

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS TWENTYFIFTH DAY OF NOVEMBER 1986

Present: Hon'ble Shri Justice K.S.Puttaswamy .. ViceChairaman

Hon'ble Shri L.H.A.Rego .. Member (A)
APPLICATION NO. 937/86(T)

Sri K.K.Kulkarni, Major,
Assistant Sorter (Reservist)
Sri Ragahavendra Road,
Killa Bagalkot.

.. Applicant

(G.Balakrishna Shastry .. Advocate)

Vs

1. The Union of India by
Secretary to Ministry of
Communications,
New Delhi-110001

2. Post Master General,
Karnataka Circle,
Bangalore - 1

3. The Superintendent,
R.M.S. 'HB' Division,
Madiman Building,
Dajiban Pet, Hubli-29

.. Respondents

(Sh N.Basavaraju .. Advocate)

This application coming 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, the applicant, while challenging
the order dated 17-4-1982 of the Post Master General,
Karnataka Circle, Bangalore (PMG), has sought for other
incidental reliefs also.

2. The applicant, a discharged army person, applied for
selection to the post of a sorting Assistant in the Postal
Department to which he was selected, and placed in the

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'Reserved List'. The applicant has been appointed as a regular Sorting Assistant w.e.f. 23.9.1982 from which date he is continuing in service. But the applicant, however, claims seniority over certain persons said to have been appointed earlier, though selected later.

3. In the statement of objections filed, the respondents have resisted the application on diverse grounds.

4. Shri G.B. Sastry, learned counsel for the applicant, contends that his client who had been earlier selected but appointed later must be declared senior to persons later selected but appointed earlier to him in law, justice and equity.

5. Shri N. Basavaraju, learned counsel for the respondents, sought to support their actions.

6. We notice that the applicant has been appointed within 9 months of his selection on a regular basis. Shri Sastry does not dispute this fact. If that is so, then we should decline to undo the actions of the respondents even if there are illegalities and irregularities in their actions. Apart from this, the applicant has not impleaded those against whom he has claimed seniority at all. In their absence, this Tribunal cannot grant any relief to the applicant, assuming that there is merit in his claim.

7. In the light of our discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application with no order as to costs.

Ms. Pratima
VICE CHAIRMAN
dS-II-1688

OK
MEMBER (A) 12/10/88