

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 29 NOV 1988

APPLICATION NOS. 737 to 741/87(F)

Applicants

Shri Manjunatha & 4 Ors

V/s

Respondents

The Director General, GSI, Calcutta & 47 Ors

To

1. Shri Manjunatha
Assistant Geologist
Regional Geology - II
Geological Survey of India
4th Block Shopping Complex
Jayanagar
Bangalore - 560 011

2. Shri L.G. Jagannathachar
Assistant Geologist
Karnataka Circle
Geological Survey of India
Bangalore

3. Shri M.A. Nayaz Ahmed Shariff
Assistant Geologist
Operations Karnataka & Goa
Geological Survey of India
6th Floor, Shopping Complex
4th Block, Jayanagar
Bangalore - 560 011

4. Shri R.N. Das
Assistant Geologist
AMSE Wing
Geological Survey of India
No. 2, Church Street
Bangalore - 560 001

5. Shri M.H. Abbas
Assistant Geologist
Regional Geology - I
Operations Karnataka & Goa
Geological Survey of India
9th Floor, Shopping Complex
4th Block, Jayanagar
Bangalore - 560 011

6. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

7. The Director General
Geological Survey of India
27, Jawaharlal Nehru Road
Calcutta - 700 016

8. The Secretary
Ministry of Steel & Mines
Department of Mines
Shastri Bhavan
New Delhi - 110 001

9. Shri Semir Kumar Ghosh
Assistant Geologist
East Coast Division - I
OME & Marine Geology Division
Geological Survey of India
Ratnkar Building
4, Chowringhee Lane
Calcutta - 700 016

10. Smt K.S. Godhavari
Assistant Geologist
PPOD, AMSE Wing
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55/C, 40th Cross, VIII Block
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11. Shri Swapn Kumar Das
Assistant Geologist
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Upland Road
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12. Shri Rajendra Kumar
Assistant Geologist
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B-112, Niralanagar
Lucknow (Uttar Pradesh)
13. Shri Jagdish Singh Mehra
Assistant Geologist
C/o Director General
Geological Survey of India
27, Jawaharlal Nehru Road
Calcutta - 700 016
14. Shri Raj Kumar Agerwal
Assistant Geologist
Gujarat Circle
Geological Survey of India
Union Insurance Co-operative Building
Ashram Road
Ahmedabad - 380 014
15. Shri Dilip Chandra Banerjee
Assistant Geologist
Kerala Circle
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T.C. 22/298, Model School Road
East Tambanoor
Trivandrum - 695 014
16. Shri K.C. Joshi
Assistant Geologist
Economic Geology Division
Geological Survey of India
Nilofar, Rajbagh
Srinagar - 190 008
17. Shri K. Subba Rao
Assistant Geologist
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No. 7, Deccan College Road
Pune (Maharashtra)
18. Shri Anil Kumar P.S.
Assistant Geologist
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3-E, New Pataliputra Road
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19. Shri K. Krishna Bhat
Assistant Geologist
Orissa Circle
Geological Survey of India
Noapally, Unit-8,
Bhubaneswar (Orissa)
20. Shri Mيرانجن Lal Gera
Assistant Geologist
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Assistant Geologist
Economic Geology - II
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Kashmir & Ladakh Circle
Geological Survey of India
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Srinagar - 190 008
24. Shri Ram Singh Rajwat
Assistant Geologist
Geological Survey of India
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25. Shri Uttam Chakraborty
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E/5, Arera Colony
Bhopal - 462 016 (Madhya Pradesh)
26. Shri Basudev Roy
Assistant Geologist
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Circular Road
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27. Shri Keshava Rao
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Bhubaneswar - 751 012

