant time there were only two grades available viz., LDC and UDC. In 1944 on account of restructuring of the department, three grades viz., A, B and C were formed. This classification of A, B and C was done in pursuance to the instructions of the unified scales introduced by the then Govt. of India memorandum dt.19-8-44. Thereafter Varadhacharyulu Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new pay

scales were introduced some time in the year 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f., 1-1-47. It is an undisputed fact that A and B Grade clerks were equated to UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220/- for UDC and Rs.55-130/- for LDCs respectively. At the relevant time, the husband of the applicant was serving as Grade-B and that the contention is that deceased employee should be treated as UDC as on 19-1-47. Though deceased employee was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the husband of the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

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

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

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

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

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

R

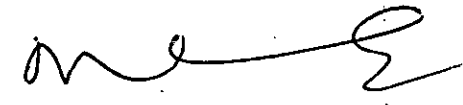
D

6. However the learned counsel for the respondents submitted in the reply that the case is a belated one and those who have filed much earlier got 60% of the arrears and hence the applicant herein should not be given the full arrears of 60% due to her deceased husband and is eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that the payment of arrears should be decided suitably as it was a belated application. The Bench decided the payment of arrears on the basis of the Supreme Court direction in that OA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply that direction even to all those who had not approached the Court. Hence we do not think that the applicant is entitled only for a reduced amount of arrears due to belated application. The deceased employee, the husband of the applicant herein is entitled for arrears equal to same as what was granted to the applicant in OA.710/97.

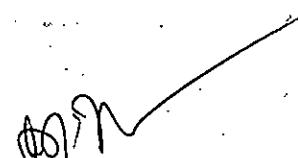
7. In view of the above the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT in OA.1037/92 decided on 28-9-95 in so far the arrears to be paid to the applicant till the deceased employee, ^{the} husband of the applicant herein survived and those arrears should be in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/85. 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.


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


(R. RANGARAJAN)
MEMBER(ADMN.)

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


DR

49
..5..

Copy to:

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

YLKR

(X)

6/100
31/12/97

TYPED BY
COMPOSED 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. 1388/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

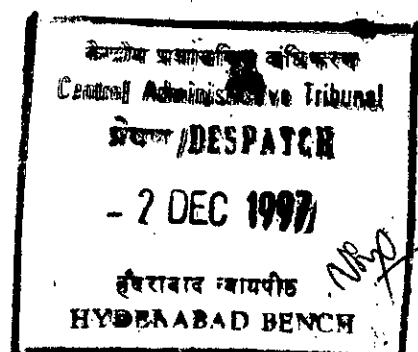
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



scales were introduced some time in the year 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f., 1-1-47. It is an undisputed fact that A and B Grade clerks were equated to UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220/- for UDC and Rs.55-130/- for LDCs respectively. At the relevant time, the husband of the applicant was serving as Grade-B and that the contention is that deceased employee should be treated as UDC as on 1-1-47. Though deceased employee was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the husband of the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

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

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

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

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

5. Similar OA was filed in this Tribunal i.e., OA.710/97 (M.Lakshmana Rao Vs. UOI & Ors). That was disposed of on 9-6-97 following the judgement of the Bombay Bench and also the other Benches. The payment of arrears was granted on the basis of the Apex Court judgement dt. 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

C.A.1388/97.

Dt. of Decision : 21-11-97.

Smt.G.Nagaratnam

.. Applicant.

Vs

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



... Respondents.

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

Counsel for the respondents : Mr.N.V.Raghava Reddy, 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.W.Satyanarayana for Mr.N.V.Raghava Reddy, learned counsel for the respondents.

2. The applicant is wife of late G.Anjaneyulu 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 13-6-44 and died on 9-1-75. 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

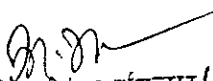
..?

6. However the learned counsel for the respondents submitted in the reply that the case is a belated one and those who have filed much earlier got 60% of the arrears and hence the applicant herein should not be given the full arrears of 60% due to her deceased husband and is eligible for only a very reduced amount. This point was also considered in OA.710/97. There also the respondents submitted that the payment of arrears should be decided suitably as it was a belated application. The Bench decided the payment of arrears on the basis of the Supreme Court direction in that OA. Further the initial judgement pronounced by the Bombay High Court is a declaratory one. It is for the respondents to comply that direction even to all those who had not approached the Court. Hence we do not think that the applicant is entitled only for a reduced amount of arrears due to belated application. The deceased employee, the husband of the applicant herein is entitled for arrears equal to same as what was granted to the applicant in OA.710/97.

7. In view of the above the OA is disposed of directing the respondents to follow the judgement of the Bombay Bench of CAT in OA.1037/92 decided on 28-9-95 in so far the arrears to be paid to the applicant till the deceased employee, ^{the} husband of the applicant herein survived and those arrears should be in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/85. 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


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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 619/98 in O.A. 1388/97.

Date of Order: 7-8-98.

Between:

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



.. Applicants/Respondents.

G. Nagarajnam.

.. Respondent/Applicant.

