

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS 26TH NOVEMBER 1986

Present

THE HON'BLE JUSTICE SHRI K.S. PUTTASWAMY : VICE-CHAIRMAN
THE HON'BLE SHRI L.H.A. REGO : MEMBER (AM)(R)

Application No. 1274/1986(T)
W.P.No. 4375/1983

Shri V.L.S.C. Bose,
Senior Loco Inspector,
303, B. Brock Road,
Railway Quarters,
Hubli.

... Applicant

1. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
2. A. Devasahayam,
Senior Loco Inspector,
D.R.M's Office, S.C. Railway,
Hubli.
3. Shri J.H. Morris,
Loco Foreman,
South Central Railway,
Gorpuri.
4. Shri S.A. Rahiman,
Senior Fuel Inspector,
D.R.M's Office, S.C. Railway,
Hubli.
5. Shri H.J. Reberio,
Junior Fuel Inspector,
Loco Shed, S.C. Railway,
Miraj.

... Respondents

(Shri M. Sreerangaiah, Advocate)

This application has come up for hearing before this
Tribunal today, the Hon'ble Justice Shri K.S. Puttaswamy,
Vice-Chairman, made the following:

O R D E R

Case called on more than one occasion before the pre-lunch session and the post-lunch session. On every occasion the applicant and his learned counsel were absent. We also find that the applicant and his learned counsel were absent on all the previous hearing dates except on 30.7.1986 on which

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date this case was first posted for hearing. We have perused the records and heard Shri M. Sreerangaiah, learned counsel for respondent No.1.

2. In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 (Act), the applicant has challenged the final seniority list dated 17.6.1982 of loco-supervisory staff Gr.I in the then pay scale of Rs.550-750/-.

3. Among other grounds the applicant has urged that in the provisional seniority list was prepared in the cadre, he was assigned rank No.58 but in the final seniority list, he has been assigned rank No.64 below respondent Nos. 2 to 5 without affording him an opportunity to state his case. In his statement of objections filed before the High Court, respondent No.1 has not denied this assertion of the applicant. When once this assertion of the applicant is not denied, it follows from the same, that respondent No.1 assuming that there were valid grounds for his action on which we express no opinion, then also as held by the Supreme Court in UNION OF INDIA V. P.K. ROY & OTHERS AIR 1968 SC was violative of the principles of natural justice and illegal. Hence the assignment of rank 58 to the applicant and higher ranks to respondents 2 to 5 cannot be upheld by us. We must, therefore, quash the seniority list to the extent it relates to the applicant and respondent Nos.2 to 5 and issue a direction to redo the same. But, before redoing the same, as ruled by the High Court of Karnataka in Kyathegouda case it is open to the Administration to operate the final seniority list though quashed. On this view, we leave open all other questions to be decided by respondent No.1.

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4. In the light of the above discussion, we quash the final seniority list dated 17.6.1982 in so far as it relates to the ranks assigned to the applicant and respondents Nos. 2 to 5 and direct to re-do the same in accordance with law and the observations made in this order. But till then it is open to the respondent No.1 to operate that list also for day to day administration.

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

Mr. Puttaswamy
(K.S. Puttaswamy) *26/11/86*
Vice-Chairman
26.11.1986

L.H.A. Rego
(L.H.A. Rego) *26.11.1986*
Member (AM)
26.11.1986

am