

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

\* \* \* \* \*

Commercial Complex (BDA)

Indiranagar

Bangalore - 560 038

Dated : 28 MAR 1988

APPLICATION NO

834

/ 87(F)

W.P. NO.

Respondent

Shri A.K. Loganathan

V/s

The Secy, Dept. of Science & Technology,  
New Delhi & 4 Ors

1. Shri A.K. Loganathan  
No. 6, Murugapillai Street  
Bangalore - 560 001

6. The Superintending Surveyor Incharge  
No. 84 (P) Party (S.C.)  
Survey of India  
No. 1A, Brunton Road  
Bangalore - 560 025

2. The Secretary  
Department of Science & Technology  
New Delhi

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

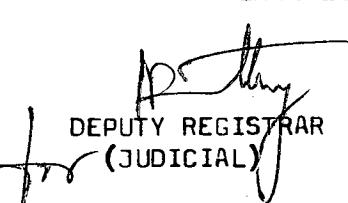
3. The Surveyor General of India  
Post Box No. 37  
Dehra Dun  
Uttar Pradesh

4. The Senior Director  
Survey of India  
Southern Circle  
Koramangala II Block  
Sarjapura Road  
Bangalore - 560 034

5. The Superintending Surveyor Incharge  
No. 17 Party (S.C.)  
Survey of India  
Bangalore - 560 025

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/ ~~STAY/ INTRODUCED~~ passed by this Tribunal in the above said application on 18-3-88.

  
DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

  
J.C.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE DAY OF EIGHTEENTH MARCH, 1988.

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

APPLICATION NO.834/1987

Shri A.K. Loganathan  
Plane-Tabler Grade-III  
No.84 (P) Party (S.C.)  
Survey of India  
No.1A, Brunton Road  
Bangalore - 560 025.  
.....Applicant.

Vs.

1. Union of India  
Represented by  
The Secretary to Govt. of India  
Department of Science & Technology  
New Delhi.
2. The Surveyor General of India  
Post Box No.37  
Dehra Dun  
Uttar Pradesh.
3. The Senior Director  
Survey of India, Southern Circle  
Koramangala II Block  
Sarjapura Road  
Bangalore - 560 034.
4. The Superintending Surveyor  
Incharge, No.17 Party (S.C.)  
Survey of India  
Bangalore - 560 025

The Superintending Surveyor  
Incharge, No.84 (P) Party (S.C.)  
Survey of India  
No.1A, Brunton Road  
Bangalore - 560 025.

.. 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

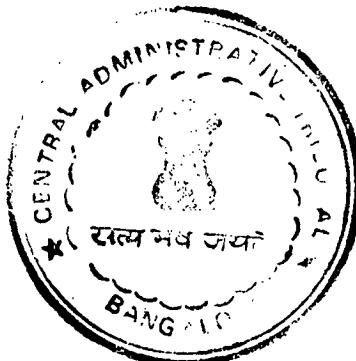
This is an application made by the applicant  
under Section 19 of the Administrative Tribunals Act, 1985.

2. The applicant initially joined service as a Topo-Trainee 'B' on 15.9.1948 in the Survey of India, a department of the Government of India. Prior to 29.2.1964, he had been confirmed and had secured a promotion to the post of Air Survey Draftsman Gr. IV.

3. On 29.2.1964, the services of the applicant were terminated treating an appeal filed by him as his resignation, the validity of which was challenged by him in O.S. No. 346/66, on the file of the Addl. Munsiff, Bangalore (Munsiff). On 13.9.1971, the Munsiff decreed the said suit, which decree was unsuccessfully challenged by the respondents, first before the first appellate court and then before the High Court, which dismissed their second appeal on 1.12.1975. On the termination of these proceedings, the applicant was reinstated to service from 18.2.1976. On his reinstatement, he was promoted as Plane-Tabler Gr. III from 1.1.1978, in which capacity he continued to serve till 31.1.1987, on which day he retired from service on attaining superannuation.

4. Prior to his termination on 29.2.1964 the applicant had appeared for a Trade Test held in 1962-63 for the post of Plane Tabler Gr. III, in which he had failed.

5. On his reinstatement to service, the applicant approached the High Court of Karnataka in W.P.No. 3257/79 for a mandamus to the respondents to promote him as Plane-Tabler Gr. III w.e.f.