For the Applicants: Mr. N.V. Raghava Reddy 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 Subrahmanyam, ~~for the applicant~~

In view of the circumstances and reasons explained in the M.A., time is granted upto 1st October, 98 for the implementation of the orders in the O.A.

Thus, the MA is disposed of.

सत्यमेव जयते
CERTIFICATE TO BE TRUE COPY

Amiga

Sd/-

Deputy Registrar.

To

1. The Secretary, Ministry of Defence, Union of India,
DHQ PO, New Delhi.
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. K.S.R. Anjaneyulu, Advocate, CAT. Hyd.
5. One copy to Mr. N.V. Raghava Reddy Addl. CGSC. CAT. Hyd.
6. One spare copy.

pvm.

M. No. 551 of 1933

10

D. No. 1388/27

Refutation:

282-1129.7.33

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

.. Applicants

and

Dr. C. Nagarathnam

.. 18200111

Counsel for the Applicants

Mr. J. J. Evans, Esq.

Panel for the Respondent

1. No. 2. njan_yulu

□ □ □

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

[illegible]

• • •

Heard Mr. J. T. Johnson and Mr. C. D. Anjunevulu.

Extension of the For the month is granted.

is disposed of.

प्रमाणित प्रति

1/-
action TPI-er

CERTIFIED TRUE COPY

क्रम संख्या ४१७-५६१५५८
CASE NUMBER ४१७-५६१५५८ (१७)
नि ५१७
DATE २९-७-९९
प्रति ५-८-९९
COPY ५-८-९९

Rec

Officer

Administrative Tribunal

HYDERABAD BENCH

IN THE CENTRAL JAIL TRIAL TRIBUNAL : HYDRABAD BENCH : HYDRABAD.

MA. No.561 of 1999

in

O.S. No.1388/97

Between:

Dated:29.7.99

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

.. Applicants

And

Smt. G. Nagarathnam

.. Respondent

Counsel for the Applicants

: Mr.V. Rajeswara Rao

Counsel for the Respondents

: Mr.K.R. Anjanayulu

FOR ME:

THE HON'BLE JUDGE : (A)

THE HON'BLE JUDGE : (B)

THE TRIBUNAL HAS THE FOLLOWING TO SAY:

Heard Mr.V. Rajeswara Rao and Mr.K.R. Anjanayulu.

Extension of time for three months is granted.

MA is disposed of.

Srr

CERTIFIED TRUE COPY

Id/- J. K.
JUDGE OFFICER

कम संख्या

CASE NO.

दि

ल.

MA 561/99

OS 1388/97

29.7.99

5.8.99

[Signature]

OFFICER

CT

Administrative Tribunal

HYDRABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYD. TABAD.

MA. 243 OF 2000
In
OA. No.1388 of 1997

Between:

Dated:16.3.00

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

.. Applicants

And

Sgt. G.Nagarathnam

.. Respondent

Counsel for the Applicants

: Mr.V.Rajeswar Rao

Counsel for the Respondents

: Mr.K.S.R.Anjansyulu

COMMISSION:

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

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri V.Rajeswar Rao for the applicants and Sri K.S.R.
Anjansyulu for the Respondent.

Time is extended upto 30.4.2000. MA disposed-of accordingly.
No costs.

Sd/- X X
Section Officer

Sgt

प्रमाणित प्रति
CERTIFIED TRUE COPY

कम संख्या MA 243/2000 -
CASE NUMBER OA. 1388/97
निर्णय तिथि
DATE OF JUDGMENT (16.3.2000)
प्रति तय्यार किया गया दिनांक
COPY MADE READY ON 21.3.2000

अ. शांति अधिकारी/न्यायालय अधिकारी
Section Officer/Court Officer
द. शांति शांति न्यायिकरण
Central Administrative Tribunal
हैदराबाद - बेंच
HYDERABAD BENCH

(Sec Rule 114)

THE
IN/CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

OA / ~~138.8~~ 138.8 of 1997

..... 1. G. Nagarathnam Applicant (S)

Versus

..... Secy. M/o. Debus

..... New Delhi 2.2.00 Respondent (S).

INDEX SHEET

Serial No	Description of Documents and Dates.	Pages.
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MA 561/99	7.8.98	51852
MA 240/2000	29-7-99	53854
	16.3.2000	55856

Certified that the file is Complete

In all respects.

17/4/97
Signature of
Dealing Hand
(In Record Section) 24/8/99

Signature of S.O.

10/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

M.A. NO: 240 OF 2000

IN

O.A. NO: 1388 OF 1997

BETWEEN:

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

..... APPLICANTS/
Respondents

A N D

SMT G. Nagaratnam

.....RESPONDENT/
Applicant

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

For the reasons stated in the accompanying
affidavit the applicants/Respondents herein prays
that the Hon'ble Tribunal may be pleased to extend
the time limit for a period of six(6) months to
comply with the directions passed in OA NO: 1388
of 1997 and pass such other order or orders as the
Hon'ble Tribunal may deem fit and just.

