

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : **6 APR 1988**

APPLICATION NO. 796/87(F)

Applicant

Respondents

Shri M. Sampathkumar

V/s

The Director General, GSI & 54 Ors

To

1. Shri M. Sampathkumar  
No. 337, I Floor  
41st Cross, 8th Block  
Jayanagar  
Bangalore - 560 082
  2. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
  3. The Director General  
Geological Survey of India  
No. 29, Jawaharlal Nehru Road  
Calcutta - 700 016
  4. The Secretary  
Ministry of Steel & Mines  
Department of Mines  
Shastry Bhavan  
New Delhi - 110 001
  5. Shri D.G. Marate  
Chemical Division  
Geological Survey of India  
New Secretariat Building  
Nagpur - 440 001 (Maharashtra)
  6. Shri M.S. Panwar
  7. Shri B.L. Saini
  8. Dr S.K. Sharma
  9. Shri Gajanand
10. Shri J.N. Kumbar
  11. Shri M.P. Singh Sengar  
(Sl Nos. 6 to 11 -  
Chemical Division  
Geological Survey of India  
Bairathi Bhavan  
Prithviraj Marg, 'C' Scheme  
Jaipur - 302 001 )
  12. Shri K.K. Karthe K.N.
  13. Shri N.S. Nair  
(Sl Nos. 12 & 13 -  
Chemical Division  
Geological Survey of India  
Pelayam  
Trivandrum - 695 033 )
  14. Shri M.V. Ramaiah
  15. Shri N.G. Reddy
  16. Shri G.M.N. Shastry
  17. Shri N. Rajshekharen
  18. Shri B.V.D. Rao  
(Sl Nos 14 to 18 -  
Chemical Division  
Geological Survey of India  
4-3-549, Thilak Road  
Hyderabad - 500 001 )

gkued  
K.W.L.M.  
B.L.S.

o/c

19. Shri Arun Kumar
20. Miss B.P. Kanphede
21. Shri Rajpal Singh
22. Shri R. Chatropadhuyay
23. Shri J.P. Sharma
24. Shri M.K. Chakroborthy
25. Shri V.P. Singh
26. Miss Renu Bala
27. Shri D.P. Das

(Sl Nos 19 to 27 -

C/o The Director General  
Geological Survey of India  
27, Jawaharlal Nehru Road  
Calcutta - 700 016 )

28. Shri Ashok Kr Goel
29. Shri Ashok Kr Singh
30. Dr Ranjeen Singh
31. Dr Mol Ishag
32. Shri Hari Om Gupta
33. Shri H.C. Lohari
34. Shri S.F. Ahmad
35. Shri D.O. Upreti

(Sl Nos. 28 to 35 -

Chemical Division  
Geological Survey of India  
Gandhi Bhavan  
M.G. Marg  
Lucknow - 226 001 )

36. Dr Mahabir Singh
37. Shri R.A. Khan Rao
38. Shri Mokrha Ram
39. Shri Ashwani Kumar

40. Shri K.C. Sharma

(Sl Nos. 36 to 40 -

Chemical Division  
Geological Survey of India  
NH-5P, N.I.T.  
Faridabad - 121 001 (Haryana)

41. Shri Gautam Neogi  
Chemical Division  
Geological Survey of India  
Bhubaneswar (Orissa)

42. Shri Jainal Abedin

43. Shri J.B. Ghosh

44. Dr Banani Banerjee

45. Shri H. Naskar
  46. Shri P. Chattopadhayay
- (Sl Nos. 42 to 46 -

Chemical Division  
Geological Survey of India  
27, Jawaharlal Nehru Road  
Eastern Region  
Calcutta - 700 016 )

47. Shri Harpal Singh  
Chemical Division  
Geological Survey of India  
Nangrim Hills  
Shillong - 790 003

48. Shri R.S. Alte  
Chemical Division  
Geological Survey of India  
Maharashtra Circle  
7, Decan College Road  
Yerawada  
Pune - 411 006

49. Shri M.N.M. Rao

50. Shri S.K. Mishra

(Sl Nos. 49 & 50 -

Chemical Division  
Geological Survey of India  
Arera Colony  
Bhopal (M.P)

51. Shri R.K. Tewari

52. Shri A.K. Solenki

53. Shri S.N.R. Girhe

(Sl Nos. 51 to 53 -

Chemical Division  
Geological Survey of India  
New Secretariate Building  
Nagpur - 440 001 )

54. Shri G.S. Reddy

55. Shri V. Ramanan

(Sl Nos. 54 & 55 -

Chemical Division  
Geological Survey of India  
New Industrial Estate  
Guindy  
Madras - 600 032 )

56. Shri Satendra Kumar

57. Shri Mangesh Singh

(Sl Nos. 56 & 57 -

Chemical Division  
AMSE Wing  
Geological Survey of India  
428, 40th Cross, 9th Main  
Jayanagar V Block  
Bangalore - 560 041 )

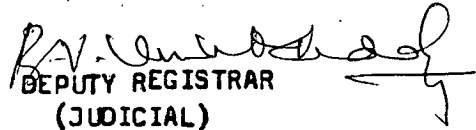
58. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

\*\*\*\*\*

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal  
in the above said application on 21-3-88.

