

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*Commercial Complex (BOA)  
Indiranagar  
Bangalore - 560 038

Dated :

19 SEP 1988

APPLICATION NOS.

465 to 469

/ 87(F)

W.P. NO.

Applicant(s)

Shri A. Krishnamurthy &amp; 4 Ors

To

V/s

Respondent(s)  
The Secretary, M/o Railways, New Delhi  
& 4 Ors

1. Shri A. Krishna Murthy  
C/o Shri K.B. Veeranna  
U-50, 6th Cross  
Pipeline, Malleswaram  
Bangalore - 560 003
2. Shri H. Parthasarathy  
V-73, Pipeline, III Cross  
East Link Road, Opp : Gururaya Medicals  
Malleswaram  
Bangalore - 560 003
3. Shri L. Seetharaman  
2, G.No. 16th 'B' Street  
Ulscoor  
Bangalore - 560 008
4. Shri J. Augustine  
C/o Shri G.M. Devaraj  
(Librarian)  
U.T. College  
No. 17, Millers Road  
Bangalore - 560 046
5. Shri V.R. Dharmaraja Urs.  
C/o Shri Krishnanandam  
No. 3055, 10th Main, 10th Cross  
Gayatri Nagar  
Bangalore - 560 010
6. Shri M.S. Anandaramu  
Advocate  
128, Cubbonpet Main Road  
Bangalore - 560 002
7. The Secretary  
Ministry of Railways  
Rail Bhavan, New Delhi - 110 001
8. The General Manager  
Southern Railway  
Park Town, Madras - 600 003
9. The Chief Engineer(Construction)  
Southern Railway  
No. 18, Millers Road  
Bangalore - 560 046
10. The Executive Engineer(Construction)  
Doubling, Southern Railway  
No. 18, Millers Road  
Bangalore - 560 046
11. The Divisional Personnel Officer  
Southern Railway  
Bangalore Division  
Bangalore - 560 023
12. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbonpet, Bangalore - 560 002

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 application(s) on 8-9-88.

*Received  
K. Warrier  
19-9-88*

Encl : As above

O/C

*R. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 8TH DAY OF SEPTEMBER, 1988.

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

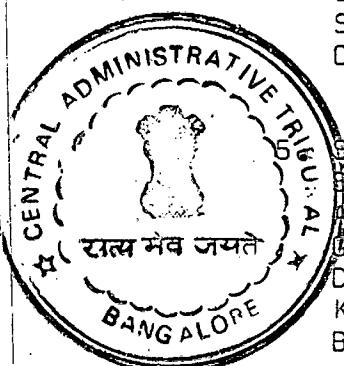
APPLICATION NOS. 465 TO 469/87

1. Shri A. Krishnamurthy,  
S/o Annaji Rao,  
Aged about 42 years,  
Lascar, O/o the Office  
Superintendent, Stores,  
Doubling, Southern Railway,  
Old Loco Building,  
Cantonment, Bangalore. ... Applicant in  
A.No.465/87
  
2. Shri H. Parthasarathy,  
S/o H. Prakash Rao, Stores mate,  
Aged about 31 years,  
O/o the Office Supdt.  
Stores, Doubling,  
Southern Railway,  
Old Loco Building,  
Cantonment, Bangalore. ... Applicant in  
A.No.466/87
  
3. Shri L. Seetharaman,  
S/o. R. Lakshmanan,  
Aged about 36 years,  
Storesmate, O/o the Office Supdt.  
Stores, Doubling, Southern  
Railway, Cantonment, Bangalore. ... Applicant in  
A. No.467/87
  
4. Shri J. Augustine,  
S/o Jesudas, Aged about 32 years,  
Storesmate, O/o the Office Supdt.  
Stores, Doubling, Southern Railway, ... Applicant in  
Cantonment, Bangalore. A. No. 468/87
  
- Shri V.R. Dharmaraja Urs,  
S/o V.K. Ramaraja Urs,  
Aged about 36 years,  
Bangmate, O/o the Inspector of Works,  
Diesel Loco Shed, Southern Railway,  
K.R. Puram, Dooravani Nagar Post, ... Applicant in  
Bangalore. A. No.469/87

(Shri M.S. Anandaramu, Advocate)

v.

