

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 12TH DAY OF SEPTEMBER, 1986.

Present:

Hon'ble Mr. Justice K.S. Puttaswamy, .. Vice-Chairman
Hon'ble Mr. P. Srinivasan. .. Member (A)

APPLICATION NO. 225 OF 1986.

P.A. Nayak,
Major, Occ: Service in
R. & T Department,
Office of the General Manager,
Telecommunications, Karnataka
Circle, Maruti Complex, Bangalore-9.. Applicant.

(By Sri V.S. Gunjal, Advocate - Absent)

v.

1. The Union of India by its
secretary of Home (Department
of Personnel and Administrative
Reforms) Central Secretariat,
New Delhi-110 001.
2. The General Manager,
Telecommunications, Karnataka
Circle, Maruti Complex, V Main,
Gandhinagar, Bangalore-560 009.
3. Shri D. Chamiah, Major,
Occ: Govt. Service, Office of
the General Manager, Telecommuni-
cations, Karnataka Circle, Maruti
Complex, V Main, Gandhinagar,
Bangalore-560 009. .. Respondents.

(By Sri M.S. Padmarajaiah, Central Government
Senior Standing Counsel for R1 and R2
Sri Ravivarma Kumar for R-3).

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This application coming on for hearing this day,
Vice-Chairman made the following:

OR DER

ORDER

Case called. Applicant and his learned counsel Sri V.S.Gunjal are absent. We have perused the papers and heard Sri M.S.Padmarajaiah, learned Central Govt. Senior Standing Counsel, who appears for respondents 1 and 2 and Sri Ravivarma Kumar, learned counsel for respondent-3.

2. In this transferred application from the High Court of Karnataka, the applicant has challenged Order No.OM 27-2/71/ESTT(SCT) dated 27-11-1972 made by Government of India inter alia providing for reservations to members of scheduled castes and scheduled tribes in promotional posts of all departments of Government of India.

3. The applicant has challenged the order of Government and the follow up order made by the competent authority, promoting respondent-3 to a higher post on a large number of grounds.

4. In GENERAL MANAGER, SOUTHERN RAILWAY AND ANOTHER v. RANGACHARI (AIR 1962 Supreme Court 36) the Supreme Court rejecting a similar challenge, had upheld the validity of a similar order rejecting the very grounds urged in this application. Again a Division Bench of the Madras High Court consisting of Gokulakrishnan and Ratnam, JJ. in MANIMEGALAI JANAGARAJ v. S. ALAGHIA DOSS AND OTHERS (W.A.No.122 of 1979 decided on 22-6-1982) rejecting the very grounds urged by the applicant had upheld the very impugned order which had also

also been followed by Doddakalegowda, J. of the High Court of Karnataka in T.R. RAGARAJAN v. UNION OF INDIA AND OTHERS (Writ Petition No. 6546 of 1979 decided on 5-8-1985). In the light of the principles enunciated in these cases, the challenge of the applicant to the impugned order of Government and the promotion accorded to respondent-3 who has also since retired from service, is without any merit.

5. In the light of our above discussion, ^{we hold that} this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

[Signature]
VICE-CHAIRMAN

[Signature]
MEMBER

np/