Encl : as above

  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS DAY THE TWENTYFIRST MARCH, 1988.

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

APPLICATION NO. 796 OF 1987

Shri M. Sampathkumar  
No.337, I Floor  
41st Cross, 8th Block  
Jayanagar  
Bangalore - 560 082

.. Applicant

(Dr. M.S. Nagaraja, Advocate)

Vs.

1. The Director General  
Geological Survey of India  
No.29, Jawaharlal Nehru Road  
Calcutta - 700 016.
2. Union of India  
represented by  
The Secretary to the Govt. of India  
Ministry of Steel and Mines,  
Department of Mines  
Shastry Bhavan  
New Delhi - 110 001.
3. Shri D.G. Marate  
Chemical Division  
Geological Survey of India  
New Secretariate Building  
Nagpur - 440 001.
4. Shri M.S. Panwar  
Chemical Division  
G.S.I., Bairathi Bhavan  
Prithiviraj Marg,  
'C' Scheme  
Jaipur - 302 001.
5. Shri K.K. Karthe K.N.,  
Chemical Division  
G.S.I., Palayam  
Trivandrum - 695 003.
6. Shri M.V. Ramaiah  
Chemical Division  
4-3-549, Thilak Road  
Hyderabad - 500 001.  
Shri Arun Kumar  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016.
8. Shri B.L. Saini  
Chemical Division  
G.S.I., Prithiviraj Marg  
'C' Scheme  
Jaipur - 302 001.



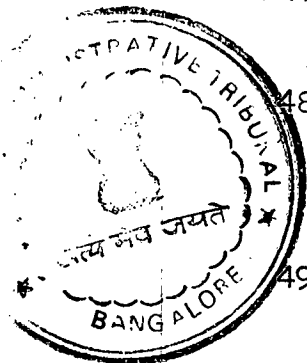
9. Shri Ahok Kr. Goel  
Chemical Division  
G.S.I., Gandhi Bhavan  
M.G. Marg  
Lucknow - 226 001.
10. Dr. Mahabir Singh  
Chemical Division  
G.S.I., NH-5p, N.I.T.,  
Faridabad - 121 001.
11. Dr. S.K. Sharma  
Chemical Division  
G.S.I., Bairathi Bhavan  
Prithviraj Marg, 'C' Scheme  
Jaipur - 302 001.
12. Miss B.P. Kanphede  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016
13. Vacant (Rajpal Singh)  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016
14. Sri R. Chatropedhuyay  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016.
15. Shri J.P. Sharma  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016
16. Shri M.K. Chakraborty  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016
17. Shri V.P. Singh  
C/o. Director General  
4-3-549, Thilak Road  
Hyderabad - 500 001.
18. Shri V.P. Singh  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016
19. Shri Gautam Neogi  
Chemical Division  
G.S.I., Bhubhaneswar  
Orissa.
20. Shri Jainal Abedim  
Chemical Division  
G.S.I., 27, Jawaharlal Nehru Road  
Eastern Region, Calcutta - 700 016
21. Shri Ahok Kr. Singh  
Chemical Division  
G.S.I., Gandhi Bhavan  
M.G. Marg,  
Lucknow - 226 001.



22. Shri Harpal Singh  
Chemical Division  
G.S.I., Nangrim Hills  
Shillong - 790 003
23. Dr. Ranjeen Singh  
Chemical Division,  
G.S.I., Gandhi Bhavan  
M.G. Marg, Lucknow - 226 001.
24. Dr. Mol. Ishag  
Chemical Division  
G.S.I.,  
Gandhi Bhavan, M.G. Marg  
Lucknow - 226 001.
25. Shri G.M.N. Sastry  
Chemical Division  
4-3-549, Thilak Road  
Hyderabad - 500 001.
26. Shri Hari O.M. Gupta  
Chemical Division,  
G.S.I., Gandhi Bhavan  
M.G. Marg, Lucknow-226 001.
27. Shri R.S. Alte  
Chemical Division  
G.S.I., Mahastra Circe  
7, Deccan College Road  
Yerwada, Pune - 411 006.
28. Shri R.A. Khan Rao  
Chemical Division  
G.S.I., NA-5p, N.I.T.,  
Faridabad-121 001
29. Shri Gajanand  
Chemical Division  
G.S.I., Bairathi Bhavan  
Prithviraj Marg  
C-Scheme, Jaipur-302 001.
30. Shri M.N.M. Rao  
Chemical Division  
G.S.I., ~~Arere~~ Colony  
Bhopal (M.P.)
31. Shri J.N. Kumbar  
Chemical Division  
G.S.I., Bairathi Bhavan  
Prithviraj Marg, C-Scheme  
Jaipur - 302 001.
32. Shri Mokrha Ram  
Chemical Division  
G.S.I., NH-5p, NIT.,  
Faridabad - 121 001.
33. Shri M.P. Singh Sengar  
Chemical Division  
G.S.I., Bairathi Bhavan  
Prithviraj Marg, 'C' Scheme  
Jaipur - 302 001.
34. R.K. Tewari  
Chemical Division, G.S.I.,  
New Secretriare Bldg.,  
Nagpur - 440 001.