HYDERABAD,

Dt: 8-3-2000

COUNSEL FOR THE APPLICANTS/
Respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

M.A. NO : 240 OF 1999 2000

IN

O.A. No 1388 OF 1997

BETWEEN :

The Secretary, Ministry of Defence
New Delhi and 2 others

.... APPLICANTS/
RESPONDENTS

AND

Smt G Nagaratnam

.... 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.17,170/- + Rs.661/- 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

ATTESTER

? Datta
'm Offr
VE Secunderabad

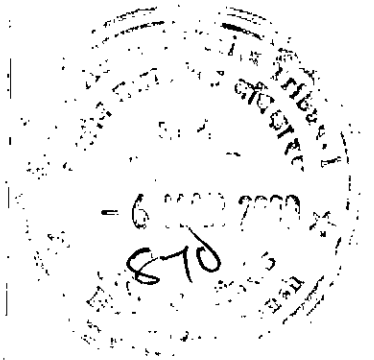
DEPONENT

Ajit Srivastav
Col
Commander Works Engineers

2
Re: Extension of time

CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH

MP 2000
O.A. NO: *1308* OF *1999* ~~1999/2000~~



REPLY AFFIDAVIT/
WRITTEN STATEMENT

By the P. Linn

FILED ON BEHALF OF
RESPONDENT(S) NO: (S)

FILED ON:

6-9-2000

FILED BY:

V. RAJESWARA RAO
S.C. FOR RAILWAYS

ADDL. C.G.S.C.
CAT/HYDERABAD

PH NO: 3702585

100 m 10/10/00
83

Exd by the G. K. S. S. S.

M. K. S. S.
10/10/00

MA 240/2000 in OA 1388/97

16.3.2000

Heard Sri V. Rajeshwar Rao
for the Applicants and Sri
K.S.R. Anjaneyulu for the
Respondent.

2. Time is extended upto
30.4.2000. MA Disposed of
accordingly. No costs.

HBSJP

MPS

HRAD

MPS

हुदा/DEFENCE

बेंच केस/BENCH CASE

मूल/ORIGINAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A.No. 240 of 2000
IN

O.A.No. 1388 of 1997

Ed Termim of time

Mr. _____
COUNSEL FOR THE APPLICANTS
AND

Mr. V. Rajeshwar Rao
Standing Counsel
Addl Standing Counsel for Gen.
Govt.,
Sr. STANDING COUNSEL FOR Cen.
Govt.,
S.C. for RLVS.

M. KSR Anjaneyulu
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDL. BENCH

AT HYDERABAD

M.A. NO. 619 OF 1998

IN

O.A. NO. ~~608~~ 1388 OF 1997

Between:

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

.....Petitioners/
Respondents

and
~~Dr. C. Nagalakshmi~~
Smt C. Nagalakshmi

.....Respondent/
Applicant

PETITION FILED UNDER RULE 8(3) OF CAT PROCEDURE RULES

For the reasons stated in the accompanying affidavit,
the petitioners/respondents herein pray that this Hon'ble
Central Administrative Tribunal, Hyderabad Bench, Hyderabad,
in the circumstances explained above, may be pleased to extend
the time as a special case upto ~~six months~~ ¹³⁸⁸ for implementation of
the judgement in O.A. No. ~~608~~ ¹³⁸⁸ of 1997 and pass such other order
or orders as this Hon'ble Tribunal may deem fit and proper in
the interest of justice.

Hyderabad,

Dt. 22

N. V. Raghava Reddy,
COUNSEL FOR THE PETITIONERS/
RESPONDENTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :

HYDERABAD :

O.A. NO: 1388 OF 1997

BETWEEN :

Union of India Represented by .. Applicant/Respondent
Secretary, Min of Defence
Govt of India and 2 Others

AND

Smt G NAGARATNAM Wife of .. Respondent/Applicant
Late Shri G ANJANEYULU

A F F I D A V I T

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

2. I am working as Commander Works Engineers, Secunderabad and as such I am fully acquainted with all the facts of the cases I am filing this Miscellaneous Application on behalf of all the respondents, being authorised to do so.

3. It is submitted that the Hon'ble Tribunal while disposing off the above OA No. 1388 of 1997 had given the direction that an appeal if received by the Appellate Authority i.e., Union of India represented by Secretary, Min of Defence, Government of India from Smt G NAGARATNAM Wife of Late Shri G ANJANEYULU (for Re-classification of 'B' Grade Clerk from 1-4-1947) and Respondent herein, then the said Appellate Authority should dispose off the case within a period of 3 months from the date of receipt of the appeal.

BEFORE ME

// ATTESTER //

(SC DATTA)

AO

for Commander Works Engineers

// DEPONENT //

(AJIT SRIVASTAV)

Col.

