

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 13 Oct 1987

APPLICATION NO 1624 & 2052 to * (xx)
2054/86(F)

W.P.No. — —

APPLICANT **BM Kulkarni &
3 Ors**

Vs

RESPONDENTS **Senior Divl. Personnel
Officer, SC Rly, Hubli & 3 Ors**

To

1. Sri B.M. Kulkarni,
Senior Clerk, Additional
Office of the Chief Mechanical
Engineer,
Personnel Branch, S.C. Railway,
Hubli Hubli, Dist. Dharwar.

2. Sri C.C. Patil, Senior Clerk,
Office of the A.C.M.E.,
Personnel Branch, S.C. Railway,
Hubli,

3. Sri S.A.F. Chanshawale, Senior Clerk,
Office of the A.C.M.E.,
Personnel Branch, S.C. Railway,
Hubli,

4. Sri M. Lingareddi, Senior Clerk,
Office of the A.C.M.E.,
Personnel Branch,
S.C. Railway, Hubli,

5. Sri R.U. Gouley, Advocate,
90/1, 2nd Block, Near Ganesh Mandir,
Post Office Road,
Thyagarajanagar,
Bangalore-560028.

6. Senior Divisional Personnel
Officer, Hubli Division,
S.C. Railway, HUBLI,

7. The Chief Personnel Officer,
Rail Nilaya, SC Railway,
Secunderabad, (A.P.)

8. Shri M.R. Parandare,
Senior Clerk,
Office of the Divisional
Personnel Office, SC Railway,
Hubli,

9. Smt. Sarita J. Bommenahalli,
Senior Clerk,
O/o the A.C.M.E., Personnel -
Branch, SC Railway, HUBLI,

10. Sri M. Sreerangaiah,
Advocate,
S.B. Building, 10th Cross,
Cubbonpet Main Road,
Bangalore-560 002.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/356X/

~~ORDER~~ passed by this Tribunal in the above said application

on 25 SEP 87.

RECEIVED 10 copies 14/10/87

Diary No. 1299/10/87

Date: 15-10-87

Encl: as above.

ta/-

hale
SECTION OFFICER
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 25th DAY OF SEPTEMBER, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice-Chairman
Hon'ble Sri L.H.A.Rego Member (A)

APPLICATION Nos.1624 & 2052 to 2054/86(F)

1. B.M.Kulkarni,
Working as Senior Clerk,
in the O/o the ACME.,
(Additional Chief Mechanical
Engineer) Personnel Branch,
SC Railway, Hubli. ... A.No.1624/86.
2. C.C.Patil,
working as Senior Clerk in the
O/o the ACME, Personnel Branch,
SC Railway, Hubli ... A.No.2052/86.
3. S.A.F.Chanshawale,
working as Senior Clerk in the
O/o the ACME, Personnel Branch,
SC Railway, Hubli. ... A.No.2053/86.
4. M.Lingareddi,
working as Senior Clerk in the
O/o the ACME Personnel Branch,
S.C.Railway, Hubli ... A.No.2054/86. ... Applicants.
(Sri R.U.Goulay ... Advocate)

vs.

1. Senior Divisional Personnel Officer,
Hubli Division, SC Railway, Hubli.
2. The Chief Personnel Officer,
Rail Nilaya, SC Railway,
Secunderabad.
3. Mr. Purandara,
Senior Clerk in the O/o
the Senior Divisional Personnel
Office, SC Railway,
Hubli.
4. Smt.Sorita J.Bemmanahalli,
working as Senior Clerk in the
O/o the ACME, Personnel Branch,
SC Railway, Hubli ... Respondents.
(Sri M.Srirangaiah ... Advocate)

These applications have come up before the

Tribunal today. Hon'ble Justice Sri K.S.Puttaswamy,
Vice-chairman, made the following :



O R D E R

These are ~~the~~ applications made by the applicants under Sec.19 of the Administrative Tribunals Act, 1985 (Act).

2. On different dates, the applicants were appointed to Group D/Class IV posts, in the Hubli Division of the South Central Railway (SCR). On different dates they have been promoted as Junior Clerks classified as Group 'C'/Class III posts. On different dates the competent officers had also made various orders in their favour for their regularisation and confirmation and other matters with which they have no grievance.

3. The applicants claim that respondent-3 was transferred from 2.1.1973 to Hubli Division from Sholapur Division at his own request and that respondent-4 was appointed from 23.11.1972, on compassionate grounds. On these facts the applicants claim that respondents 3 and 4 are juniors to them. But, in the Provisional Seniority List (PSL) published by the then Divisional Railway Manager, Hubli (DRM) on 30.6.1983 (Annexure U), respondents 3 and 4 had been shown as seniors to the applicants. Hence they have approached this Tribunal for a direction to declare that respondents 3 and 4 were juniors to them.

4. In their common reply, respondents 1 and 2 have supported the assignment of rankings to respondents 3 and 4 and the applicants on diverse grounds.



5. Sri R.U.Gowlay, learned counsel for the applicants, contends that respondent-3 who stood transferred to Hubli Division at his own request from 2.1.1973 and that respondent-4 who was appointed on compassionate grounds from 23.11.1972, were juniors to the applicants and the higher rankings assigned to them in the PSL was illegal improper and unjust.

6. Sri M.Srirangaiah learned counsel for respondent 1 to 2 sought to support the assignment of rankings to the applicants and respondents 3 and 4 who have been duly served but have remained absent and are unrepresented.

7. On these applications the office had raised an objection to the effect that they are barred by time, which is also supported by respondents 1 to 2.

8. The grievance of the applicants is on the assignment of rankings assigned to them and respondents 3 and 4 in the PSL. Sri Srirangaiah, does not dispute that the same had not so far been finalised. If that is so, then we do not see any merit either in the office objections on the question of limitation, which is also supported by respondents 1 and 2. We therefore over rule the same.

9. In the PSL itself, the authority had stated that it was only "provisional" and had called for representations and objections by the aggrieved officials before its finalisation. The applicants assert that they had filed their objections to the same which is disputed



by respondent nos. 1 & 2. We will even assume that the applicants had not filed their representations as asserted by the respondents nos. 1 & 2 also. But when the competent authority had not so far finalised the PSL, we consider it proper to grant a reasonable time to the applicants to file their representations, and direct the authorities to examine them and others and then finalise the same in accordance with law. Sri Goulay seeks for 30 days' time from this day to file the representations of the applicants before respondent-1, who is now the competent authority to receive them and decide. We consider it proper to grant this request of Sri Goulay. On this view, we decline to examine the merits of the claims of the applicants, respondents 3 and 4 and others, and leave them open to be decided by respondent no.1 in the first instance.

10. In the light of our above discussion, we make the following orders and directions :

i) We permit the applicants to file their representations before respondent No.1 within 30 days from this day against the assignment, of rankings to them and respondents 3 and 4 in the PSL on all such grounds as available to them. We direct respondent no.1 to receive such representations if they are filed within the time allowed by us and thereafter consider them and other representations already filed by others and then finalise the provisional seniority list published by the DRM on 30.6.1983 (Annexure-G) in accordance with law with all such expedition as is possible in the circumstances of the case.

ii) Applications are disposed of in the



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

Sd - - -

Vice-chairman

Sd - - -

Member (A)

an.



'True copy'


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE