

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 22ND APRIL, 1987

Present: Hon'ble Shri Ch. Ramakrishna Rao Member (J)

Hon'ble Shri P. Srinivasan Member (A)

APPLICATION NOS 1670 AND 1671 OF 1986

B.B.Gujjar,,  
Retired Deputy Station  
Superintendent,  
South Central Railway,  
Ghataprabha.

A.R. Boshni  
Retired Deputy Station Superintendent,  
S.C. Railway, Belgaum.

Applicants

(Sri M.S. Purushothama Rao, Advocate)

VS

1. The Divisional Railway Manager, South Central Railway, Hubli.
2. The General Manager, South Central Railway, Secundrabad (A.P)
3. The Indian Railway Board, Rail Bhavan, New Delhi by its Manager.
4. The Union of India, by its Secretary to Government Ministry of Railways, New Delhi.

Respondents

(Sri M. Sreerangaiah, Advocate)

These applications have come up before the Court today.

Hon'ble Shri P. Srinivasan, Member (A) made the following:

ORDER

Both these applications raise common points and are, therefore, disposed of by this common order.

P.S. [Signature]

2. The facts of these cases are similar to those in

B.V.VENKOBA RAO v. THE DIVISIONAL RAILWAY MANAGER AND OTHERS

(Application No.657 of 1986) decided today. The only difference

is that Sri B.B.Gujjar (Applicant in Application No.1670 pf 1986)

\* 8

retired on 31.1.1985, while Sri A.R.Joshi, applicant in Application

\*Amended  
as per  
order  
dated  
23-11-87

*M*  
Member(A)

No.1671 of 1986 retired on 31.3.1985. Sri Joshi was able to write the test for the promotion to the grade of 700-900 but retired before the viva voce test and was, therefore, not considered for promotion to the grade of 700-900. Sri Gujjar like Venkoba Rao could not take either the written test or the viva voce because he retired before they were held. The basis on which both the applicants claim that they should have been considered for promotion to the grade of 700-900 with effect from 1.8.1982 with monetary benefits from 1.8.1983 is the same as that of Sri Venkoba Rao.

3. Sri M.Sreerangaiah learned counsel for the respondents raised

a preliminary objection on the ground that both the applicants

were barred by limitation. The order by which persons similarly

situated like the applicants were promoted to the grade of 700-900

retrospectively from 1.8.1982 was passed on 9.5.1985 and it is

those orders with which the applicants are arrived. They should

have filed their applications before 1.5.1986 under section 21

of the Administrative Tribunals Act, 1985. But, both the applications

have been filed subsequently to that date and as such they are

barred by limitation.

4. Sri M.S.Purushothama Rao, learned counsel for the applicants

urges that these applications are not barred by limitation. After

*P. S. - 87*

...3/-

the order dated 9.5.1985 was passed promoting similarly places persons to the grade of 700-900 the applicants got issued legal notices to the authorities in the Railways on 3.10.1985 seeking promotion to the same grade. The respondents had not given any reply to the said notices. Under Section 21 of the AT Act the applications could be filed upto 3.4.1987 and these applications have been filed well before that date. He, therefore, pleaded that the applications be decided on merits.

5. Having considered the contentions of both counsel, we are inclined to agree with Sri Purushothama Rao and hold that the applications are within time and not barred by limitation.

6. Sri Purushothama Rao reiterated the contentions as urged in Venkoba Rao's case.

7. Sri Sreerangaiah <sup>M set out</sup> reiterated his defence in great detail ~~set~~ on the same lines as urged by counsel <sup>M</sup> for the respondents in Venkoba Rao's case.

8. For the reasons elaborated by us in our order in Venkoba Rao's case we pass the following order:

We direct the respondents to consider the case of the applicants for promotion to the grade of 700-900 with effect from 1-8-1982 with monetary benefits from 1-8-1983 on the basis of scrutiny of their service records and if found fit, <sup>M</sup> to give them the same benefits as was given to similarly places officials who had continued in service

and were therefore able to take the written and viva voce tests. The respondents to do so as expeditiously as possible, but not later than 4 months from the date of the receipt of this order.

9. In the result, the applications are allowed to the extent indicated above. Parties to bear their own costs.

*Chambers*  
MEMBER(J) 22/4/87

*P. S. - B*  
22/4/87  
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

REGISTERED

Commercial Complex(BDA)  
Indira Nagar,  
BANGALORE- 560 038.

Dated

6 MAY 1987

Application No. 1670871/86(F)

WP No. —

Applicant

B.B. Gujjar  
& another  
To

VS

The Divisional Railway Manager  
South Central Railway &  
DS.