Commander Works Engineers

.... (2)

4. It is submitted that the case in question pertains to the period from 01 Apr 1947 (1st Pay Commission) to 09 Jan 1975 (2nd and 3rd Pay Commissions) and considerable quantum of work is involved in finalising the fixation of pay and in claiming the arrears at various stages. This entails tracing and collecting the required very old documents from Hq CESC Pune/Audit authorities and from various formations all over India, wherever the applicant had served. Hence, the time allowed for disposal of the ^{implementation of} ~~appeal~~ ^{judgement} by the Appellate Authority within a period of three months from the date of receipt of the ^{implementation of} ~~appeal~~ ^{judgement} is very meagre and not comensurate with the quantum of work involved in finalising the above case.

5. Though the Appellate Authority and the subordinate offices have been working in this regard, it is not becoming feasible to collect the required details to dispose off the ^{implementation of} ~~appeal~~ ^{judgement} within the time frame laid by the Hon'ble Tribunal. Reasonable time is required by the Appellate Authority to call for all details/records, as mentioned above from various formations.

6. Considering the above requirement of time and other constraints, it is nor practicable for the Appellate Authority to comply with the directions given by the Hon'ble Tribunal to dispose off the ^{implementation of} ~~appeal~~ ^{judgement} within the short period of 3 months. It is submitted the delay is not intentional but for the circumstances stated above. Sincere efforts are being made to dispose off the ~~appeal~~ as early as possible, with the available resources. ^{implementation of} ~~judgement~~ ^{judgement}.

7. It is, therefore, prayed that the Hon'ble Tribunal may be please to grant an additional 6 (Six) months time from the date of issue of the orders in this case for disposal of the ^{implementation of} ~~appeal~~ ^{judgement} and pass such others orders as deemed fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
this 9 day of May 1998
and he signed his case in my presence.

// BEFORE ME //

(S.C. DATTA)

AO

for Commander Works Engineers

// DEPONENT //

(AJIT SRI VASTAV)

Col.

Commander Works Engineers

scales were introduced some time in the year 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f., 1-1-47. It is an undisputed fact that A and B Grade clerks were equated to UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220/- for UDC and Rs.55-130/- for LDCs respectively. At the relevant time, the husband of the applicant was serving as Grade-B and that the contention is that deceased employee should be treated as UDC as on 1-1-47. Though deceased employee was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the husband of the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

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

- (i) to direct the respondents to classify her husband as UDC with effect from 1-1-47.
- (ii) to re-fix the pay of the deceased in the scale of UDC and grant increments as and when due;
- (iii) to calculate the difference in arrears of pay arising due to the re-fixation of pay and pay 60% of the amount to the applicant in terms of the order of the Supreme Court dt. 4-11-87 (Annexure-3) and also as ordered in the CAT Bombay in OA.1037/92 dated 28-9-95 and 15-4-95 and also in OA.501/93 of Calcutta Bench judgement dt. 3-1-94 and to pay other consequential benefits arising out of the above.

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

R

A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL | HYDERABAD BENCH
AT HYDERABAD

C.A.1388/97.

Dt. of Decision : 21-11-97.

Smt.G.Nagaratnam

.. 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.N.V.Raghava Reddy, Addl.CGSC.

COMAM:

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

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

ORDER

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

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

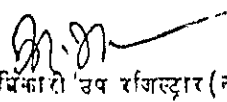
2. The applicant is wife of late G.Anjaneyulu, and the applicant is legal representative of the deceased employee.
3. The husband of the applicant in this OA joined as Lower Division Clerk (LDC for short) in Military Engineering Service (MES for short) on 13-6-44 and died on 9-1-75. At that relevant 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 no pay

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's 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 प्रति
CERTIFIED TO BE TRUE COPY


आपातकालीन न्यायाधीश (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रिय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

Extension of Time

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
ADDITIONAL BENCH AT HYDERABAD

M.A. NO. OF 1998

IN

O.A. NO. ~~239~~ of 1997
1398

Between:

Union of India rep. by
its Secretary, M/o Defence,
Govt. of India and 2 others.

.....Petitioners/
Respondents

and

~~M. S. Rao~~ Respondent/
Sri C. Nagarathnam Applicant

EXTENSION OF TIME

Petition filed under rule 8(3)
of CAT Procedural rules



filed on:

filed by: N.V. RAGHAVA REDDY

COUNSEL FOR THE PETITIONERS/
RESPONDENTS

Copy received

Subscribed
2/8/98

Filed
2/8/98

3/11

MA 619 of 98

of
OA No 1388 of 1997

7-8-98

Heard Shri
Sutrahmanyam.

In view of the circumstances and reasons explained in the MA, time is granted upto 1st October, 98 for the implementation of the orders in the OA.

thus, the MA is disposed of.

[Signature]
HHRP
MCA)

ORIGINAL
BENCH CASE
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

DEFENCE

M.A.No. 619 of 1998

IN

O.A. No. 1388 of 1997

Extinction of time

Mr. *[Signature]*

COUNSEL FOR THE APPLICANT.

AND

Mr. N.V. Raghava Reddy

Sr. ADDL. STANDING COUNSEL FOR C.G.
C.G. RLY.