1. The Union of India, reo by the  
Secretary to Government,  
M/o Railways, Rail Bhavan,  
New Delhi.
  
2. The General Manager, Park Town,  
Madras.



3. The Chief Engineer, Construction  
Southern Railway, No.18, Millers  
Road, Bangalore.

4. The Executive Engineer,  
Construction, Doubling,  
Southern Railway,  
Millers Road, Bangalore.

5. The Divisional Personnel Officer,  
Bangalore Division, Southern Railway,  
Bangalore City. ... Respondents.

(Shri M. Sreerangaiah, Advocate)

These applications having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

These are applications made by the applicants under  
Section 19 of the Administrative Tribunals Act, 1985 (Act).

2. Shri A. Krishnamurthy, applicant in Application No. 465 of 1987, with the educational qualification of SSLC, joined service on 16.7.1963 as a Storemate. With some interruptions the details of which are not necessary to notice, he was appointed as a temporary Gangman on 21.11.84 in the then pay-scale of Rs.200-250. When working in that capacity, he voluntarily sought for a transfer to the office of the Chief Engineer (Construction), Southern Railway, Bangalore, as a 'Laskar' in the lower time-scale of Rs.196-230. On 2.3.1985, (Annexure-C) the Divisional Personnel Officer, Southern Railway, Bangalore (DPO) accepted the same and made an order to that effect, in pursuance of which he reported for duty as a 'Laskar' on 11.3.1985 and is working in that capacity ever since then. But notwithstanding the same, this applicant has challenged both the two orders, on the specious plea that he has been reverted to a lower post, which on the face of it is untrue.

3. Applicants in Applications Nos. 466 to 469/87 were working either as Casual Labour Storemates or Gangmates from different dates, the details of which are not necessary to notice.

4. In his Memorandum No. B/P.564/VII/SBC, dated 22.5.1987 the DPO had empanelled the applicants and several others, and had absorbed all of them against regular vacancies of Gangmen in 'Bangalore Division', an 'Open Line Division' and on that they were asked to exercise their options to be so appointed, to which all of them have agreed and have reported for duty, except the applicant in Application No. 467/87. When they so accepted such absorption, the Executive Engineer had passed separate but identical orders in May 1987, one of which (Annexure M-1) reads thus:

"Having accepted the offer of appointment under the terms and conditions laid down in AEN/C/SBC offer of appointment letter No. 6/Appt./ dated 26.5.87, you are appointed as Temporary Gangman on Pay Rs.775/- per month in scale Rs. 775-1025 and posted to PWI/CPT section, as per AEN/C/SBC Office Order quoted above. You are eligible for Dearness Allowance and other Compensatory Allowances eligible under Rules in force from time to time.

Please report yourself to PWI/CPT for duty immediately.

Sd:  
Executive Engineer/  
Bangalore Cantt. "

All these applicants have challenged these orders on the plea that they result in reversions from a higher post



to a lower post.

5. Shri L. Seetharam, applicant in Application No. 467/87, who had initially accepted the offer made for regular absorption has however, later on 6.10.1987, had ~~had expressed~~ declined the same and his unwillingness in these words:

- " 1. I am not willing to be absorbed as gangman in terms of DPO/SBC Memorandum quoted above.
- 2. I fully understand that I will not be eligible for any benefits or privileges that may accrue to gangman category in future consequent upon my declining this offer and not joining the post.
- 3. I declare that I will ~~lose~~ all my seniority and other benefits with regard to empannelment as gangman.
- 4. I declare that I am prepared to continue to work in my existing capacity and status in the Construction project organisation on terms and conditions applicable to such jobs.

In view of the above declaration, I may kindly be retained in the construction organisation itself, in the present status.

Yours faithfully

Sd:  
(L. SEETHARAMAN)"

On this letter the authority had not enforced the earlier order made against him and had continued him as Casual Labourer Storemate.

- 6. In their common reply, the respondents have resisted these applications on more than one ground..

7. We have heard Shri M.S. Anandaramu, learned Counsel for the applicants, and Shri M.Sreerangaiah, learned Railway Advocate for the respondents in all these cases.

