

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTY SECOND DAY OF JULY 1987

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

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

REVIEW APPLICATION NO.94/87

K. Ramachandra,
Section Supervisor (Accounts)
Central Telegraph Office,
Raj Bhavan Road,
Bangalore-1.

Applicant

(Shri S.Vasanth Kumar .. Advocate)

V.

The General Manager,
Telecommunications,
Karnataka Circle,
Indian Posts & Telegraphs Department,
Maruthi Complex, Bangalore-9.

D.L. Subba Rao,
Senior Section Officer,
Central Telegraph Office,
Raj Bhavan Road,
Bangalore-1.

Respondents

This Review Application has come up before the Court today.

Hon'ble Shri Ch. Ramakrishna Rao, Member (J) made the following:-

O R D E R

This Review Application (RA) has been filed late by 27 days and the applicant has prayed in IA No.1 (IA) for condonation of the delay. For the reasons stated in the IA, we condone the delay.

2. By this Review Application, the applicant in A No.1473/86 wants us to review the order dated 16.4.1987 rendered in that application. The question that arose for decision in A No.1473/86 was whether the reservation of 10% of posts in the Higher Selection Grade in the Traffic Division of the Telecommunication Branch of the Posts and Telegraph Department for promotion from among Lower Selection Grade (LSG) Accountants amounted to a fixed quota ^{for} of LSG

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Accountants which could not be exceeded ^{or whether} ~~over~~ and above the said reservation, ~~or whether~~ they could also aspire for promotion in the general quota of 90% on the basis of their seniority vis-a-vis Lower Grade Clerks (LGC). This Tribunal held that it was a quota allotted to LSG Accountants and so they could not lay claim for promotion to any posts in the remaining 90% quota which was meant exclusively for LGCs. In the course of the said order, this Tribunal observed in para 5: "In fact, we are told that a separate seniority list is maintained for both the categories, which confirms the view that the vacancies in the post are filled by rotation, that is, first 9 vacancies are filled by LGCs and the 10th by LSG Accountants".

3. Shri S.Vasant Kumar, learned counsel for the applicant, submits that it was not a proven fact that separate seniority lists were maintained for LGCs and for LSG Accountants and that enquiries by his client had revealed that a separate seniority list for LSG Accountants was brought out only in 1985 i.e., after A No.1473/86 had been filed as a writ petition before the High Court. Thus there had been a factual error in the order of this Tribunal dated 16.4.1987 and this had materially affected the decision, and called for a review of the said order.

4. Having carefully heard the contentions of Shri Vasant Kumar, we feel that this is not a fit case for review since the Tribunal interpreted the rules to mean that the reservation of posts to LGCs (90%) and LSG Accountants (10%) was by way of quota and not by way of incentive to the latter as suggested by the applicant. Once it was regarded as a case of quota, LSG Accountants could not claim any of the remaining 90% posts falling in the quota of LGCs. The reference to separate seniority lists for the two categories made in the order was, as mentioned in the order itself, to confirm the view already taken. Even if such separate lists were not being maintained, the order of this Tribunal would still have been

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REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 14/8/87

REVIEW APPLICATION NO 94 / 86 ()

IN APPLICATION NO. 1473/86(T)

W.P. NO

Applicant

Shri K. Ramachandra

V/s The GM, Telecommunications, Karnataka
& another

To

1. Shri K. Ramachandra
Section Supervisor (Accounts)
Central Telegraph Office
Raj Bhavan Road
Bangalore - 560 001
2. Shri Vasanth Kumar
Advocate
9/1, R.V. Shetty Layout
Seshadripuram
Bangalore - 560 020

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/
~~INTERIM ORDER~~ passed by this Tribunal in the above said Review
application on 22-7-87.

Encl : as above

[Signature]
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

RECEIVED 15/8/87
Diary No. 1002/CR/87
Incl Date: 17-8-87

d/c

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the same viz. that the reservation of posts for LSG Accountants was by way of quota and, therefore, the application deserved to be dismissed. We cannot sit in judgment over the interpretation of the rules in the said order dated 16.4.1987 as if we were a court of appeal.

5. In the result this application is rejected in limine.



bsv

Sd/-

MEMBER (J)

Sd/-

MEMBER (A)

22/11/87

- True copy -

B.V. Venkatesh Rao
DEPUTY COMMISSIONER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
BANGALORE