&

Mr. K.S.R. Anjaneyulu

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH AT

HYDERABAD

M.A. NO: 561 OF 1999

IN

O.A. NO: 1388 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

AND

Smt. G. Nagaratnam
W/O Late Shri G. Anjaneyulu

.... RESPONDENT

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

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

HYDERABAD

DT: 8-07-1999


COUNSEL FOR APPLICANTS

*Copy received
W/O Late Shri G. Anjaneyulu
8/7/99*

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

MA NO 561 OF 1999

IN

OA NO 1388 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. Smt G. NAGARATHAN
W/o Late Sri G. ANJANEYULU

...
RESPONDENTS/
APPLICANT :

AFFIDAVIT

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

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

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

// ATTESTER //

// DEPONENT //

SC Datta
Adm. Offr
CWE Secunderabad

Ajit Srivastav
Col
Commander Works Engineers

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

4. It is further respectfully submitted that on receipt of the copy of the order in the above case the Applicant/Respondents initiated steps to implement the directions contained in the above orders. It is submitted that the case in question pertains to the application filed by the erstwhile 'B' Gde Clerks **Smt G. NAGARATHAN** 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. in OA No. **1388 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.

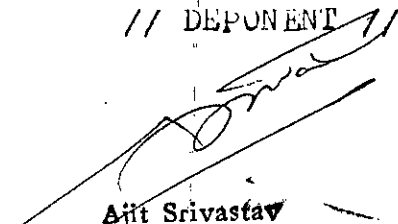
5. While implementing the judgement in OA No. **1388 of 1997** the Hon'ble Tribunal had given the directions that an appeal if received by the Appellate Authority i.e., Union of India represented by Secretary, Min of Defence, Govt of India, the Engineer-in-Chief, Army Hq, New Delhi, the Chief Engineer, Southern Command, Pune from **Smt G. NAGARATHAN** 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 Einc's Branch AH, New Delhi letter No. A/41106/R-DPC/AO-II/93/ElR(0) dated 08 Apr 99. A copy of CBSC 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 //

// DEPONENT //

SC Datta
Adm Offr
CWE Secunderabad

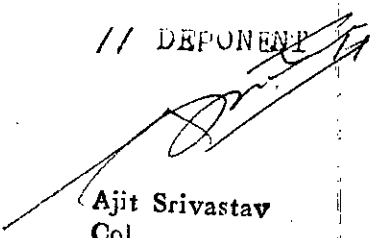
Ajit Srivastav
Col
Commander Works Engineers

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

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

Solemnly sworn and signed his
name on this 27 day of Jan
1999 before me.

// DEPONENT


Ajit Srivastav
Col
Commander Works Engineers

// BEFORE ME

ATTESTER //


SC Datta
Adm Offr
CWE Secunderabad

Relisno

Memo of offence should be
filed since the present Council
is not on record MOP
12/8/97

S
14/7
EM

Resubmitter

Memo 11/8/97

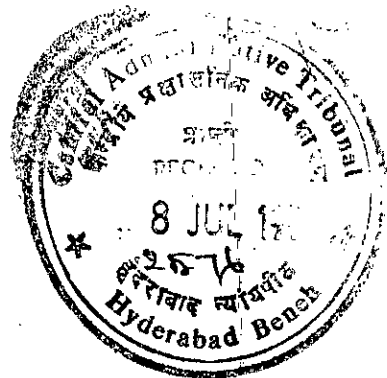
11/8
20/7/97

Reg! - Extension of time

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

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

IN
O.A. NO: 1388 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

keep out of records
S
14/7

Mg 14/10
S
24/2

बेच/ BENCH CASE

बेच/ ORIGINAL

बेच/ DEFENCE

MA, 561 /99 in OA. 1388/97

dt. 29-7-99

M.A.No. 561 OF 1999

IN

O.A.No. 1388 OF 1997

Heard Mr. V.Rajeswara Rao and
Mr. KS.R.Anjaneyulu.

Extension of time for three months
is granted.

MA is disposed of.

HBSJP
M(J)

HRRN
M(A)

sk

Extension of Time

Mr. V. Rajeshwar Rao
COUNSEL FOR THE APPLICANT Address

AND

Mr. KS.R. Anjaneyulu
Sr.Addl.Standing Counsel for
C.G. Rlys.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

PD 3168/00 - 174689/00

G.No. _____ of

Applicants.

VERSUS

(Respondents)

INDEX SHEET

S.LNo.	Description of Documents & Date	Pages.
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| 3. | Material papers. | |
| 4. | Interim Orders | |
| 5. | Orders in MAS. | |
| 6. | Reply statements. | |
| 7. | Rejoinder | |
| 8. | Final Orders. <i>31/8/0</i> | 11 to 13 to 8 |

Signature of dealing Head
in Record Section

[Signature]

Signature of S.D.