- 4-
35. Shri Ashwani Kumar  
Chemical Division  
GSI, NA-5p, NIT,  
Faridabad - 121 001.
  36. Shri J.B. Ghosh  
Chemical Division  
G.S.I., 27, Jawaharlal Nehru Rd.,  
Calcutta - 700 016.
  37. Shri A.K. Solenki  
Chemical Division  
GSI, New Secretariat Bldg.,  
Nagpur - 440 001.
  38. Shri G.S. Reddy  
Chemical Division  
G.S.I., New Industrial Estate  
Guindy, Madras - 600 032.
  39. Shri N. Rajshekharan  
Chemical Division  
4-3-549, Thilak Road  
Hyderabad - 500001.
  40. Shri B.V.D. Rao  
Chemical Division  
4-3-549, Thilak Road  
Hyderabad - 500 001.
  41. Shri N.S. Nair  
Chemical Division  
G.S.I., Palayan  
Trivandrum - 695 033
  42. Dr. Banani Banerjee  
Chemical Division  
GSI., 27, Jawaharlal Nehru Rd.,  
Calcutta - 700 016.
  43. Miss Renu Bala  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016.
  44. Shri H. Naskar  
Chemical Division, G.S.I.,  
27, Jawaharlal Nehru Road  
Calcutta - 700 016.
  45. Shri S.K. Mishra,  
Chemical Division, G.S.I.,  
Arera Colony, Bhopal (M.P.)
  46. Shri V. Ramannan,  
Chemical Division, G.S.I.,  
New Industrial Estate, Guindy  
Madras - 600 032.
  47. Shri K.C. Sharma  
Chemical Division, G.S.I.,  
NH-5p, NIT., Faridabad - 121 001.
  48. Sri Satendra Kumar  
Chemical Division, AMSE Wing  
G.S.I., 428, 40th Cross,  
9th Main, Jayanagar V. Block  
Bangalore - 41.
  49. Shri H.C. Lohari  
Chemical Division, G.S.I.,  
Gandhi Bhavan, MG Marg,  
Lucknow.
  50. Shri Mangesh Singh  
Chemical Division, AMSE Wing  
GSI, 428, 40th Cross, 9th Main



51. Shri P. Chattopadhyay  
Chemical Division, GSI  
27, Jawaharlal Nehru Road  
Calcutta - 700 016
52. Shri S.F. Ahmad  
Chemical Division  
Gandhibhavan, M.G. Marg  
Lucknow - 226 001.
53. Shri S.N.R. Girhe  
Chemical Division, GSI  
New Secretariate Bldg.,  
Nagpur - 440 001.
54. Shri D.D. Upreti  
Chemical Division  
G.S.I., Gandhi Bhavan  
M.G. Marg, Lucknow - 226 001.
55. Shri D.P. Das  
C/o. Director General  
Geol. Survey of India  
Calcutta - 700 016.

.....Respondents

(Shri M. Vasudeva Rao, Advocate)

This application has come up for hearing before this Tribunal today, Hon'ble Vice Chairman, made the following:-

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant joined service on 21-11-1974 as a Senior Technical Assistant (Chemical) in the then time scale of Rs 550-900 in the department of Geological Survey of India, which has its Head Quarters at Calcutta. In conformity with the Recruitment Rules of the Department and the recommendations of the Departmental Promotion Committee (DPC), the Director General, Geological Survey of India, Calcutta ('DG') by his

.....6/-



Notification No.A-19011(3-MSK)/81-19B dated nil November, 1981 (Annexure-A2) promoted the applicant as an Assistant Chemist in the then time scale of Rs 650-1200 with effect from the afternoon of 2-11-1981 until further orders and in pursuance of the same he had continued as an Assistant Chemist ever since then.

