

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated : 10-7-87

Application No. 90 /87(F)

W.P. No

Applicant

Shri K. Rangaswamy

V/s

The Divisional Railway Manager
South Central Railway, Hubli

To

1. Shri K. Rangaswamy
Assistant Yard Master
C/o Chief Yard Master
South Central Railway
Hubli (PO & TQ)
Dharwad District
2. The Divisional Railway Manager
South Central Railway
Hubli
Dharwad District
3. Shri K.V. Lakshmanachar
Advocate
No. 4, 5th Block
Briand Square Police Quarters
Mysore Road, Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN

APPLICATION NO. 90/87(F)

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 29-6-87.

Encl : as above.


SECTION OFFICER
(JUDICIAL)


13/7/87
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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 29th DAY OF JUNE, 1987

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

Hon'ble Sri L.H.A.Rege Member (A)

APPLICATION No.90/87(F)

K.Rangaswamy,
Asst. Yard Master,
South Central Railway,
Hubli.

...

Applicant

vs.

Divisional Railway Manager,
South Central Railway,
Hubli.

...

Respondent

(Sri K.V.Lakshmanachari Advocate)

This application has come up before the court today.

Hon'ble Justice Sri K.S.Puttaswamy, Vice-Chairman made the following :

O R D E R

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985.

2. Prior to 11.7.1983, the applicant was holding the post of an Assistant Yard Master(AYM) in the scale of Rs.330-560 (pre-revised). On 11.7.1983, the Divisional Railway Manager, Hubli(DRM) promoted the applicant to the scale of Rs.425-640(Pre-revised). But for various reasons that are not material, he was not relieved before 30.7.1983 and therefore he was actually holding the post of AYM in the scale of Rs.330-560 as on 30.7.1983.

3. On 30.7.1983 the DRM called for applications for selection to the posts of SCORs in grade Rs.470-750(pre-revised) from eligible candidates and in pursuance of the same, the applicant made his application before the Divisional Personnel Officer(DPO) before



the stipulated time, But the DPO on the view that the applicant was not holding the post of AYM in the scale of Rs. 425-640 as on 30.7.1983 and had not completed two years' service in that ^{grade and} scale, did not permit him to appear for the written and viva-voce tests held on 9.9.1984, and 2.1.1985 respectively. On 22.2.1985 (Annexure A) the DPO had selected 14 persons from the various categories. On making more than one representation before more than one authority, which did not meet with any success, the applicant had approached this Tribunal on 16.2.1987 challenging the selections made on 22.2.1985 by the DPO and his non-selection on a number of grounds.

4. In justification of their actions, the respondents have filed their reply.

5. Sri K. Rangeswamy, who is the applicant contends that he was eligible to appear for the examination on 30.7.1983 and therefore urges for cancellation of all steps taken, and the selection of candidates made by the DPO on 22.2.1985 and for a direction to hold a fresh examination permitting him to appear for the same.

6. Sri K.V. Lakshmanachar, learned counsel appearing for the respondents, contends that this application challenging the selections without impleading ~~and~~ these selected was not maintainable and that even otherwise, we should decline to interfere with the various actions of the authorities.

7. In his application, the very first and primary relief sought is to quash the order made by the DPO on 22.2.85 selecting 14 persons as SCORs from different categories. Which itself was the culmination of the process initiated by the DRM on 30.7.1983. But all those persons selected have not been impleaded by the applicant. Though they are necessary parties and would be adversely affected by granting the relief sought by him. We are of the view that this defect, is a vital defect and we should dismiss this application on this short ground without examining the merits. We however briefly propose to examine the merits also.



8. We will also assume that the applicant was legally holding the post of AYM in the scale of Rs.425-640 on 30.7.1983 and was eligible to appear for the written examination for selection to the post of SCOR as on that day and examine his case on that basis. But still we are of the view that we should decline to interfere on grounds of delay and laches.

9. As early as on 27.8.1984 (Annexure C) the DRM notified the names of 37 persons as eligible to appear for the interview however omitting, in that memo, the name of the applicant. On holding written and viva-voce tests on 9.9.1984 and 2.1.1985, the list of selected candidates was published on 22.2.1985 and therefore they have also been appointed. But the applicant, who has been aware of all of them had approached only on 16.2.1987. The only explanation offered by the applicant is that he was ignorant of law. We do not think so. Even if that is so, then also that is hardly a ground to ignore the undue delay and undo all steps taken, the selections and appointment made. On this view, we decline to examine the merits.

10. Sri Lakshamanachar informs that DRM on 15.6.1987 had notified for making selection to the posts of SCORs and the applicant is undoubtedly eligible to appear for the examination. We have no doubt that the authorities will deal with this application for the present post without reference to the events that had occurred earlier or the order made by us.

11. In the light of our above discussions, we hold that the application is liable to be dismissed. We, therefore, dismiss the application. But in the circumstances of the case, we direct the parties to bear their own costs.



"True copy"

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SECTION OFFICER

8d - - -
VICE-CHAIRMAN

8d - - -
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE