

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5TH DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

REVIEW APPLICATION NO. 26/1987.

1. The Rly. Board represented by the
Chairman, Ministry of Railways,
Rail Bhavan, New Delhi-1.
2. The General Manager,
Southern Railway,
Madras-3.
3. The Controller of Stores,
Southern Railway,
Madras.
4. The Dist. Controller of Stores,
Southern Railway,
Mysore-8.

.... Applicants.

(Shri Sreerangaiah, Advocate).

v.


Shri T.S. Prahalada Rao
since dead by legal representatives. Respondent.

(Shri M. Narayanaswamy, Advocate)

This application having come up for hearing
to-day, Vice-chairman made the following.

O R D E R

This is an application for review and the
applicants herein who were the respondents in
Application No.892/86 have sought for a review of
the order made on 28.11.1986 by a Division Bench of
this Tribunal consisting of Hon'ble Shri Ch.Rama-
krishna Rao, Member(J) and Hon'ble Shri LHA Rego,
Member (A).




2. We have perused the order and heard Shri M. Sreerangaiah, learned counsel for the applicants. The first ground urged for review is that the legal representatives of the applicant who had died on 10.7.1984 had not been brought on record.

3. In a separate order made by us today in A.No.892/86, we have expressed our view on this aspect and have rectified the defect that had aroused thereon for the very reason stated in that order this contention of the applicants is liable to be rejected. Even otherwise, the defect, if any, was a formal defect which does not invalidate the final order made in A.No.892/86. On this view also this ground is not a substantial ground to review the final order made in A.No.892/86.

4. Shri Sreerangaiah, next contends that the view expressed by the Tribunal on the principal question is erroneous and calls for a fresh examination.

5. It is well settled that in a review we cannot act as a court of appeal and take different view from the one earlier expressed in the case. We see no merit in the contention either.

6. We find no apparent error in the order made by the Tribunal justifying us to admit this review application.



REGISTERED

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

Dated : 26/6/87

APPLICATION NO. 892/86 (T) /86()

W.P. NO 16917/82) _____

Applicant

T.S.Prahalada Rao
(Deceased)

Respondents.

The Chairman
M/O. Railways & Others

To

1. P. Nagaraja Rao,
No.9, 3rd Block,
T.R. Shamanna Street,
T.Nagar, Bangalore.
2. Smt. P. Meera,
9, 3rd Block, T.R.Shamanna St,
T. Nagar, Bangalore.
3. Smt. N. Rajalakshmi,
1460, 4th Cross,
K.P.Agrahara, K.R.Mohalla,
Mysore-4.

4. Shri M. Narayanaswamy, Advocate
No.844, (Upstairs) V Block
Rajaji Nagar, Bangalore-560010.
5. The Chairman, Railway Board,
Ministry of Railways, Rail Bhavan,
New Delhi-110 001.
6. The General Manager,
Southern Railways, Park Town
Madras - 600 003
7. The Controller of Stores,
Southern Railways, Madras-3.
8. District Controller of Stores,
S.Rlys, Mysore South, Mysore-3.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~/XXXXX/~~

~~XXXXXXXXXXXX~~ passed by this Tribunal in the above said
application on 5th June, 1987 and amended ~~Order~~ Title ~~of the Order~~ page
of the Order dated 28 November 1986.

A. Thy
SECTION OFFICER
(JUDICIAL)

Encl : as above

9. Shri M. Sreerangaiah,
Central Govt. Standing Counsel
High Court of Karnataka Buildings,
Bangalore-1.

CO TO R.A. NO. 26/87.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 5TH DAY OF JUNE, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 892/86

Shri T.S. Prahallada Rao,
Since deceased L.Rs

- 1) P. Nagaraja Rao,
S/o T.S. Prahallada Rao,
Aged about 25 years
9, 3rd Block,
T.R. Shamanna Street,
T. Nagar, Bangalore.
- 2) Smt. P. Meera,
C/o M.N. Prahallad
Aged about 23 years
9, 3rd Block
T.R. Shamanna Street,
T. Nagar, Bangalore.
- 3) Smt. M. Rajalakshmi,
W/o T.S. Prahallada Rao,
aged about 47 years,
1460, 4th Cross,
K.P. Agrahara,
K.R. Mohalla, Mysore-4.

..... Applicants

(Shri M. Narayanaswamy, Advocate)

v.

- 1) The Railways Board represented
by its Chairman, Ministry of
Railways 'Rail Bhavan'
New Delhi-1.
- 2) The General Manager,
Southern Railways,
Madras-3.
- 3) The Controller of Stores,
Southern Railways,
Madras-23.
- 4) The District Controller of
Stores, Southern Railways,
Mysore South,
Mysore-3.