(SEE RULE 12)

FORM No.4

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

RA ORDER - SHEET
12000

O.A.No. 1388 OF 2000 92

The Secretary, Madhya Pradesh Applicant(s)

N. D. D. H. I.

Through M/s

(Advocate)

VERSUS

Nagendra Prasad

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. HBSJP M(J) HRRN M(A)

2

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

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

AND

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

AND

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

MISCELLANEOUS APPLICATION NO. 684 OF 2000
REVIEW APPLICATION NO. 3163 OF 2000
ORIGINAL APPLICATION NO. 1388 OF 1997.

The above Review Application has been filed for review of the judgment 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. 1388 of 1997.

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

Submitted.

24/11

*List for
admission here*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT: HYDERABAD.

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

IN

O.A.NO: 1388 OF 1997.

BETWEEN:-

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

A N D

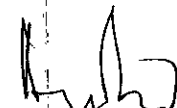
Shri G. Nagarathnam,
W/o.Late Shri G. Anjaneyulu. ...RESPONDENT/
Applicant.

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.1388 of 97.	A-1.	4-6

Place: HYDERABAD.

Date: 16 Aug 2000.


COUNSEL FOR THE RESPONDENT.

4

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

R.A. No. NO: OF 2000

IN

OA NO: 1388 OF 1997

BETWEEN :

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

.....APPLICANTS/
Respondents

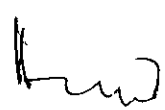
AND

Shri G Nagarathnam
W/O Late Shri G Anjaneyulu,

.....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: 1388 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.


COUNSEL FOR THE APPLICANTS/

HYDERABAD,

RESPONDENTS

Dt: 16.5.2000

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A. NO: OF 2000

IN

OA NO : 1388 OF 1997

BETWEEN :

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

...APPLICANTS/
Respondents

AND

Smt G Nagarathnam
W/O Late Shri G Anjaneyulu

.....RESPONDENT/
Applicant

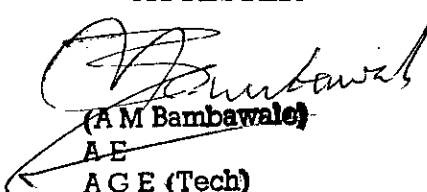
A F F I D A V I T

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

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

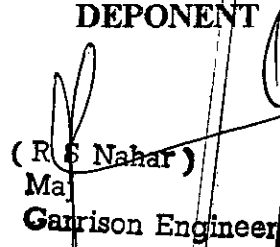
2. I submit that the Respondent is the wife of Late Shri G Anjaneyulu, was
expired on 09 Jan 1975 while in service. There was restructuring of clerical cadre in the
department basing on the Vardacharyulu Pay Commission report in the year 1947.
As per that restructuring, the employees who are previously/provisionally in the cadre of
A&B were to be brought on to the grade of UDCs in the scale of Rs. 80-220. So it is
contended in the OA for the respondent that the post of deceased central Govt Servant
should be upgraded as UDC in the scale of Rs. 80-220 instead of LDC.

ATTESTER


(A M Bambawale)

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

DEPONENT


(R S Nahar)
Ma
Garrison Engineer

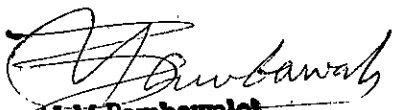
3. The OA was filed seeking a direction to reclassify the post of the deceased employee as UDC wef 1-1-1947 and fix his pay in the scale of UDC and other benefits. The Hon'ble Tribunal was pleased to dispose off the above OA by an order dated 21-11-1997 at the time of admission stage directing the department 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 24 months 10 months days in preferring the review application. A separate application has been filed for the condonation of the delay.

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

G R O U N D S

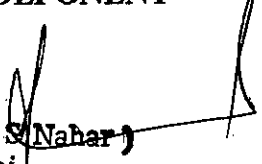
- a) There is an error apparent on the face of the record due to the reason that the APEX COURT differs the earlier view in the subject case and held contrary.
- b) As per Law, latest Judgement of Court will prevail/supersede over the earlier Judgement.
- c) The Hon'ble Supreme Court by an order dated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

ATTESTER


(A M Bambawale)

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

DEPONENT


(R S Nahar)

Maj
Garrison Engineer (South)

7

- 2 -

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.

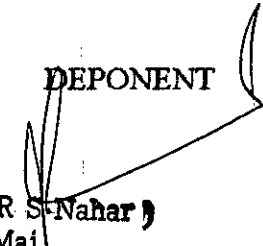
The Respondent/Applicant is not entitled for any arrears of pay and allowances. He is only entitled for notional fixation of pay by computing pension as per the Apex Court Judgement. Hence the Judgement of the Hon'ble Tribunal requires review.