1. Sri. B. B. Gujjar  
281, Chidambarnagar,  
ANA Gool ROAD  
BEL GAUM.

3. The Divisional Railway  
Manager, Central Railway  
South Central Railway  
Hubli.

2. Sri. A. R. Joshi  
no 316, Dharwadi House,  
II Cross, SPM Road  
Belgaum.

4. The General Manager  
South Central Railway  
Secunderabad (A.P.)

5. The Indian Railway  
Board, by its  
Manager, East Bhawan,  
New Delhi

6. Secretary  
Ministry of Railways  
New Delhi.

SUBJECT: Sending copies of Order passed by the Bench in  
Application No. 167086(F) & 1671/86(F)

....

Please find enclosed herewith the copy of the Order/

Interim Order passed by this Tribunal in the above said Application

No. 1670871/86(F) on 22-4-87

Encl: as above.

O/C

Joe  
SECTION OFFICER  
(JUDICIAL)  
For Deputy Registrar

7) Sri. M. S. Purushottama Rao,  
Advocate,  
497, (Upstairs)  
Avenue Road - Bangalore-560002

8) Sri. M. Sreerangiah  
Railway Advocate  
Bangalore -

REGISTERED

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

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

Dated : 31/8/87

REVIEW APPLICATION NOS 104, 107 & 108 /87( )  
IN APPLICATION NOS. 657, 1671 & 1670/86(F)

W.P. NO \_\_\_\_\_

Applicant  
Divisional Railway Manager  
South Central Railway, Hubli  
& 3 Ors

V/s Shri B.V. Venkoba Rao & 2 Ors

To

1. The Divisional Railway Manager  
South Central Railway  
Hubli  
Dharwad District
2. The General Manager  
South Central Railway  
Rail Nilayam  
Secunderabad (A.P.)
3. The Chairman  
Railway Board  
Rail Bhavan  
New Delhi - 110 001
4. The Secretary  
Ministry of Railways  
Rail Bhavan  
New Delhi - 110 001
5. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Buildings, 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/8787

~~INTERIM ORDER~~ passed by this Tribunal in the above said Review  
application on 21-8-87.

Encl : as above

*B. V. Venkoba Rao*  
Deputy Registrar  
SECTION OFFICER  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH, BANGALORE

DATED THIS THE 21ST AUGUST, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice-Chairman  
Hon'ble Shri P. Srinivasan Member (A)

R.A. Nos. 104, 107 and 108 of 1987

1. The Divisional Railway Manager,  
South Central Railway,  
Hubli.
2. The General Manager,  
South Central Railway,  
Secunderabad (A.P.)
3. The Railway Board,  
represented by its Chairman,  
Rail Bhavan, New Delhi.
4. The Union of India,  
represented by the Secretary,  
Ministry of Railways, Rail Bhavan,  
New Delhi.

Applicants

(Shri M. Sreerangaiah....Advocate)

Shri B.V. Venkoba Rao, son of B.V. Venkatkrishnaiah, major, residing at No.331, Aleer Venkatrao Road, Bangalore-560 002 and also care of M.S. Purushothama Rao, No. 497, Avenue Road, BANGALORE - 560 002.

House  
2. A.R. Jeshi, No.316, Dharwani/II Cross, S.P.M.Road, Belgaum.

3. B.B.Gujjar, No.281, Chidambarnagar, Anagool Road, Belgaum

Respondents

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

These are applications made by the applicants under Section 22(3)(F) of the Administrative Tribunal Act for review of the orders made in A.Nos. 657/87, 1671/86 and 1670/86. The applicants herein were respondents in those applications.



2. In making these applications for review, there is delay and therefore the applicants have filed applications for condonation of delay.

3. We are satisfied that the facts and circumstances stated by the applicants constitute a sufficient ground for condonation of delay in making the applications. We, therefore, allow the applications for condonation of delay and condone the delay in making applications in all these cases.

4. The main judgement of this Tribunal has been rendered in A.No. 657/86, which is the subject matter of review in R.A. No. 104/87. In the other two cases this judgement has been only followed.

5. On a detailed examination, this Tribunal in Venkoba Rao's case (A.No. 657/86) has held that the applicant was entitled for consideration of his case for promotion to the higher grade for the detailed reasons set out in its order. Shri M. Sreerangaiah, learned counsel for the applicants, really asks us to re-examine that order as if we are a court of appeal and come to a different conclusion, which is impremissible in a review. In this view, the review application No. 104/87 is liable to be rejected.

6. When once we hold that R.A. No. 104/87 is liable to be rejected, the other two R.A. Nos. 107 and 108 of 1987 are also liable to be rejected.

7. In the light of the above discussion, we hold that all these review applications are



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liable to be rejected. We, therefore, reject these R.A.s at the admission stage without notices to respondents.

Sd/- —

(K.S. PUTTASWAMY)  
VICE-CHAIRMAN

Sd/- —

(P.SRINIVASAN)  
MEMBER (A)

sb.



True Copy

*P. Venkatesh*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 2-12-87

IA I IN

APPLICATION NO

1670 /86 (F)

W.P.No.