..... Respondents.

(Shri M. Sreerangaiah, Advocate)



This application having come up for hearing to-day, Vice-chairman made the following.

O R D E R

This application which was disposed of by a Bench of this Tribunal on 28.11.1986 was placed for reference in Review Application No.26/87 posted for admission to-day before us. At the request of the learned counsel for both sides, this case is treated as listed for further orders to-day before us. We have perused the papers in the case, the final order made in the case and heard counsel for both sides.

2. This is a transferred application received from the High Court of Karnataka where it was registered as Writ Petition No.16917 of 1982. That writ petition was instituted by one Shri T.S. Prahalada Rao when he was alive and when the same was pending in that Court he died on 10.7.1984 leaving behind him his wife and children as his legal representatives. As early as on 13.9.1984 the L.Rs of Sri. Prahalada Rao made an application before the High Court to bring them on record as his L.Rs, which was not disposed of by that Court till it exercised jurisdiction and power over the same.



3. On transfer, a Division Bench of this Tribunal heard this case on 12.11.1986 and made its final order on 28.11.1986. Though no express order was made allowing the application made by the L.Rs on 13.9.1984, a direction was incorporated in the final order itself that the L.Rs to be brought on record would be entitled to receive the benefits, which were otherwise due to Prahalada Rao.

4. In the final order made and issued to the parties, only the name of the original writ petitioner-applicant is shown, in the cause title though he was dead by that time. We need hardly say that this situation calls for suitable rectification.

5. From what we have noticed earlier it is clear that the Division Bench before taking up this case for final hearing was fully conscious of the fact that the original applicant was dead, that his L.Rs had made an application in time to bring them on record as his L.Rs and the same had, therefore, to be allowed and their main application heard and decided on merits and it was only on that footing that the Division Bench decided the case. This conclusion of ours is fortified by direction No.4 contained in para 13 of the final order. In these circumstances, we must now hold that even in the absence of a formal written order, the bench had



allowed the L.R. application filed by the L.Rs on 13.9.1984 before hearing the case on merits and direct appropriate corrections in the main application and in the order made and issued to the parties. We make a declaration to that effect and direct the counsel for the applicant to make necessary amendments/corrections in the main application, with which he has complied. We further direct the Registrar to note the amended cause title in the proceedings of the case and in particular in the final order of the Tribunal made on 28.11.1986. We also direct the Registrar to forward copies of amended title page of the order and this order to all the parties in the case for their reference and necessary action.



Sd/-

Vice-chairman

Sd/-

Member (A)

- True Copy -

np/Mrv.

AP 26/6/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 28th NOVEMBER 1986

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

Hon'ble Shri L.H.A. Rego - Member (A)

APPLICATION No. 892/1986(T)

T.S. Prahlada Rao **
Ward Keeper
District Controller of Stores Office
Southern Railways
Mysore South, Mysore 570 008

- Applicant

(M.R. Shailendra, Advocate)

and

1. The Railway Board represented by its
Chairman,
Ministry of Railways, 'Rail Bhavan'
New Delhi 110 001
2. The General Manager
Southern Railways
Madras 600 003
3. The Controller of Stores
Southern Railways
Madras - 600 003
4. The District Controller of Stores,
Southern Railways
Mysore South, Mysore 570 008

(Shri M. Sreerangaiah, Advocate)

This application came up to day for hearing before
this Tribunal, Hon'ble Member (A) Shri L.H.A. Rego,
made the following

ORDER

In this writ petition transferred to this Bench
from the High Court of Judicature, Karnataka under Section 29
of the Administrative Tribunals Act, 1985 and renumbered as
an application, the prayer is that the order dated 21.6.1978
(Annexure A) passed by the second respondent, modifying

... the penalty

Amended as per Order of the Tribunal dated 5-6-1987.

REGISTRAR

22-6-87



(True Copy /
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL SECRETARY
BANGALORE
26/6/87

* Applicant since deceased. L.Rs. 1. P. Nagaraja Rao, S/o.T.S. Prahlada Rao, Aged about 25 years, 9,3rd block, T.R. Shamanna Street, T.Nagar, Bangalore. 2. Smt.P.Meera, C/o.M.N.Prahlada, Aged about 23 years, 9,3rd block, T.R. Shamanna Street, T.Nagar. 3. Smt.M. Rajalakshmi, W/o.T.S.Prahlada Rao, aged about 47 years, 1460, 4th cross, K.P.Agrahara, K.R.Mohalla, Mysore-4.