28. Shri C. Thanavelu
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29. Shri P.R. Pai
Assistant Geologist
OME & Marine Geology Division
West Coast Division
Punja Building
Lalbagh
Mangalore - 575 003
30. Shri Anand Agasty
Assistant Geologist
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Raipur - 492 002
31. Shri Appaji Amrit Bhaskar
Assistant Geologist
C/o Deputy Director General
Geological Survey of India
Mukarramjahi Road
Manoranjan Building
Hyderabad - 500 001
32. Shri Satinder Parasher
Assistant Geologist
Regional Geology Division
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Krishna Shah Building
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Jabalpur - 482 001
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Economic Geology Division
Geological Survey of India
SCO-98-100
Sector 17-C
Chandigarh
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Geological Survey of India
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38. Shri Subhashish Ghosh
Assistant Geologist
Geochronology Division
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29, Chowranghee Road
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39. Shri Amitav Lahiri
Assistant Geologist
Palaeontology Division
Geological Survey of India
Asha Kutir
Laitumkhresh
Shillong - 793 003
40. Shri Brij Kumar
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Regional Geology Division
Geological Survey of India
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Dimapur - 797 111
41. Shri P.V.S. Rawat
Assistant Geologist
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42. Shri R. Srinivasa Rao
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A/10, Sethi Colony
Jaipur - 302 004

43. Shri Sandip Chattopadhyay
Assistant Geologist
Economic Geology Division
Geological Survey of India
Nangrim Hills
Laitumkhrah
Shillong - 793 003
44. Shri Sadenand Pimpriker
Assistant Geologist
Regional Geology Division
Geological Survey of India
Upland Road
Shillong - 793 003
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Assistant Geologist
Regional Geology Division II
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Assistant Geologist
Regional Geology Division
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Jabalpur - 482 001
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Assistant Geologist
C/o Director General
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Calcutta - 700 016
48. Shri N. Maran
Assistant Geologist
Regional Geology Division
Operation Maharashtra
Geological Survey of India
207, Senkar Nagar
Nagpur
49. Shri Asfar Hakim
Assistant Geologist
C/o Deputy Director General
Northern Region,
Geological Survey of India Complex
Aliganj
Lucknow - 226 020
50. Shri Surendra Prasad
Assistant Geologist
Regional Geology Division IV
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'C' Scheme
Jaipur - 302 001
51. Shri Brij Mohan Gairela
Assistant Geologist
Regional Geology Division
Geological Survey of India
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Banamali Park
Agartala - 799 001
52. Shri Mohammed Amjad Ali
Assistant Geologist
Himalayan Geology Division
Geological Survey of India
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Mahanagar Extension
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53. Shri R. Nanhathisevar
Assistant Geologist
C/o Director General
Geological Survey of India
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54. Shri S. Shivana
Assistant Geologist
C/o Director General
Geological Survey of India
27, Jawaharlal Nehru Road
Calcutta - 700 016
55. 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 passed by this TRIBUNAL in the above said applications on 27-10-88.

Encl : As above


SECTION OFFICER
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 27TH DAY OF OCTOBER, 1988

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

APPLICATION NOS. 737 TO 741/1987

1. Shri Manjunatha,
Asst. Geologist,
Regional Geology-II,
Geological Survey of India,
4th Block, Shopping Complex,
Jayanagar, Bangalore.
2. Shri L.G. Jagannathachar,
Asst. Geologist,
Karnataka Circle,
Geological Survey of India,
Bangalore.
3. Shri M.A. Nayaz Ahmed Shariff,
Asst. Geologist,
Operations Karnataka & Goa,
Geological Survey of India,
6th Floor, Shopping Complex,
Jayanagar, Bangalore.
4. Shri R.N. Das,
Asst. Geologist,
A.M.S.E.(Wing),
Geological Survey of India,
No.2, Church Street,
Bangalore.
5. Shri M.H. Abbas,
Asst. Geologist,
Regional Geology-I,
Operations Karnataka & Goa,
Geological Survey of India,
9th Floor, Shopping Complex,
Jayanagar, Bangalore.


..... Applicants.

(Dr. M.S. Nagaraja, Advocate)

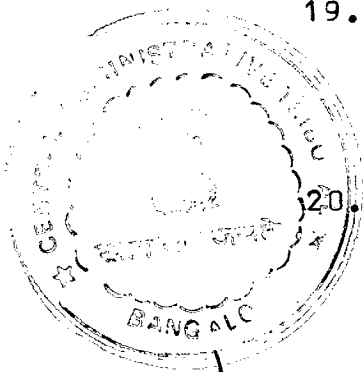
v.