APPLICANT

vs

RESPONDENTS

Shri B.B. Gujjar

To

1. Shri B.B. Gujjar  
No. 281, Chidambarnagar  
Anagoal Road  
Belgaum

2. Shri A.R. Joshi  
No. 316, Dharmoji House,  
II Cross, S.P.M. Road,  
Belgaum

3. Shri M.S. Purushothama Rao  
Advocate  
497, (Upstairs) Avenue Road,  
Bangalore - 560 002

4. The Divisional Railway Manager  
South Central Railway  
Hubli

5. The General Manager  
South Central Railway  
Rail Nilayam  
Secunderabad (A.P.)

6. The Manager  
Indian Railway Board  
Rail Bhavan  
New Delhi - 110 001

7. The Secretary  
Ministry of Railways  
Rail Bhavan  
New Delhi - 110 001

8. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Buildings, 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/

~~ORDER~~ passed by this Tribunal in the above said application  
on 23-11-87 and an amended copy of the Order dated 22-4-87.

**RECEIVED** 8 copies 2/12/87

Diary No. 14.86 (CR/87)

Date: 3-12-87

Encl: as above.

*R. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

87c

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

**ORDER SHEET**

Application No. 1670 of 198 6(F)

**Applicant**

B.B. Gujjar

Advocate for Applicant

M.S. Purushothama Rao

**Respondent**

V/B The Divisional Railway Manager, SC Railway  
& 3 Oms

Advocate for Respondent

M. Sreerangaiah

Date	Office Notes	Orders of Tribunal
	 <i>- True copy -</i>	<p style="text-align: center;"><u>(KSP)VC/(LHAR)M(A)</u></p> <p style="text-align: center;">NOVEMBER 23 1987.</p> <p style="text-align: center;">ORDER ON I.A.NO.I</p> <p>In this application, the petitioner had moved this Tribunal to correct a typographical or a clerical error in the final order made by this Tribunal in the above case on 22-4-1987.</p> <p>In para 2 of the order made, this Tribunal had stated that the petitioner - Shri B.B.Gujjar, had retired from service on 31-5-1985. But, there is no dispute that the petitioner - B.B.Gujjar had retired from service on 31-1-1985 and not on 31-5-1985 in para 2 of the order. From this it is clear that the date of retirement of the petitioner stated in the order as 31-5-1985 is a clerical or typographical error and the same requires to be rectified as 31-1-1985. We, therefore allow this application, correct at line 5 of para 2 of the final order made on 22-4-1987 in the above case of the date of retirement of the petitioner - B.B.Gujjar as 31-1-1985 instead of 31-5-1985. We further direct the Registrar to forward a copy of the corrected order and this order also to all the parties.</p> <p>I.A.No.I is allowed. But, in the circumstances of the case, we direct the parties to bear their own costs.</p> <p style="text-align: right;">22/11/87</p> <p style="text-align: right;">VICE-CHAIRMAN</p> <p style="text-align: right;">MEMBER(A)</p>

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 22ND APRIL, 1987

Present: Hon'ble Shri Ch.Ramakrishna Rao Member (J)

Hon'ble Shri P.Srinivasan Member (A)

APPLICATION NOS 1670 AND 1671 OF 1986

B.B.Gujjar,,  
Retired Deputy Station  
Superintendent,  
South Central Railway,  
Ghataprabha.

A.R. Bosh  
Retired Deputy Station Superintendent,  
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Applicants

(Sri M.S.Purushothama Rao, Advocate)

VS

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2. The General Manager, South Central Railway, Secunderabad(A.P)
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\*Amended  
as per  
order  
dated  
23-11-87

M  
Member(A)

No.1671 of 1986 retired on 31.3.1985. Sri Joshi was able to write the test for the promotion to the grade of 700-900 but retired before the viva voce test and was, therefore, not considered for promotion to the grade of 700-900. Sri Gujjar like Venkoba Rao could not take either the written test or the viva voce because he retired before they were held. The basis on which both the applicants claim that they should have been considered for promotion to the grade of 700-900 with effect from 1.8.1982 with monetary benefits from 1.8.1983 is the same as that of Sri Venkoba Rao.

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were barred by limitation. The order by which persons similarly

situated like the applicants were promoted to the grade of 700-900

retrospectively from 1.8.1982 was passed on 9.5.1985 and it is

those orders with which the applicants are aggrieved. They should

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We direct the respondents to consider the case of the applicants for promotion to the grade of 700-900 with effect from 1-8-1982 with monetary benefits from 1-8-1983 on the basis of scrutiny of their service records and if found fit, to give them the same benefits as was given to similarly placed officials who had continued in service



P. S. - 15 -

and were therefore able to take the written and viva voce tests. The respondents to do so as expeditiously as possible, but not later than 4 months from the date of the receipt of this order.

9. In the result, the applications are allowed to the extent indicated above. Parties to bear their own costs.



Sd/-

MEMBER(J)

22-4-87

Sd/-

MEMBER(A)

22-4-87

-True Copy-

*B.V. Mukundan*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

*7/12*