3. In the provisional seniority list drawn, in the cadre of Assistant Chemists as on 1.6.1984, finalised in January, 1985, the applicant has been assigned rank No.152 (Annexure-A3). In that list, respondents 3 to 55 appointed as Assistant Chemists on dates later than the promotion of the applicant as direct recruits on different dates, the details of which are not very necessary to notice, have been assigned higher rankings over the applicant in complying with the rotational and quota Rules formulated by Government of India. But the applicant claims that if the true and correct principle of seniority viz., the dates of appointments to the cadre, is applied, then the assignment of higher rankings to respondents 3 to 55 was illegal and impermissible.

4. In justification of the seniority list drawn and the assignment of ranks to the applicant and respondents 3 to 55, respondents 1 and 2 have filed their separate reply. Respondents 10, 31, 32, 35, 38, 46, 47, 53 and 54 have also filed their separate replies by post. Respondent - 48 who has also filed his separate reply, has appeared in person and argued his case.



5. Dr. M.S. Nagaraja, learned counsel for the applicant contends that in drawing up the impugned seniority list, the DG had thrown overboard the true principles of determining, relative seniority between direct recruits and promotees of reckoning the dates of their appointments and had illegally applied the rota quota rule which had no application, as held 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(2)SLJ (CAT) Calcutta 406) dealing with the very impugned seniority list and that decision requires to be applied to the applicant also.

6. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for respondents 1 and 2 and Shri Satendra Kumar, respondent-48 contend that the decision rendered by the Calcutta Bench in ABHAS BOSE case, was in contravention of the Rules regulating the determination of seniority and the laws declared by the Supreme Court in its very latest ruling in GONAL BHIMAPPA v. STATE OF KARNATAKA (ILR 1987 Kar.3127 = AIR 1987 SC 2359) and therefore we should decline to follow ABHAS BOSE's case and follow the principles enunciated in Gonal Bhimappa's case. Sri Satendra Kumar also urges for keeping this application pending till the Special Leave to Appeal in Abhas Bose's case is decided by the Supreme Court. We consider it proper to deal with this prayer of Sri Satendra Kumar first and then deal with the others, if they become necessary.

7. On the very seniority list impugned before us, and the questions that arise thereto, the Calcutta Bench



in Abhas Bose's case had rendered its decision on 24-2-1987, which is in favour of the promotees. Aggrieved by this decision some of the direct recruits who are also respondents before us, have filed a special leave petition before the Supreme Court in S.L.P. No.7690 of 1987. On 24-8-1987 the Hon'ble Supreme Court had granted them Special Leave to appeal and the same is still pending disposal before the Supreme Court. In that appeal as the Hon'ble Supreme Court had not granted stay, the DG had taken steps to implement the decision in Abhas Bose's case and redraw the very seniority list in conformity with the same. In these circumstances, we consider it proper not to keep this application pending till the appeal in that case is heard and decided by the Supreme Court. We, therefore, reject this prayer of Shri Satendra Kumar.

8. Abhas Bose and others who were promotees as the applicant had challenged the very seniority list before the Calcutta Bench and that Bench on a detailed examination of all the contentions urged by both sides had held 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

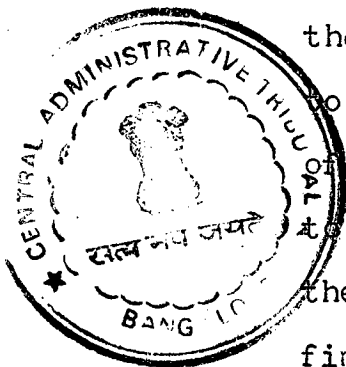


seniority of the promotees was sought to be bye-passed. The facts stated are almost identical to those indicated in Supreme Court judgements cited above. In view of our analysis and the overwhelming decisions of the Supreme Court as cited above, we are unable to sustain the case of the respondents.

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."

9. But, on the applicability or otherwise of Gonal Bhimappa's case itself to the case there is a serious dispute between the parties before us. We consider it proper not to examine all of them in this case.

10. When we find that the Calcutta Bench, a coordinate Bench of this Tribunal examining the very seniority list and all questions which arise thereto had found them in favour of the applicant, we consider it proper to follow the same and make a similar order in terms of that very decision leaving the aggrieved parties to work out their remedies before the Supreme Court if they so decide, but making the same subject to the final result of the appeal pending before the Supreme Court.



11. In the light of our above discussion, we allow this application in part, direct respondent-1 - DG - to apply the decision of the Calcutta Bench in Abhas Bose's case to the applicant also and re-draw the seniority list in terms of that decision however making the same subject to the final orders of the Hon'ble Supreme Court in the appeal pending before it against that decision.

12. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-  
VICE CHAIRMAN  
21-3-1988

Sd/-  
MEMBER (A) 21-3-88

TRUE COPY

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE