

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA.805/2000 in OA.77/99

dt.21-9-2000

Between

K. Madhusudhan Rao : Applicant

and

1. Union of India, rep. by
its Secretary to Govt.
M/o Personnel PG and Pension
D/o Personnel & Training
New Delhi

2. State of AP, rep. by its
Chief Secretary to Govt.
General Admin. Department
Secretariat Bldg., Saifabad
Hyderabad

3. Sri Rajat Bhargava, IAS
District Collector & Magistrate
Anantapur

4. Sri Rajat Kumar, IAS
Dy. Commissioner of Commercial Taxes
Abids Division, Govt. of AP
Hyderabad

: Respondents

Counsel for the applicant : N. Ramamohan Rao
Advocate

Counsel for R-1 : B.S. Sarma, CGSC

Counsel for R-2 : V.V. Anil Kumar,
SC for AP Govt.

Counsel for R-3 : Suryanarayana Sastry
Advocate

Coram

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

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

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ORDER

Oral order (per Hon. Mr. B.S. Jai Parameshwar, M(J))

Heard Mr. Abinand K. Shavili for Mr. N. Rammohan Rao
Mr. M.C. Jacob for Mr. B. Narasimha Sarma for R-1, Mr.
Srinivas for Mr. V.V. Anil Kumar for R-2 and Mr. Sastry
for R-3. R-4 called absent.

2. The applicant has filed this application seeking permission to challenge the proceedings dated 20-5-2000 by way of amendment in the OA.

3. The OA was filed on 4-1-1999 for a declaration that Clause 3(iii) of Rule 3 of IAS Rule, 1987 as amended by the notification dated 3-2-1989 in so far as the cut off date assigning weightage of 4 years for the first 12 years of gazetted service, as unconstitutional and bad in law and consequently direct the respondents to give weightage of 4 years for the first 8 years of gazetted service in the matter of fixation of year of allotment to the applicant, and for a direction to the R-1 to consider granting additional weightage of 1 or 2 years in the matter of years of allotment taking into consideration the length of service rendered by the applicant in equivalent cadre posts in the Commercial Tax Department of the State of Andhra Pradesh, and for a declaration that he is eligible to be allocated atleast 1989 as the year of allotment.

4. It appears that during the pendency of the OA the applicant made representations dated 3-4-2000, 16-5-2000 to which the impugned letter dated 20-5-2000 was issued.

5. The cause of action to challenge the impugned letter dated 20-5-2000 is altogether different which arose during the pendency of the OA and the same cannot be made a subject matter of the OA, which was pending since

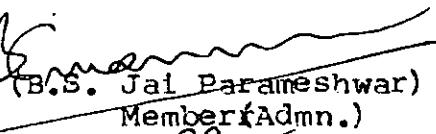
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1999. The applicant may if so advised file a separate application challenging the impugned letter dated 20-5-2000.

6. Hence, we find no reasons to permit the amendment application.

7. The MA is rejected.

8. No costs.


(B.S. Jai Parameshwar)

Member (Admn.)

21.9.2000


(R. Rangarajan)

Member (Admn.)

Dated : 21 Sept. 2000
Dictated in Open Court

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