

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE  
DATED THIS THE 17TH DAY OF JUNE, 1987  
Hon'ble Shri Justice K.S. Puttaswamy, Vice-chairman  
Present: and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1105/86

Shri A.M. Subramaniam,  
S/o A. Natesapillai,  
Major,  
E.C.R.C.  
City Railway Station,  
Bangalore-1. .... Applicant

(Shri Madhusudan, Advocate)

v.

1. The Chief Personal  
Officer (Railways),  
Madras-3. .... Respondents

2. Kuruvilla,  
Major

3. Rachaiah,  
Major

Deleted

(Shri A.N. Venugopal, Advocate)

This application having come up for hearing to-day  
Vice-chairman made the following.

O R D E R

This is a transferred application and is received  
from the High Court of Karnataka under Section 29 of  
the Administrative Tribunals Act, 1985.

2. Prior to 10.12.1981, the applicant was working  
as Enquiry-cum-Reservation clerk ('ERC'). On 10.12.1981,  
he was empanelled as an ERC in the time-scale of

Rs.425-640, on which basis he was also promoted on 17.11.1982. But on 12.1.1983, the Divisional Personnel Officer, Bangalore ('DPO') had kept the said orders in abeyance ('Annexure-D'). Aggrieved by this, the applicant approached the High Court in W.P. No. 8603/83, which on transfer has been registered as A. No.1105/86.

3. While the proceedings were pending before the High Court, the applicant had been compulsorily retired from service.

4. In his reply, respondent No.1 had sought to support the order made against the applicant.

5. Shri M. Madhusudan, learned counsel for the applicant, contends that the order dated 12.1.1983, besides being wholly unjustified, was violative of the principles of natural justice.

6. Shri A.N. Venugopal, learned counsel for the respondent No.1 sought to support the order of the DPO.

7. An order keeping an earlier order of promotion in abeyance, even assuming that the same was justified for any reason undoubtedly results in civil consequences to a civil servant. If there are any justifiable

grounds for keeping the earlier order in abeyance, then also the authority is bound to notify the same to the applicant, consider his case and make an order against him, which has not been done in the present case. Without any doubt, the order made by the DPO on 12.1.1983 is violative of the principles of natural justice, and is liable to be interfered with on that ground.

8. We have also examined whether there was any justification for keeping the earlier order made in favour of the applicant in abeyance. We are of the view that everyone of the reasons on which the DPO had kept the order in abeyance were unjustified.

9. In the light of our above discussion, we allow the application, quash the order dated 12.1.1983 as against the applicant and direct the respondents to treat the earlier promotion given to the applicant as valid and regulate the payments that are due to him in accordance with law.

10. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

*N.S. Bhamra*  
Vice-chairman  
17.6.87

*...*  
Member (A) 17.6.87

gr/Mrv.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

APPLICATION No. 1105/86 (T)  
(WP. NO. 8603/83 )

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 23/6/87

APPLICANT

VS

RESPONDENTS

Shri A.N. Subramaniam

The Chief Personnel Officer, Madras

TO

1. Shri A.N. Subramaniam  
E.C.R.C.  
City Railway Station  
Bangalore - 560 001
2. Shri M. Madhusudan, Advocate  
C/o Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Sreenivasa Nagar II Phase  
Bangalore - 560 010

3. The Chief Personnel Officer  
Southern Railways  
Park Town  
Madras - 600 003
4. Shri A.N. Venugopal  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

*Received copy*  
SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. 1105/86(T)

*Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on*

17-6-87

ENCL: As above.

*For DEPUTY REGISTRAR  
(JUDICIAL)*

*Shri  
for  
29/6/87*

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BANGALORE  
DATED THIS THE 17TH DAY OF JUNE, 1987  
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Present: and  
Hon'ble Shri L.H.A. Rego, Member (A)

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*R. S. Iyer*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
23/6/87  
gr/Mrv.

Sd/-  
Vice-Chairman  
17/8/87  
— True Copy —

Sd/-  
Member (A) 17.6.87