1. The Director General,
Geological Survey of India,
29, Jawaharlal Nehru Road,
Calcutta.



2. The Secretary,
to the Govt. of India,
M/o Steel and Mines,
Dept. of Mines,
Shastri Bhavan, New Delhi.
 3. Shri Samir Kumar Ghosh,
Asst. Geologist,
East Coast Divn-I,
OME & Marine Geology,
Division G.S.I.,
Ratnakar Building,
4, Chowringhee Lane,
Calcutta.
 4. Smt. K.S. Godhavari,
Asst. Geologist,
PPOD, AMSE Wing,
Geological Survey of India,
55/C, 40th Cross, VIII Block,
Jayanagar, Bangalore.
 5. Shri Swapan Kumar Das,
Regional Geological Divn.
NER, Geological Survey of India,
Upland Road, Shillong.
 6. Shri Rajendra Kumar,
Regional Geology-I,
Geol. Surv. of India,
B-ii2, Niralanagar,
Lucknow.
 7. Shri Jagdish Singh Mehta,
C/o Director General,
Geol. Surv. of India,
Calcutta.
 8. Shri Raj Kumar Agarwal,
Gujarat Circle,
Geol. Surv. of India,
Ashram Road,
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T.C.22/298, Model School Road,
East Tampanoor,
Trivandrum.
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Economic Geology Division,
Geol. Surv. of India,
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Srinagar.
- 

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Shillong.
19. Shri Uttam Chakraborty,
Regional Geology Divn.
Geol. Surv. of India,
E/S Arora Colony,
Bhopal.
20. Basudev Roy,
Regional Geological Divn.
Geol. Surv. of India,
Circular Road,
Dumapuri.



21. Shri Keshava Rao,
Regional Geol. Divn.-I,
Geol. Surv. of India,
Noapally, Unit-B,
Bhuvaneshwar.
22. Shri C. Thanavelu,
Regional Geol. Dn.
Geol. Surv. of India,
248, Sundaranagar,
Mahadev Ghat Road,
Raipur.
23. Shri P.R. Pai,
OME & Marine Geol. Dn.
West Coast Dn.
Punja Building,
Lalbagh,
Mangalore.
24. Shri Anand Agasty,
Regl. Geol. Dn.
Geol. Surv. of India,
248, Sundaranagar,
Mahadev Ghat Road,
Raipur.
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C/o Dy. Director General,
Geol. Surv. of India,
Mukarramjahi Road,
Manoranjan Building,
Hyderabad.
26. Shri Satinder Parasher,
Regional Geol. Dn.
Geol. Surv. of India,
Krishna Shah Building,
52, Narmada Road,
Jabalpur.
27. Shri Brij Bhushan Sharma,
Economic Geol. Dn.
Geol. Surv. of India.
SCO-98-100,
Sector, 17-C,
Chandigarh.
28. Shri Debashiah Chakraborty,
Geol. Surv. of India,
Coal IV Coal Wing,
Ratnakar Bldg, No.4,
Chowringhee Lane, Calcutta.
29. Shri Girish S. Agarwal,
Regional, Geol-I,
UP Circle, B-112, Niralanagar,
Lucknow.
30. Shri Chandi Charan Singh,
C/o Director General,
Geol. Surv. of India,
Calcutta.

31. Shri Shyamanda Panja,
Regional Geology II,
Geol. Surv. of India,
Ratnakar Building,
No.4, Chowringhee Lane,
Calcutta.
32. Shri Shubhashish Ghosh,
Geochronology Divn.,
Geol. Surv. of India,
29, Chowringhee Road,
Calcutta.
33. Shri Amitav Lahiri,
Palaeontology Dn.,
Geol. Surv. of India,
Asha Kutir,
Laitumkhash,
Shillong.
34. Shri Brish Kumar,
Regional Geology Dn.,
Geol. Surv. of India,
Circular Road,
Dimapur.
35. Shri P.V.S. Rawat,
Regional Geol. Dn,
Geol. Surv. of India,
248, Sunder Nagar,
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A.M.S.E. Wing, GSI,
A/10, Sethi Colony,
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Regional Geol. Dn,
Geological Surv. of India,
52, Narmada Road, Jabalpur.



