

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTIETH DAY OF NOVEMBER 1986

Present : Hon'ble Shri Justice K.S.Puttaswamy .. Vice-Chairman
Hon'ble Shri L.H.A. Rego .. Member (A)

APPLICATIONS NO.950, 951, 954 & 955

Sri K. Jagan Mohan Rao,
Chief Clerk,
O/o Additional Chief Mechanical
Engineer (Workshop),
S.C. Railway, Hubli.

Sri N. Ramachandra,
Chief Clerk
O/o Additional Chief Mechanical
Engineer (Workshops),
S.C. Railway, Hubli.

Sri P.D. Jadhav,
Chief Clerk,
O/o Additional Chief Mechanical
Engineer (Workshop),
S.C. Railway, Hubli.

Sri C.A.K.Kumar,
Head Clerk,
O/o Chief Mechanical Engineer(Workshop)
S.C. Railway, Hubli.

... Applicants

(Shri R.U. Gouley .. Advocate)

V.

The General Manager,
South Central Railway,
Secunderabad, A.P.

Additional Chief Mechanical Engineer
(Workshops), S.C. Railway, Hubli.

... Respondents

(Shri M. Srirangaiah .. Advocate)

This application has come up for hearing before this
Tribunal today, Hon'ble Vice-Chairman, made the following:-

ORDER

In these transferred applications, received from the High
Court of Karnataka under Section 29 of the Administrative Tribunals
Act, 1985 (The Act) the applicants while challenging letter/order
No.P(R)/605/III dated 9.3.1982 of Chief Personnel Officer, Southern
Railway, Secunderabad (CPO)(Annexure D) have sought for various
other reliefs.

2. Shri M. Srirangaiah, learned counsel for the respondents, submits that the applicants in Applications Nos 950, 951 and 955/86 had been promoted without reference to order of the CPO challenged in these applications. He also submits that the application in Application No. 954/86 who had also been promoted has since retired from service. We have no reason to disbelieve the correctness of the submission made by Sri Srirangaiah. When once we hold that the applicants have been promoted without reference to the order made by the CPO the question of this Tribunal examining its validity and granting any relief/s on any ground does not arise.

3. We, therefore, dismiss these applications as having become unnecessary. But in the circumstances, we direct the parties to bear their own costs.

M. Srirangaiah
VICE CHAIRMAN 20/10/86 MEMBER (A) 20.10.1986

bsv

WRIT PETITIONS NUMBERS 30647 To 30656 OF 1982

MRJJ

4-10-1983

ORDER ON I.A.III

In these Writ Petitions, there has been a stay of reversion of the petitioners from the posts of Chief Clerk to that of Head Clerk.

2.I.A.III for vacating the stay has been filed on behalf of respondents 1 and 2. Sri. G. Dayananda, learned counsel for respondents 1 and 2 submits, according to the rules the passing of written test and viva voce was an ^{a Condition of} eligibility for promotion ~~as~~ Chief Clerk, ^{But} ~~as~~ that ² ~~2~~ all the petitioners having not passed the test ² and there are persons who have passed the test awaiting for promotion, the interim stay granted by this Court may be vacated.

3. Sri.R.U.Goulay, learned counsel for the petitioners, submits that at least in so far

30/

as

as it relates to the petitioners 1 to 5 who were promoted prior to the prescription of the test on 9-3-1982, the passing of the test cannot be enforced against them.

4. The learned counsel for the respondents submitted that even the case of persons promoted earlier to the prescription of the test do not stand on a different footing as their promotion was only on ad-hoc basis and therefore before regular promotions were made the passing of the test could be insisted.

5. It is seen from the records that there has been a stay of reversion since September, 1982. Having regard to the submission made by the learned counsel for the petitioners there is some difference between the petitioners 1 to 5 and 6 to 9. But admittedly, petitioners 6 to 9 came

to be

promoted on ad-hoc basis after the prescription
of the test.

6. In the circumstances, I vacate the
interim stay granted by this Court on 29-9-1982
in so far as it relates to Writ Petitions
Nos. 30652, 53, 54 and 55 of 1982. The stay
in respect of the first five writ petitions will
however continue.

7. Bring up these writ petitions for
further orders in the week commencing from
24-10-1983.

7/11/83
M. RAMA JOIS
JUDGE.

kvv.