

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 Admn. Department  
Secretariat Bldg., Saifabad  
Hyderabad

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

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.N. 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.)



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 of 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 addi-  
tional 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.

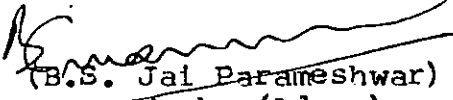
5. The cause of action to challenge the impugned  
letter dated 20-5-2000 is altogether different which  
arose during the pendency of the OA and the same cannot be  
made a subject matter of the OA, which was pending since

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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21/9/00

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