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C/o Director General,
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Calcutta.
42. Shri N. Maran,
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Geol. Surv. of India,
207, Sankar Nagar,
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C/o Dy. Director General,
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Himalayan Geology Dn.,
Geol. Surv. of India,
11/B, H. Road,
Mahanagar Extension,
Lucknow.
47. Shri R. Nanhathisevar,
C/o. Director General,
Geol. Surv. of India,
Calcutta.
48. Shri S. Shivanna,
C/o Director General,
Geol. Surv. of India,
Calcutta.

..... Respondents.

(All the above mentioned persons are
working as Assistant Geologists)

(Shri M. Vasudeva Rao, C.G.A.S.C.)

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

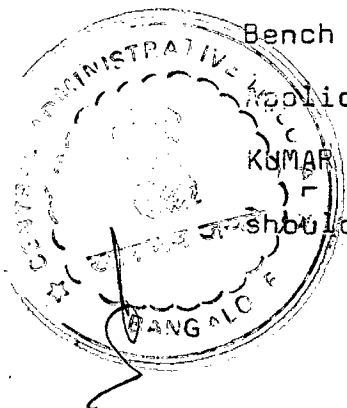
O R D E R

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

2. The five applicants who initially joined service as Senior Technical Assistants (STA) in Geological Survey of India (GSI) have been promoted as Assistant Geologists either in 1981 or 1993 as the case may be and are working in that capacity from the dates of their respective promotions. In the provisional seniority list of Assistant Geologists as on 30.4.1984 published by the Director General GSI, Calcutta (DG) the applicants and some of their colleagues who are arrayed as respondents have been assigned different ranks. In these applications, the applicants have sought for a direction to the DG to re-draw that seniority list in conformity with the principles enunciated by the Calcutta Bench of this Tribunal in ABHAS BOSE AND OTHERS v. UNION OF INDIA AND OTHERS (T.A.No.1784 of 1986 since reported in 1987 (S) SLJ (CAT) Calcutta 406).

3. In justification of the provisional seniority list, respondents 1-2 have filed their reply and have produced their records. Some of the other respondents, also have filed their replies supporting respondents 1-2.

4. Dr. M.S. Nagaraja, learned Counsel for the applicants contends that the DG was bound to draw and finalise the seniority list in the cadre of Assistant Geologists in conformity with the principles enunciated by the Calcutta Bench in Abhas Bose's case reiterated by this Bench in Application No.796/87 decided on 21.3.1988 (M. SAMPATH-KUMAR v. DG, GSI AND OTHERS) which he had not done and we should therefore direct him to do so even now.



5. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for R-1 and 2 contends that the decision of the Calcutta Bench of this Tribunal is contrary to the rules and the law declared by the Supreme Court in GONAL BHIMAPPA v. STATE OF KARNATAKA (ILR 1987 Kar.3127 = AIR 1987 SC 2359) and we should therefore decline to follow Abhas Bose's case and follow Bhimappa's case.

6. On the very question that arises in these cases but in relation to the cadre of Assistant Chemists of the department, the rules of which are on all fours to the rules regulating recruitment to the cadre of Assistant Geologists, the Calcutta Bench in Abhas Bose's case, had expressed thus:

"In the case before us we note that the direct recruitment was kept suspended between the years 1975 to 1979 and again from 1981 and 1982. During this intervening period the departmental candidates the petitioners before us, were promoted to fill up the vacancies that were caused due to non-availability of the direct recruits. They continued to work for several years, but later when some other candidates were recruited directly from outside, the seniority of the promotees was sought to be bye-passed. The facts stated are almost identical to those indicated in Supreme Court judgments cited above. In view of our analysis and the overwhelming decisions of the Supreme Court as cited above, we are unable to sustain the case of the respondents.

In view of the above analysis we are of the opinion that the petition should be allowed, and hence we allow it. We direct the respondents that the impugned gradation list of the Asstt. Chemists published on 18.2.1984 showing their seniority as on 1.8.1984 be modified immediately giving effect to the seniority of the petitioners on the basis of their dates of continuous appointment as Asstt. Chemists. The question of further promotion to the posts of Chemist JR. shall be decided on the basis of the revised gradation list as directed above."

