

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

7 NOV 1989

IA II IN APPLICATION NO (S) 677 & 678 / 87(F)

W.P. NO (D) _____

Applicant (s)

Shri K. Prahlad Rao & anr V/s

To

1. Shri K. Prahlad Rao

2. Shri H.R. Eshwarappa

(Sl Nos. 1 & 2 -

C/o Shri M. Raghavendra Achar
Advocate
1074-1075, 4th Cross, 2nd Main
Sreenivasanagar II Phase
Bangalore - 560 050)

3. Shri M. Raghavendra Achar
Advocate
1074-1075, 4th Cross, 2nd Main
Sreenivasanagar II Phase
Bangalore - 560 050

4. The Secretary
Department of Posts
Dak Tar Bhavan
New Delhi - 110 001

Respondents

The Secretary, Department of Posts,
New Delhi & 2 Ors

5. The Post Master General
Karnataka Circle
Bangalore - 560 001

6. The Sub-Record Officer
RMS 'Q' Division
Shimoga

7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STRAK/EMEREMX8000X
passed by this Tribunal in the above said application(s) on 3-11-89.

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For Deputied
DEPUTY REGISTRAR
(JUDICIAL)

*Shed
Kishan
1-11-89*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH & BANGALORE

DATED THIS THE 3RD NOVEMBER 1989

PRESENT: Hon'ble Justice Shri K.S. Puttaswamy : Vice-Chairman
Hon'ble Shri P. Srinivasan : Member (A)

APPLICATION NOS. 677 AND 678/87

K. Prahlad Rao and another ... Applicants
v. (Shri M.R.Achar .. Advocate)
v.
The Secretary, Department of Posts and others ... Respondents
(Shri M.Vasudeva Rao ... Advocate)

ORDERS ON I.A. NO.2 : Application to recall our order:

In this I.A. the applicants in A No.677 and 678/87 have moved to recall our order made on 25.8.1987 and hear their applications on merits.

2. The applicants in A No.677 and 678/87 who were working as Extra Departmental Agents (EDA) and Short Duty Sorting Assistants (SDSA) approached this Tribunal along with many others to consider their cases for regularisation as SDSAs. These applications and the connected applications came up before us on 25.8.1987 for final hearing. On hearing the learned counsel for the applicants and others we were inclined to accept the submission made for the respondents noticed at para 9 of our order. On that we asked the applicants to make a choice either to continue as a EDAs or SDSAs. On this the applicants who were present in court, through their learned counsel Smt. Yamuna Sridharan stated before us that they



On the basis of this order, the applicants have sought for recalling the order made by us.

4. In resisting IA No.2 the respondents have filed their reply. In their reply the respondents have asserted that the applicants gave an undertaking before us and the same had been correctly recorded by us in para 10 of our order and on that basis only we dismissed their applications. On these grounds the respondents urge that we should not recall our order.

5. Shri M.R. Achar, learned counsel for the applicants does not deny that the applicants gave their undertaking before us and the same has been correctly recorded by us. But he contends that on that basis itself their applications should not have been dismissed without examining their case on merits since there was no bar against their holding two posts at one and the same time.

6. Shri M. Vasudeva Rao, learned counsel for the respondents contends that when once we find that the recordings was correct then there is no reason to recall our order on any grounds urged by Shri Achar in this application.

7. We have noticed that we were inclined to accept the submissions of the respondents that a person cannot hold two posts at one and the same time viz. as EDA and SDSA. On that basis only we invited the applicants to make a choice to which they made a choice. Shri Achar does not dispute that we have correctly recorded their undertakings. If that is so then we do not find any justification to recall our order on the grounds urged by Shri Achar in



these applications.

8. In the light of our above discussion we hold that this IA is liable to be rejected. We, therefore, reject this I.A. with no order as to costs.



SL- VICE CHAIRMAN / /

SL- MEMBER (A) / / /

TRUE COPY

bsv

R. Venkatesh
DEPUTY REGISTRAR (JD) 7/11/5
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE