

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 14TH AUGUST, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy, Vice-Chairman
Hon'ble Shri B.N. Jayasimha, Vice-Chairman

APPLICATION NO. 1659/86(F)

P.S. Kulkarni,
C/o M. Raghavendra Achar,
Advocate,
No. 1974 and 1975,
Banashankari Ist Stage,
Sreenivasa Nagar II Phase,
BANGALORE.

Applicant

(Shri M.R. Achar,..... Advocate)

1. Director General of Post & Telegraphs and another
2. Post Master General in Karnataka, Bangalore Circle, Bangalore. Respondent

(Shri M.S. Padmarajaiah.... Advocate)

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

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. Prior to 1.1.1973 the applicant was working as Post Master at Belgaum. On and from 1.1.1973 there was a redeployment of IPO line officials, resulting in revision of pay scales in the various grades. On such redeployment some of the officials working in the Department were posted as ASPs. But the applicant was not so posted and his request to post him as an ASP, allowing

him a higher scale of pay was rejected on 7.2.1980. Aggrieved by the same, the applicant filed a departmental appeal before the PMG, Bangalore, who rejected the same on 29.1.1982. A further representation made by the applicant for reconsideration of the earlier decision has been rejected by the authorities on 23.4.1984 and 1.5.1984.

3. In this application made under Section 19 of the Act, the applicant has challenged the earlier orders made against him and has sought for appropriate directions. In their reply the respondents have asserted that this application agitating orders made prior to 1.11.1982 cannot be entertained by this Tribunal.

4. Shri M.R. Achar, learned counsel for the applicant strenuously contends that this application made from the last rejection of the claim of the applicant, was well in time and the same should be adjudicated on merits.

5. Shri M.S. Padmarajaiah, learned Senior Standing Counsel ^{for Central Govt.} appearing for the respondents contends that this application in reality and substance challenges orders made prior to 1.11.1982 and, therefore, this application as ruled by the Principal Bench of this Tribunal in V.K. Mehra v. Secretary 1986 ATR (Vol.I) 203 reiterated by us in Application No. 46/87 in Kshama Kapur v. Union of India decided on 12.6.1987, was not maintainable.

6. We have earlier noticed that the claim made by the applicant for redeployment or posting him as an ASP was rejected on 7.2.1980 and even the

appeal filed against the same was rejected on 20.1.1982. Without any doubt these adverse orders were made against the applicant prior to 1.11.1982. In Mehra's case the Principal Bench had ruled that orders made prior to 1.11.1982 cannot be entertained and adjudicated by the Tribunal under Section 19 of the Act. In Kshama Kapur's case we have held that repeated representations made and replies given out of sheer courtesy and grace do not extend the period of limitation.

7. On the principles enunciated in Mehra's ~~case~~ and Kshama Kapur's cases, this application agitating the orders made prior to 1.11.1982 cannot be entertained by us. We, therefore, dismiss this application. But in the circumstances of the case we direct the parties to bear their own costs.

K.S. Puttaswamy
(K.S. PUTTASWAMY)
VICE-CHAIRMAN

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE-CHAIRMAN

sb.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

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

Dated : 14-8-1987

APPLICATION NO 1659/86(F) /88()

XXXXXX
W.P.XXNB

Applicant

P.S.Kulkarni

V/s. Director General of Posts & Telegraphs
and Anr.

To

1. Shri.P.S.Kulkarni,
Senior Superintendent, Post
Dharwad Division, offices
Dharwad.- 580 008
2. Shri.M.Raghavendra Achar,
1074 & 1075,
Banasankari Ist Stage,
Sreenivasa Nagar II Phase,
Bangalore.
3. The Director General of
Posts & Telegraphs,
20, Ashoka Road,
New Delhi.

4. Post Master General,
Karnataka Circle,
Bangalore- 560 0001.
5. Shri.M.S.Padmarajaiah,
Sr. Central Govt. Standing
Counsel,
High Court Buildings,
Bangalore- 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/XXX/

XXXXXXXXXXXX passed by this Tribunal in the above said
application on 14-8-87.

B.V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Diary No. 1009/87/87
Date: 21-8-87
Encl : as above
RECEIVED 21/8/87

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BANGALORE BENCH, BANGALORE

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Present: Hon'ble Justice Shri K.S. Puttaswamy, Vice-Chairman
Hon'ble Shri B.N. Jayasimha, Vice-Chairman

APPLICATION NO. 1659/86(F)

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C/o M. Raghavendra Achar,
Advocate,
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Applicant

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- | | | |
|--|---|------------|
| 1. Director General of
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appeal filed against the same was rejected on 20.1.1982. Without any doubt these adverse orders were made against the applicant prior to 1.11.1982. In Mehra's case the Principal Bench had ruled that orders made prior to 1.11.1982 cannot be entertained and adjudicated by the Tribunal under Section 19 of the Act. In Kshama Kapur's case we have held that repeated representations made and replies given out of sheer courtesy and grace do not extend the period of limitation.

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Sd _____

(K.S. PUTTASWAMY) 14/11/82
VICE-CHAIRMAN

Sd _____

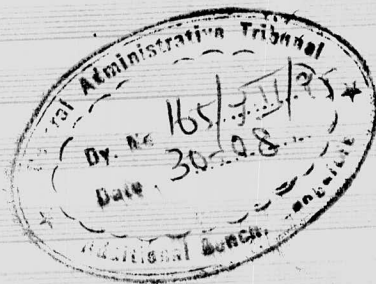
(B.N. JAYASIMHA) 14/11/82
VICE-CHAIRMAN

True COPY

sb.

B.V. Venkataswamy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
17/11/82





Section IVA
SUPREME COURT OF INDIA
NEW DELHI.
DATED:- 15/06/95 6/7/95

From: The Registrar
Supreme Court of India.
NEW DELHI.

Recd. by post.

R
2/8/95

To: The Registrar
High Court of Central Administrative Tribunal
at Bangalore.

Enter in SLP Register, Main Register,
add to file & note. No need to cite as it
is an old case.

R
11/8/95

So (JII)

PETITION FOR SPECIAL LEAVE TO APPEAL CIVIL No .11340 188
(Petition under Article 136(1) of the constitution of India from
the Judgment and Order dated 1 / 14th August, 1987
of the High court of Judicature at Bangalore
in Appln. No . 1659 of 1986.

P.S. KULKARNI

... PETITIONER(S)

- vs -

DIR. GENERAL OF POST & TELEGRAPHS & ANR. ... RESPONDENT(S)

Sir,

I am directed to inform you that the petition above mentioned
filed in the Supreme Court was dismissed
by the Court on 06/04/95

Yours faithfully


For Registrar

COPY TO
MR. PRAVIR CHOUDHARY (Adv)

Simulated