

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 19-1-88

APPLICATION NO. 630/87(F)

Applicant

Shri H.S. Anantha Padmanabha

V/s

Respondents

The President, Forest Research Institute
& College, Dehra Dun & 45 Ors

To

1. Shri H.S. Anantha Padmanabha
Scientist - I
Sandal Research Centre
(Forest Research Laboratory Campus)
Malleswaram
Bangalore - 560 003
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swageth)
1st Main, Gandhinagar
Bangalore - 560 009
3. The President
Forest Research Institute & Colleges
P.O. New Forests
Dehra Dun - 248 006
Uttar Pradesh
4. The Secretary
Ministry of Environment & Forests
Paryavaran Bhavan
CGO Complex
Lodi Road
New Delhi - 110 003
5. Shri B.K. Gupta
6. Shri A.K. Singh
7. Shri B.B. Gupta

8. Shri R.S. Bhandari
9. Dr Kalyan Singh
10. Shri B.L. Dhar
11. Shri G.N. Kharakwal
12. Shri P.C. Pande
13. Shri R. Vijendra Rao
14. Shri Mukhtar Ahmed
15. Shri R.C. Misra
16. Shri Y.S. Singh
17. Shri V.N. Tandan
18. Shri C.N. Pande
19. Dr (Mrs) Soni
20. Dr Rajapal Singh
21. Shri O.P. Rajora
22. Dr K.C. Joshi
23. Shri R.K. Bakshushya

24. Shri Ramaswamy Periasami
25. Shri Shiv Dhar Sonkar
26. Shri Nirmal Ram
27. Dr S.D. Sharma
28. Dr Nirmal Sudhir Kumar Harsh
29. Dr Syed Irfan Ahmed
30. Shri Lalji Prasad
31. Dr Jasbir Singh
32. Smt Laxmi Rawat
33. Dr Adarsh Kumar
34. Shri Prabhakar Nath
35. Shri Autar Krishan Raina
36. Dr Sabhapathi Nath

37. Dr V.K. Jain
38. Shri Arun Kumar Prasad
39. Dr (Mrs) Veena Chandra
40. Shri Paramjit Singh
41. Shri R.C. Mittal
42. Shri K.C. Badola
43. Shri P.P. Jain
- (Sl Nos. 5 to 43 - C/o President,
Forest Research Institute & Colleges,
P.O. New Forests
Dehra Dun - 248 006
Uttar Pradesh)
44. Shri A.K. Anantha Narayana
45. Shri P. Narayanappa
- (Sl Nos. 44 & 45 - C/o Forest Research
Laboratory,
Malleswaram
Bangalore-560 003)
46. Shri C.R. Rangaswamy
47. Smt B.S. Kamala
- (Sl Nos. 46 & 47 - C/o Sandal Research
Centre,
Malleswaram
Bangalore-560 003)
48. Shri M.S. Padmarajaiah
Central Govt. Sing Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said application on 5-1-88.

RECEIVED 28 Copies 20/1/88

Diary No. 1644/CR/P

Date: 20.1.88

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

d/c

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 5TH DAY OF JANUARY, 1988

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

APPLICATION NO. 630 OF 1987

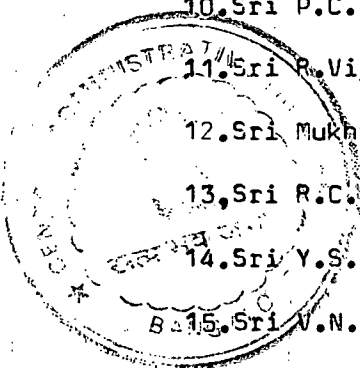
H.S. Anantha Padmanabha,
Scientist-I,
Sandal Research Centre,
Bangalore.

.. Applicant.

(Shri Dr. Nagaraja, Advocate)

VS

1. The President,
Forest Research Institute
and College,
Dehra Dun-248006.
2. The Secretary,
Ministry of Environment & Forests,
Paryavarn Bhavan,
Lodhi Road,
New Delhi-110 001.
3. Sri B.K. Gupta,
4. Sri A.K. Singh,
5. Sri B.B. Gupta,
6. Sri R.S. Bhandari,
7. Dr. Kalyan Singh,
8. Sri B.L. Dhar,
9. Sri G.N. Kharakwal,
10. Sri P.C. Pande,
11. Sri R. Vijendra Rao,
12. Sri Mukhtar Ahmed,
13. Sri R.C. Misra,
14. Sri Y.S. Singh,
15. Sri V.N. Tandan,



16. Sri C.N.Pande,
17. Dr.(Mrs.)Soni,
18. Sri A.K.Anantha Narayana,
19. Dr. Rajapal Singh,
20. Sri O.P.Rajora,
21. Sri C.R.Rangaswamy,
22. Smt. B.S.Kamala,
23. Sri P.Narayanappa,
24. Dr. K.C.Joshi,
25. Sri R.K.Bakshieshya,
26. Ramaswari Periaswami,
27. Sri Shir Dhain Sonker,
28. Sri Nirmal Ram,
29. Dr. S.D.Sharma,
30. Dr. Nirmal Sudhir Kumar Harsh,
31. Dr. Syed Irfan Ahmed,
32. Sri Lalji Prasad,
33. Dr. Jassbir Singh,
34. Sri Subash Nautiyal,
35. Mrs. Lakshmi Rawat,
36. Dr. Adarsh Kumar,
37. Sri Prabhakar Nath,
38. Sri Autar Krishna Raina,
39. Dr. Sahapathi Nath,
40. Dr. V.K.Jain,
41. Arunkumar Prasad,
42. Dr.(Mrs) Veena Chandra,
43. Sri Parmajit Singh,
44. Sri R.C.Mittal,
45. Sri I.K.C.Badola,
46. Sri P.P.Jain.