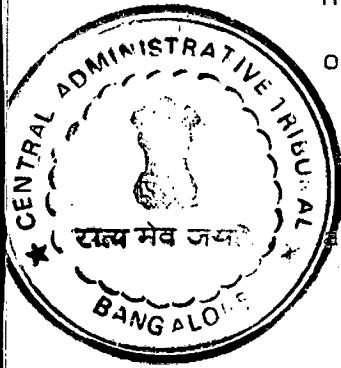
8. Applicant in Application No.465 of 1987 filed on 15.6.1987 has challenged the orders dated 21.11.1984 and 2.3.1985 (Annexures B & C). Without any doubt computing the period of limitation from the date of these orders as that should be, this application filed beyond one year of the orders, is clearly barred by time and is liable to be dismissed on that ground itself.

9. Even otherwise, the order dated 2.3.1985 (Annexure-C) had been made on this applicant seeking for a voluntary transfer. On merits also, this application is devoid of any merit.

10. We have earlier noticed that Shri L. Seetharaman, applicant in A.No.467/1987 had later expressed his unwillingness to be appointed as a Gangman and the same had been acted upon by the authorities. If that is so, then his application, does not survive and calls for dismissal on that ground.

11. We will now deal with Applications Nos. 466, 468 and 469/37, which fall under one group.

12. When these cases had been heard earlier, Shri Anandaramu had urged more than one ground as justifying our interference to the impugned orders made against these applicants. But, today, Shri Anandaramu prays for permission to withdraw these applications with liberty reserved to the



applicants in these to approach the competent authority to withdraw their earlier options and exercise fresh options as exercised by Shri L. Seetharaman, applicant in Application No.467/87, on the very grounds stated by him also. Shri Sreerangaiah opposes this request of Shri Anandaramu on the ground that these applicants had already reported for duty and are working in the lower posts from the dates they reported for duty.

13. We do not think that the fact that these applicants had reported for duty should make any difference ~~way~~ to make a similar request as made by Shri Seetharaman. Whether that request itself should be accepted or not is for the authorities to decide with due regard to all the facts and circumstances. We therefore consider it proper to grant the request of these applicants.

14. On the foregoing discussion, we make the following orders and directions:

- 1) We dismiss A.No.465/87 on merits.
- 2) We dismiss A.No.467/87 as having become unnecessary.
- 3) We dismiss A.Nos. 466, 463 and 469/87 as withdrawn by the applicants, with liberty reserved to approach the authorities for revocations of the earlier options exercised by them and the impugned orders made against them.

15. But in the circumstances of the cases, we direct the parties to bear their own costs.

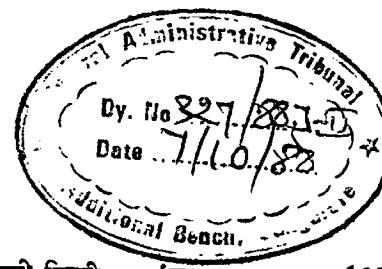
*R. Subrahmanyam*  
DEPUTY REGISTRAR (JDL) (9/9)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

VICE-CHAIRMAN  
8/9/1988

Sd/-  
MEMBER (A) T. 8-2-988

भारत सरकार

## रेल संचालय (रेलवे बोर्ड)



सं० ई० (जी०) — एल० एल० 3

— एल० एल० ३

८८ एल० एल० ३ ६ (५२७)

नयी दिल्ली, नक्कि 197.

29/9/88

सेवा से,

One Revision

CAT

Bangalore

### विषय.—

Appm. nos. 465 to 469

A. Krishnamurthy 24/08

महोदय,

## उपर्युक्त विषय पर श्रावके तारीखः

यह सूचित करने का निर्देश हुआ है कि महाप्रबन्धक..... *S. a. g.*..... इस भाष्मले को निवारने में सक्षम प्राधिकारी हैं। इसलिए विचाराधीन सम्मन/आदेश/आवश्यक कार्रवाई हेतु उन्हें भेज दिये गये हैं।

भवदीय

$$\sqrt{101} \approx \sqrt{100} = 10$$

क्रते सचिव, रेलवे बोर्ड

संलग्न : कृष्ण नहीं ।

सं ६० (जी०) — ~~८८~~ एल० ३ —— ६ (६२७)

दिनांक २९/९/८८

अद्वित के सम्मन/आदेशों सहित एक प्रति महाप्रबंधक, शावश्यक कार्रवाई हेतु अप्रेषित ।

..... Sontheem play ..... को

इस मासले में सनवाई की तारीख...../...../.....

## संलग्न : यथोक्त ।

## कृते निदेशक, स्थापना रेलवे बोर्ड

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