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

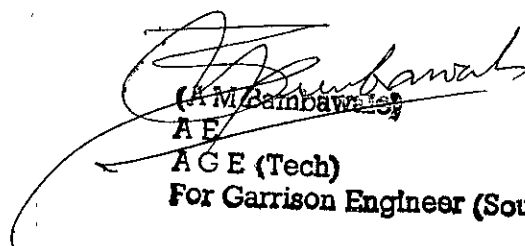
In view of the above it is therefore prayed that the Hon'ble Tribunal may be pleased to review the order dated 21-11-1997 passed in OA NO: 1383 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

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

BEFORE ME

DEPONENT

(R S Nahar)
Maj
Garrison Engineer (South)

ATTESTER


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

§

scales were introduced some time in the year 1947. As a result of which all the three grades were abolished and in that place 2 grades viz., LDC and UDC were introduced. The recommendations of Varadhacharyulu Pay Commission were accepted by the respondents w.e.f., 1-1-47. It is an undisputed fact that A and B Grade clerks were equated to UDC whereas C grade clerks were equated to LDC and their pay scales were Rs.80-220/- for UDC and Rs.55-130/- for LDCs respectively. At the relevant time, the husband of the applicant was serving as Grade-B and that the contention is that deceased employee should be treated as UDC as on 19-1-47. Though deceased employee was entitled to be equated to the post of UDC, the respondents wrongly and illegally equated him and specified the husband of the applicant as LDC thereby down-grading his position. This, the applicant submits is contrary to the recommendations of the commission.

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

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

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

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

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

R

D

(46) 8

(4) AT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1388/97.

Dt. of Decision : 21-11-97.

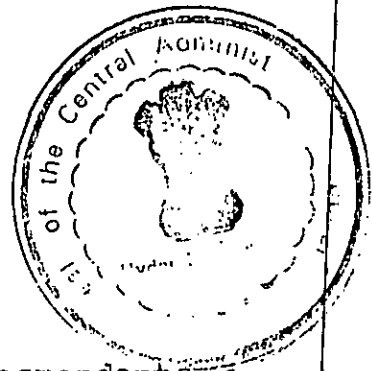
Smt.G.Nagaratnam

.. 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.N.V.Raghava Reddy, Addl.CGSC.

CORAM:

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

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

ORDER

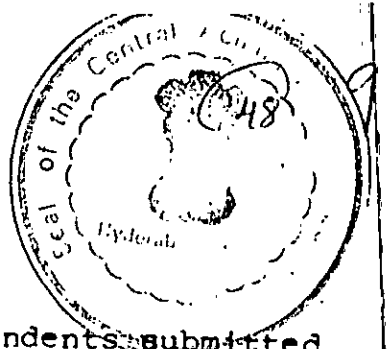
CRAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

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

2. The applicant is wife of late G.Anjaneyulu 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 13-6-44 and died on 9-1-75. 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.19-8-1944. Thereafter Varadacharyulu Pay Commission Report was duly published and notified by the respondents. Pursuant to this report new p

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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, ^{the} husband of the applicant herein survived and those arrears should be in accordance with the judgement of the Supreme Court dt. 4-11-87 in Civil Appeal No.4201/85. 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. OA.1388/97

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

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

Name of the Officer... 8/11/97
Date of...
... 13/6/97
... 21/...
... 31/...
... 31/...
... 12/6/97
... 16/6/97

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

CENTRAL ADMINISTRATIVE
TRIBUNAL:HYDERABAD BENCH

O.A. NO: OF 1999/2000



REPLY AFFIDAVIT/
WRITTEN STATEMENT

FILED ON BEHALF OF
RESPONDENT(S) NO: (S)

FILED ON: - -2000

FILED BY:

V. RAJESWARA RAO
S.C. FOR RAILWAYS
ADDL. C.G.S.C.
CAT/HYDERABAD

PH NO: 3702585

11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA. 684 /2000 in RASR. 3168/2000 &
RASR. 3168 /2000
in OA. 1388/98

dt. 31-8-2000

Between

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

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

3. Chief Engineer
Southern Comman, Pune
Maharashtra 411001

Applicants/
Respondents

and

Smt G. Nagarathnam

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.)

[Handwritten signature]

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12

MA. 684 /2000 in RAS_r. 3168/200

& RASR. 3168/2000 in
OA. 1388/98

dt. 31-8-2000

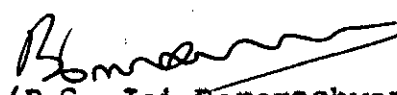
Order

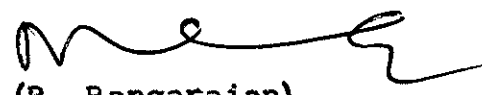
Oral order (per Hon. Mr. R. Rangarajan, Member (Admn))

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

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

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


(B.S. Jai Parameshwar)
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. HDHNU
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 _____
COMPARED BY _____ APPROVED BY _____

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

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

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

DATE OF ORDER 31.8.2000

MA/RA/CP. No. 684/2000 in RAR 3168/2000
IN & RAR 3168/2000 M
OA. No. 1388/1998

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

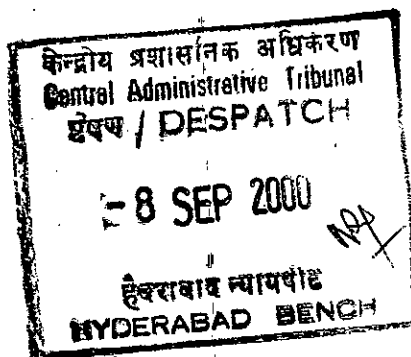
MA DISMISSED

~~DISMISSED AS WITHDRAWN~~

~~ORDER/REJECTED~~

NO ORDER AS TO COSTS

7 Seven copies



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

MA NO : 684 OF 2000
IN
R.A. NO: 3163 OF 2000
IN
OA NO: 1383 OF 1997

BETWEEN :

