

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH:BANGALORE

DATED THIS THE 8TH DAY OF DECEMBER, 1986.

PRESENT:

Hon'ble Mr. Justice K.S.Puttaswamy, .. Vice-Chairman.

And:

Hon'ble Mr. L.H.A.Rego, .. Member(A)

APPLICATION NUMBER 277 OF 1986.

B.S.Lakshminarayan,
S/o L.Sanjeevaiah,
Aged about 40 years,
Working as Lower Selection Grade
Clerk (Head Clerk), Office of the
General Manager, Bangalore Telephones,
Bangalore 560 009.

.. Applicant.

(By Sri K.S.Subba Rao, Advocate)

v.

1. The Union of India,
represented by the Secretary to
the Government of India, and Director
General of Post and Telegraphs, Ministry
of Communications, Parliament Street,
New Delhi.
2. The General Manager,
Bangalore Telephones, Chamber
of Commerce, Kempe Gowda Road,
Bangalore-560 009.
3. Sri S.Rama Rao, Aged about
57 years, Section Supervisor,
(Lower Selection Grade), Office
of the General Manager, Bangalore
Telephones, Chamber of Commerce
Buildings, Kempe Gowda Road,
Bangalore-9.

.. Respondents.

(By Sri M.Vasudeva Rao, Standing Counsel)

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

O R D E R

In this transferred application received from the High Court
of Karnataka under Section 29 of the Administrative Tribunals Act, 1985
('the Act'), the applicant has challenged the promotion of respondent
No.3 and the assignment of rank No.36 to him in the gradation list
of 'Lower Selection Grade Clerks' ('LSG Clerks') as on 1-10-1979 (Anne-
xure-S).

2. The applicant claims that he was appointed in the 'time scale clerk' earlier to respondent-3 and the promotion given to respondent-3 who had also suffered a punishment in a disciplinary proceeding from 1-6-1974 was illegal. On this basis the applicant claims that rank No.36 assigned to respondent-3 as against rank No.48 assigned to him in the gradation list of LSG Clerks as on 1-10-1979 was illegal.

3. In their statement of objections, respondents 1 and 2 have asserted that the promotion given to respondent-3 on 1-6-1974 was legal and valid. On this basis, respondents 1 and 2 have asserted that rank No.36 assigned to respondent-3 was in order. In addition to the above, these respondents have asserted that respondent-3 had retired from service as early as on 31-5-1980 on which ground itself this Tribunal should decline to examine the grievance of the applicant even if there was any merit in the same.

4. Sri M.S.Ananda Ramu, learned counsel for the applicant contends that the promotion given to respondent-3 from 1-6-1974 who had suffered a punishment in a disciplinary proceeding was illegal and the consequent assignment of higher rank No.36 was also illegal.

5. Sri M.Vasudevarao, learned counsel for respondents 1 and 2 refuting the contentions of Sri Anandaramu, contends that this is a fit case in which this Tribunal should decline to examine the contentions urged on the grounds that respondent-3 had retired from service on 31-5-1980, that in the earlier seniority lists also, he had been assigned a higher rank and those who had been assigned rank Nos. 37 to 47 had not been impleaded as party respondents.

6. In the impugned gradation list, while respondent-3 had been assigned rank No.36, the applicant had been assigned rank No.48. If the applicant's claim were to be accepted he has necessarily to be placed above all those who had been assigned ranks Nos.37 to 47. But, all of them have not been made parties to this application.

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When the applicant had not impleaded as many as 10 persons against whom he is claiming seniority, this Tribunal cannot examine his grievance and grant any relief that too at this distance of time. On this short ground this application is liable to be dismissed.

7. When respondent-3 had retired from service as early as on 31-5-1980 and is no longer in service from that date, the grievance of the applicant even assuming there is merit in the same, does not require interference at this distance of time.

8. Sri Anandaramu does not dispute that in the earlier seniority list respondent-3 had been assigned higher rank over the applicant and they have not been challenged by the applicant. If that is so, the applicant cannot challenge the later seniority list prepared on 10-10-1979 which only reflected the position assigned to the parties in the earlier seniority lists. On this ground also, this is a fit case in which we should decline to examine the grievance of the applicant.

9. As we have found that the grievance of the applicant cannot be examined on more than one ground, we decline to examine the merits of his claim at this distance of time.

10. 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.


8/12/86
VICE-CHAIRMAN


8/12/86
MEMBER(A)

np/