In Sampathkumar's case, which also dealt with the case of Senior Technical Assistant (Chemical) we have followed the principles enunciated in Abhas Bose's case and directed the DG to re-draw the seniority list in conformity with the decision of the Calcutta Bench. We are of the view that the ruling of the Calcutta Bench in Abhas Bose's case followed by us in Sampath Kumar's case though they dealt with other cadres equally governs the preparation and publication of seniority list of Assistant Geologists also. We cannot decline to follow them on any principle, much less on the grounds urged by Shri Rao. We therefore reject this contention of Shri Rao.

7. For the very reasons stated in Abhas Bose's and in Sampathkumar's cases, we direct the DG to finalise seniority list in the cadre of Assistant Geologists as on



30.4.1984 in conformity with the principles enunciated in the aforesaid cases making the same as subject to the final orders of the Supreme Court in the Special leave petition pending against Abhas Bose's case.

8. Applications are disposed of in the above terms. But, in the circumstances of the cases, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN

27/11/88

TRUE COPY

Sd/-
MEMBER (A) 27.11.88

7/c

29/11/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
BANGALORE

Issued
on 29/11/88
ML

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 6 JUL 1990

CONTEMPT
PETITION (CIVIL) APPLICATION NO (S) 4 to 7 / 90
IN APPLICATION NOS. 738 to 741/87(F)
W.P. NO (S) _____

Applicant (s)

Shri L.G. Jagannathachar & 3 Ors
To

1. Shri L.G. Jagannathachar
Assistant Geologist
Karnataka Circle
Geological Survey of India
Bangalore
2. Shri M.A. Nayaz Ahmed Sheriff
Assistant Geologist
Operations Karnataka & Goa
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Respondent (s)


V/s The Director General, Geological Survey
of India, Calcutta & anr

5. Dr M.S. Nagaraja
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35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
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7. The Secretary
Ministry of Steel & Mines
Department of Mines
Shastri Bhavan
New Delhi - 110 001
8. 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/~~STAY/INTERIM ORDER~~
C.P. (Civil)
passed by this Tribunal in the above said application (s) on 29-6-90.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

3-

**In the Central Administrative Tribunal
Bangalore Bench,
Bangalore**

L.G. Jagannathachar & 3 Ors

v/s

The Director General, GSI, Calcutta & anr

Dr M.S. Nagaraja

C Am 4 to 7/90
ORDER SHEET (contd)

M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
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(PS)M(A)/(NRC)M(J)

JUNE 29, 1990.

By these petitions, the applicants in Applications Nos. 738 to 741 of 1987 complain that the respondents therein have not implemented the directions of this Tribunal in order dated 27-10-1988 by which the said applications were disposed of.

Dr.M.S.Nagaraja for the petitioners.
Sri M.Vasudeva Rao for the respondents asserts that the respondents in the afore-said applications have complied with the directions of this Tribunal in order dated 27-10-1988. Dr.Nagaraja stated that in obedience to the directions of this Tribu-



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Date	Office Notes	Orders of Tribunal
		<p>nal to finalise the seniority list of Assistant Geologists, the respondents have now brought out a seniority list and have, therefore, complied with the directions of this Tribunal. He, however, seeks liberty to challenge the seniority list if it is disadvantageous to his clients. The question of limitation raised by the respondents need not be gone into.</p> <p>In view of the above the proceedings in the contempt are dropped and the petitions are dismissed.</p> <div data-bbox="431 839 785 1213"></div> <div data-bbox="462 1270 677 1360"><p>TRUE COPY</p></div> <div data-bbox="361 1428 893 1655"><p><i>R. V. Lakshmi</i> DEPUTY REGISTRAR (JDT-65) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p></div> <div data-bbox="723 1145 1001 1258"><p><i>Sd-</i> MEMBER (A) <i>✓ 11</i></p></div> <div data-bbox="1255 1134 1432 1258"><p><i>Sd-</i> MEMBER (J)</p></div>