

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5th DAY OF AUGUST, 1987

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

APPLICATION No.1502/86

A.Aithappa Naik,
Higher Selection Grade-II,
R.M.S., Bangalore Sering,
Division, Bangalore - 23. ...

Applicant

(Sri M.Raghavendra Acharya ... Advocate)

Vs.

1. Post Master General in
Karnataka, Bangalore.

2. S.D.Sahane,
Head Sering Assistant,
RMS 'Q' Division,
Mangalore - 1. ...

Respondents

(Sri M.S.Padmarajaiah ... Advocate)

This application has come up before the court
today. Hon'ble Justice Sri K.S.Puttaswamy, Vice-chairman
made the following :

ORDER

On a
This is transferred application and is received
from the High Court of Karnataka under Section 29 of the
Administrative Tribunals Act, 1985 (Act).

2. The applicant and respondent No.2(R2) were originally
working as Lower Selectiongrade Sorters (LSG Sorters) in the
Postal Department of Govt. of India. On 18.8.1984, the
Director of Postal Services, Bangalore ('Director'), promoted
the applicant to Higher Selection Grade II (HSG II) from
8.8.1984. He has also promoted R2 to the same cadre from
29.9.1984. But notwithstanding this later promotion of

respondent No.2, the Senior Superintendent, RMS, Bangalore Sorting Division, Bangalore (Superintendent), in his communication dated 4.3.1985 (Annexure -F) had declared that R2 was senior to the applicant in HSG II. Aggrieved by the same, the applicant approached the High Court in W.P.No.13018/85, which on transfer has been registered as A.NO.1502/86.

3. In justification of his order R1 had filed his reply. R2 who has been duly served with transfer notice for today's hearing, through the department, had remained absent and is unrepresented.

4. Mr.M.Raghavendrachar, learned counsel for the applicant, contends that the applicant who had been promoted earlier to R2 to the grade of HSG II, cannot, on principle, logic or reason, be treated as junior to R2.

5. Sri M.S.Padmarajaiah, learned Sr.CGSC, appearing for the respondent No.1, sought to support the order of the Superintendent.

6. We have earlier set out the dates of promotions of the applicant and R2. Without any doubt, the applicant had been promoted as HSG II earlier to R2. If that is so, normally, the applicant would be senior to R2 in the promoted cadre. The Posts & Telegraphs Selection Grade Posts (Amendment) Rules, 1984 ('the rules'), on which reliance is placed by Sri Padmarajaiah, ~~had~~ ^{not} destroyed the normal principle of seniority in any cadre. The quotas reserved to different feeder cadres in the Rules does not, in any way, affect the normal rule of seniority noticed by us. From this, it follows that the decision of the Superintendent declaring that R2 was senior to the applicant in the cadre of HSG II was clearly illegal and is liable to be quashed to that

extent. We, therefore, quash the communication dated 4.3.1985 (Annexure-F) of the Superintendent, in so far as it declares that R2 was senior to the applicant in the cadre of HSG II. We declare that the applicant is senior to the 2nd respondent in the cadre of HSG II.

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

Ms. Bhavani
VICE-CHAIRMAN 5/6/87 *for* MEMBER (A) *5/8/87*

AN.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@

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

Dated : 13/8/84.

APPLICATION NO 1502 / 86 (T)

W.P. NO 13018/85

Applicant

Shri A. Aithappa Naik V/s The PMG, Karnataka & another

T₀

1. Shri A. Aithappa Naik
Higher Selection Grade-II
R.M.S., Bangalore Sorting Division
Bangalore - 560 023
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Post Master General
Karnataka Circle
Bangalore - 560 001
4. Shri S.D. Sahane
Head Sorting Assistant (H.S.G. II)
Bangalore Sorting Office
Bangalore - 560 051
5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/88XX/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 5-8-87

Encl : as above

RECEIVED 14 MAY
J. M. G.
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14/5/57

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J. Srikappa Naik

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BANGALORE

DATED THIS THE 5th DAY OF AUGUST, 1987

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

Hon'ble Sri L.H.A.Rao

: Member (A)

APPLICATION NO. 1502/86

A.Aithappa Naik,
Higher Selection Grade-II,
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Division, Bangalore - 23.

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Applicant

(Sri M.Raghavendra Acharya ... Advocate)

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Sd/-

1/18

VICE-CHAIRMAN

Sd/-

MEMBER (A)

1/18-8-87

-True copy-

B. Venkatesh, d
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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