.. Respondents

Address for the Respondents
3 to 17, 19, 20 and 24 to 46
C/o. President,
Forest Research Institute & College,
Dehra Dun - 248006.

Address for the Respondents
18 and 23
C/o. Forest Research Laboratory,
Bangalore-560 003.

Address for the Respondents 21 and 22
C/o. Sandol Research Centre,
Bangalore -560 003.

(Shri M.S.Padmarajaiah, Advocate)

This application having come up for hearing, 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 ('the Act').

2. On 18-9-1964, the applicant joined service as a Research Assistant
Grade-I (RAG-I) in the Forest Research Laboratory, Bangalore (FRLB), an
unit of the Forest Research Institute and Colleges, Dehra Dun ('FRI').

On 20-9-1976 (Annexure-A1), the President of the FRI (President) promoted
the applicant as a Research Officer ('RO') with effect from 26-8-1976 and
continued him as RO at FRLB itself till 21-10-1979.

3. But on 22-10-1979, the President reverted the applicant to his
original post of RAG-I and promoted several others also, as ROs, the
validity of which was challenged by him in Writ Petition No.16805 of 1979
before the High Court of Karnataka. In that Writ Petition the reversion
of the applicant was stayed, on the strength of which he continued to
function as RO at FRLB. On the constitution of this Tribunal under the
Act, that Writ Petition was transferred to this Tribunal and registered
as Application No.210 of 1986, which was disposed of by us, on 9-12-1986
as inter alia upholding the reversion of the applicant from 22-10-1979.

4. When his writ petition was pending before the High Court, the case of the applicant for regular promotion was considered by a Departmental Promotion Committee ('DPC') which recommended his promotion as RO and accepting the same, the President on 19-2-1982 (Annexure-A2) promoted the applicant, as RO from that date, on the basis of which, he continued as RO without any interruption.

5. In the seniority list of ROs as on 1-2-1987, finalised by the FRI (Annexure-A3), the applicant has been assigned rank No.122 reckoning his service from 18-2-1982. Aggrieved by this ranking, the applicant has approached this Tribunal, inter alia contending that the entire service rendered by him from 26-8-1976 to 18-2-1982 was similar to the service rendered by him from 18-2-1982 and that service also should be reckoned in determining his seniority in the cadre of ROs. On this basis, the applicant claims that he should be ranked over respondents 3 to 46 who have been assigned higher ranks over him in the said seniority list.

6. In their reply, the respondents 1 and 2 have justified the ranking assigned to the applicant on more than one ground. All other respondents who have been duly served, have remained absent and are unrepresented.

7. Dr.M.S.Nagaraja, learned counsel for the applicant, contends, that the promotion of the applicant as RO on 26-8-1976 and his continuance in that capacity, from that date, till 17-8-1982, was similar in all respects to his promotion from 18-2-1982 and, therefore, that service should also be reckoned for seniority as rightly done from 18-2-1982. In support of his contention Dr.Nagaraja strongly relies on the ruling of the Jabalpur Bench of this Tribunal in A.N.SHARMA V. UNION OF INDIA AND OTHERS (ATR. 1987 (2) CAT 377).

8. Shri M.S.Padmarajaiah, learned Senior Central Government Standing Counsel, appearing for respondents 1 and 2, refuting the contentions of Dr. Nagaraja, contends that the reversion of the applicant on 22-10-1979 and its affirmation by this Tribunal in Application No.210 of 1986 renders the previous service as irregular and the same cannot be reckoned in determining his seniority at all.

9. From 26-8-1976, the applicant was promoted as RO on an ad hoc basis and was reverted from 22-10-1979 to the post of RAG-I and the same had been upheld by us. The legal effect of the order of this Tribunal in Application No.210 of 1986 is that the service rendered by the applicant from 22-10-1979 to 17-8-1982 had become irregular and constituted a break in service for the purpose of seniority with which only, we are concerned. We cannot on any principle count that service for the purpose of seniority. On this short ground, this part of the claim of the applicant calls for rejection without examining all other questions.

10. When there was a reversion, resulting in break in service for more than 2½ years, then the previous service rendered prior to reversion definitely not being continuous, cannot also be counted for purposes of seniority. On this short ground, this part of the claim also calls for rejection without examining all other questions.

11. On the foregoing, it follows that the claim of the applicant to count service prior to 18-8-1982 for purpose of seniority calls for total rejection.

12. Dr.Nagaraja, however contends, in the alternative that the service rendered by the applicant from 26-8-1976 to 21-10-1979 be declared as regular service for all purposes other than seniority, as such a declaration would help the applicant to count his service for purpose of promotion to higher cadres.

13. Shri Padmarajaiah opposes the alternative prayer of the applicant.

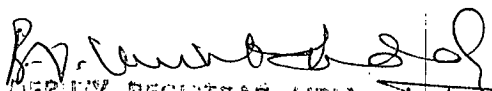
14. We have earlier held that the service rendered by the applicant from 26-8-1976 to 22-10-1979 cannot also be reckoned for purposes of seniority. If that is so, then it would be wholly odd to hold, that the same was regular service for all other purposes and in any event for the purpose of promotions to higher posts. Even otherwise, the service rendered with a clear hiatus or disruption from 22-10-1979 to 18-8-1982 cannot be counted as regular service, for the purpose of promotion under the relevant Rules or orders of Government. We are of the view that this alternative prayer of the applicant cannot also be granted.

15. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-
VICE-CHAIRMAN

Sd/-
MEMBER(A) 10.5.1988

TRUE COPY


DEPUTY REGISTRAR (JULY)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