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

.....APPLICANTS/
Respondents

AND

Shri G Nagarathanam
W/O Late Shri G Anjaneyulu,

.....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: 1388 of 1997 and pass such other order or orders as the Hon'ble Tribunal may deem fit and just.

hiv
COUNSEL FOR THE APPLICANTS

HYDERABAD,

DT: 16/8/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : 684 OF 2000
IN
R.A. S.R NO: 2163 OF 2000
IN
OA NO : 1388 OF 1997

BETWEEN :

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

...APPLICANTS/
Respondents

AND

Smt G Nagarathanam
W/O Late Shri G Anjaneyulu

.....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: 1388 of 1997 by an order dated 21-11-1997 by directing the department to follow the judgement of the Bombay Bench, CAT passed in OA NO : 1037 of 1992 and with other directions. Aggrieved by the decision, the department has filed review for the reasons stated therein.

ATTESTOR

(A.M. Bambawale)

A-E

AGE (Tech)
For Garrison Engineer (South)

DEPONENT

(R S Nahar)

Maj

Garrison Engineer (South)

3. I respectfully submit that the copy of the order in OA NO: 1388 of 1997 was received by the department on 12-10-1998. After receipt of the judgement, the department has taken action in compliance with the directions given by the CAT. However for the reconstruction of the file which spread over for so many years from 1940 onwards and the work involved in the issue, the department has filed Miscellaneous application seeking extension of time to comply with the directions of the Tribunal. In the meanwhile, the judgement of the Hon'ble supreme court rendered in CA NO: 7453 of 1997 is received. The judgement of the Hon'ble Supreme court order dated 24 Oct 1997 in CA NO: 7453 of 1997 was received by the department on 03-1-2000 and it was referred to various sections to circulate for the necessary action. Hence the delay of 2 years 10 months 4 days. The delay is neither intentional nor deliberate. It is only due to administrative reasons. If the delay is not condoned the Public cause would suffer. The department has a strong case in its favour and if the delay is not condoned and review the Judgement, the judgement already rendered in the present OA would be contrary to the latest judgement of the Apex court.

4. In view of the above submission, the Hon'ble Tribunal may be pleased to condon the delay of Two years 10 months 4 days 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 August 2000
before me.

DEPONENT

(R S Nahar)
Maj
Garrison Engineer (South)

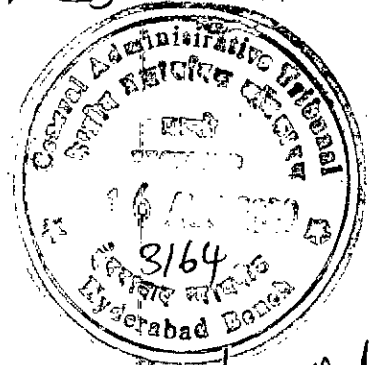
ATTESTOR

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

legi - Cardiac Delay, En Rly
for 2 years (10 months)

CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH

MS No
Rajsw
O.A. No: 1388 OF 1999/2000



Delay Cardiac Delay
REPLY AFFIDAVIT / i/r Rly, S
WRITTEN STATEMENT Cst & Rly

FILED ON BEHALF OF
RESPONDENT(S) NO: (S)

FILED ON: 16 - 8 - 2000

FILED BY:

V. RAJESWARA RAO
S.C. FOR RAILWAYS

ADDL. C.G.S.C.
CAT/HYDERABAD

PH NO: 3702585

Rajsw
16/8

Rajsw
16/8

BENCH CASE

7-ORIGINAL

dt. 31-8-2000

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH ; AT HYDERABAD

Heard.

Order delivered vide separate sheets. M A is dismissed.

M.A. 684 OF 2000

In RASR 3168/00 of

HBSJP
M(J)

HRN
M(A)

O.A.No. 1388 OF 2000 97

Condone delay Petition

Mr. _____
COUNSEL FOR THE APPLICANT
AND

Mr. V. R. Tewara Rev
Standing counsel

Addl Standing counsel for Central Govt.

Sr.Standing counsel for Central Govt.

Standing Counsel for Railways.

Mr. KBR Antane July
Nov.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO : 684 OF 2000
IN
R.A. NO: 8163 OF 2000
IN
OA NO : 1388 OF 1997

BETWEEN :

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

.....APPLICANTS/
Respondents

AND

Shri G Nagarathanam
W/O Late Shri G Anjaneyulu,

.....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 24 months 16 days
in filing review in OA NO: 1388 of 1997 and pass such other order or orders as the
Hon'ble Tribunal may deem fit and just.


COUNSEL FOR THE APPLICANTS

HYDERABAD,

DT: 16/8/20