

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 17TH DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-chairman
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. Kuruville,
Major

Deleted

3. Rachaiah,
Major

(Shri A.N. Venugopal, Advocate)

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

ORDER

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

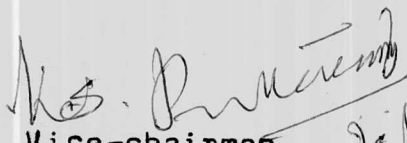


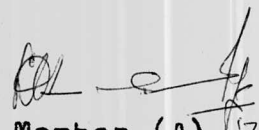
grounds for keeping the earlier order in abeyance, then also the authority is bound to notify the same to the applicant, consider his case and make an order against him, which has not been done in the present case. Without any doubt, the order made by the DPO on 12.1.1983 is violative of the principles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


Vice-chairman 17/8/87


Member (A) 17.6.87

gr/Mrv.

REGISTERED

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

TO

The Chief Personnel Officer, Madras

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
Sreenivasanagar II Phase
Bangalore - 560 010

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

Sumit
26/6/87
Received copy
(H)
Sumit
25/6/87
for
for
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.

0/c
Shri
for
24/6/87
for
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

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and
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Sd/-
Vice-Chairman

Sd/-
Member (A) 17.6.87

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
23/6/87
gr/Mrv.

17/8/87
- True copy -