

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TENTH DAY OF SEPTEMBER 1986

Present : Hon'ble Justice K.S. Puttaswamy ... Vice-Chairman

Hon'ble Shri P. Srinivasan ... Member (A)

Transferred Application No. 290/86

B.K. Gundu Rao,
S/o Kaveri Rao,
Telephone Supervisor,
Telephone Exchange,
Hassan - 573 201

... Applicant

(Shri S.M. Babu ... Advocate)

Vs.

1. The Director General of Posts
and Telegraphs, New Delhi.

2. The General Manager,
Telecommunications,
Karnataka Circle,
325, Maruthi Complex,
V Main, Gandhinagar,
Bangalore-9.

3. The Divisional Engineer,
Telegraphs, Palace Building,
Mysore - 570 001.

4. The Sub-Divisional Officer,
Telegraphs,
College Road,
Hassan - 573 201.

5. Senior Telephone Supervisor
(Trunks), Telephone Exchange,
Hassan - 573 201.

... Respondents

(Shri N. Basavaraju ... Advocate)

The application has come up for hearing before Court today,
Vice-Chairman made the following:

O R D E R

Case called on two occasions first at 10.30 A.M. and again at
11.10 A.M. On both the occasions the applicant and his learned
counsel are absent. Shri N. Basavaraju, learned additional Standing
Counsel for Central Government for the respondents is present. We
have perused the papers and heard Shri Basavaraju.

In this transferred application, the applicant has challenged Memo No.E-71/80-81/267 dated 9.7.1980 (Annexure A) passed by the Sub Divisional Officer (SDO) Telegraphs, Hassan. The said order which is material reads thus:-

"OFFICE OF THE SUB DIVISIONAL OFFICER TELEGRAPHS, HASSAN-573201

To

The Senior Supervisor,
Telephone Exchange,
Hassan.

Memo No.E-71/80-81-267 dated at Hassan the 9.7.1980

Sub: Reversion of Sri B.K. Gundu Rao, L.S.G.,
Supervisor, as S.G.T.O.

Sri B.K. Gundu Rao, L.S.G. Supervisor, Hassan, may please
be asked to work as S.G.T.O., Hassan, with immediate effect.

Sd/-
SUB DIVISIONAL OFFICER
TELEGRAPHS, HASSAN"

The applicant has urged that in the guise of transfer or posting, the authority had reverted him to a lower post. But in their statement of objection filed to the main application as also to the several IAs filed by the applicant, the respondents have asserted that the applicant had not been reverted and the use of expression 'reversion' in the impugned order was an inapt and inaccurate expression. At the hearing Shri Basavaraju also brought to our notice that the applicant had since been transferred to another place as Telephone Supervisor where he is now working without suffering a reversion. We have no reason to disbelieve the correctness of these statements made by the respondents. When once we accept the statements made by the respondents it follows that the applicant had not been really reverted and, therefore, this application does not really survive for consideration.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Review Application No. 14/86

Dated :

10 DEC 1986

In Application No. 290/86(T)

W.P. No 10721/80

Applicant Sri BK Gundu Rao Vs. The Director General of P&T & Ors

To

1. Sri BK Gundu Rao,
Telephone Supervisor,
Telephone Exchange,
Hassan - 573201 (Applicant)
2. The Director General of Posts
and Telegraphs, New Delhi.
3. The General Manager, Telecommunications,
Karnataka Circle, No. 325,
Maruthi Complex, V Main,
Gandhi Nagar, Bangalore-9.
4. The Divisional Engineer,
Telegraphs, Palace Building,
Mysore-1.
5. The Sub-Divisional
Officer,
Telegraphs,
College Road,
Hassan-573201.
6. Senior Telephone
Supervisor (Trunks),
Telephone Exchange,
Massan - 573201.

(Sl. Nos. 2 to 6 -
Respondents)

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN REVIEW

APPLICATION NO. 14/86 IN A. NO. 290/86(T)

Please find enclosed herewith the copy of the Order/~~Index~~
passed by this Tribunal in the above said Application on 4-12-1986.

Encl : as above.

REGISTRAR

.....P.T.O.

Balu*


Space copy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 4TH DAY OF DECEMBER, 1986.

PRESENT:

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

And

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

REVIEW APPLICATION NO. 14 OF 1986.

B.K.Gundu Rao,
S/o Kaveri Rao, Aged about 44 years,
Telephone Supervisor, Telephone
Exchange, Hassan 573201. .. Applicant.
(By Sri S.M.Babu, Advocate)
v.

1. The Director General of Posts and Telegraphs, New Delhi.
2. The General Manager, Telecommunications, Karnataka Circle, No.325, Maruthi Complex, V Main, Gandhinagar, Bangalore-9.
3. The Divisional Engineer, Telegraphs, Palace Building, Mysore-I
4. The Sub-Divisional Officer, Telegraphs, College Road, Hassan 573201.
5. Senior Telephone Supervisor(Trunks), Telephone Exchange, Hassan 573201. .. Respondents.

(By Sri M.S.Padmarajaiah, Standing Counsel).

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

O R D E R

In this application made under Section 22(3) of the Administrative Tribunals Act, 1985, the applicant has sought to re-call the final order made by this Tribunal on 10-9-1986 in Application No.290 of 1986(T).

2. We have perused the order made on 10-9-1986 and heard Sri S.K.Venkatarangaiyengar, learned senior Advocate for the applicant

and

and Sri M.S.Padmarajaiah, learned Central Government Senior ~~Stand~~ Counsel for the respondents.

3. We are of the view that the order made on 10-9-1986 had really accepted the case urged by the applicant in his application and does not at all hurt his interests. On this short ground we see no justification either to review or re-call the order made on 10-9-1986.

4. On the claim of the applicant for the period from 26-7-1980 to 2-1-1981 on which the parties are not agreed and are in dispute, the authority is still to examine the same and make his order. As and when the authority examines the same and makes its order, which we have no doubt will be done with due regard to all the facts and circumstances, the law bearing on the same and the order made by us on 10-9-1986 the applicant has undoubtedly the right to work out his legal remedies before an appropriate forum. But, before that we do not propose to examine and express our opinion on the same. But, we however, direct the respondents to examine the claims of the applicant for the aforesaid period and pass appropriate orders within a period of three months from the date of receipt of the order of this Tribunal.

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

6. Let this order be communicated to the respondents within 10 days from this day.

SD/-
VICE-CHAIRMAN

SD/-
MEMBER(A). T. ~~4-2-86~~

np/

TRUE COPY
REGISTRAR
Central Administrative Tribunal
Bangalore Bench
Bengaluru