1.1.1964 and on the Constitution of this Tribunal, the same was transferred to this Bench where it was registered as A.No.169/86. On 31.10.1986, this Tribunal disposed of the same with these directions:

" After considering the rival contentions, we are satisfied that it is not obligatory on the part of the applicant to appear at the TT for TPT Gr.II since it was for reasons beyond his control that he could not appear for the said test prior to the amendment of rules in 1979, and had he qualified at that time, the necessity of to appear for the TT in 1979 would not have arisen. We, therefore, set aside the communication dated 13.2.1979 of R2 (Annexure-L to the application) and direct the respondents to consider the case of the applicant for promotion from the post he is currently holding to the post of PT Gr.II in conformity with the rules existing prior to 1970. The application is accordingly allowed; parties to bear their own costs."

In pursuance of this order, the authority has re-examined the matter, and made an order on 30.7.1987 (Annexure-L), promoting the applicant from Plane-Tabler Gr.III to Plane Tabler Gr.II w.e.f. 1.1.1980.

6. But notwithstanding this, the applicant now claims that promotion should date back to 1.1.1966 and that promotion to the post of Plane Tabler Gr.III should date back to 1.1.1964.

7. In justification of the order made by the DSG on 30.7.1987, and the denial of earlier promotions claimed by the applicant from 1.1.1964 and 1.1.1966,



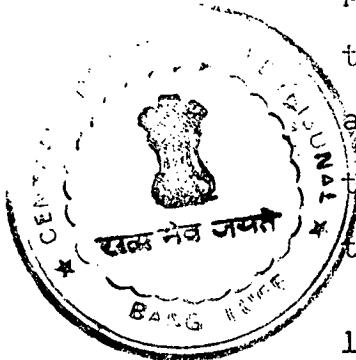
the respondents have filed their reply.

8. Shri A.K. Loganathan, who is the applicant, arguing his case with some skill, generally displayed by a trained lawyer, contends that on the basis of the earlier orders made by the Civil Court, High Court and this Tribunal, his promotion as Plane Tabler Gr.II should date back to 1.1.1966 and the denial of the same by the DSG in his order dated 30.7.1987 was plainly illegal, improper and unjust.

9. Shri M. Vasudeva Rao, learned Counsel for the respondents, contends that the order made by the authority was in full and faithful compliance of the earlier order of this Tribunal and there were no grounds to direct the respondents to accord further retrospective promotions to the applicant from 1.1.1966 and 1.1.1964.

10. Whatever be the merits, the claim of the applicant in particular his claim for promotion from 1.1.1966 is a very stale claim and the same will not make any substantial difference as he has retired from service on 31.7.1987. On this short ground we should reject the claims of the applicant without examining the merits.

11. The applicant who appeared for the examination in 1962-63 failed in the Trade Test held thereto and that has not been undone by the Civil



Court or by any other authority in any proceedings. In deciding this aspect, the developments on his alleged resignation are really irrelevant. When the results of Trade Test held in 1962-63 are not undone, then the applicant cannot at all claim the benefit of deemed promotion on the basis of his passing that examination in 1977 and the later promotion accorded to him from 1.1.1978. On this and all other relevant circumstances, this claim of the applicant has really no legs to stand and is misconceived. We are of the view that this claim of the applicant for retrospective promotions on the basis of the later promotion from 1.1.1978 cannot be granted either on principle or authority.

12. On any view this is a fit case in which we should not interfere with the action of the authorities at this distance of time.

13. In the light of our above discussion, we hold that 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.



mr.

Sd/-  
VICE CHAIRMAN

18/3/88  
TRUE COPY

Sd/-  
MEMBER (A) 18.3.88

AP 28/3/88  
DEPUTY REGISTRAR (JUL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

\* \* \* \* \*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 11 APR 1988

IA I IN APPLICATION NO

834

/87(F)

W.P. NO.

Applicant

Shri A.K. Loganathan

To

1. Shri A.K. Loganathan  
No. 6, Murugapillai Street  
Bangalore - 560 001

2. The Secretary  
Department of Science & Technology  
New Delhi

3. The Surveyor General of India  
Post Box No. 37  
Dehra Dun  
Uttar Pradesh

4. The Senior Director  
Survey of India  
Southern Circle  
Koramangala II Block  
Sarjapura Road  
Bangalore - 560 034

v/s

Respondent  
The Secy, Dept of Science & Technology,  
New Delhi & 4 Ors

5. The Superintending Surveyor Incharge  
No. 17 Party (S.C.)  
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7. 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/XXXX/XXXXXX/XXXXXX  
passed by this Tribunal in the above said application on 30-3-88.

*Rs. Venkatesh Rao*  
DEPUTY REGISTRAR  
(JUDICIAL)

*Enclosed*  
Enclosed : All above

*9/2*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,  
BANGALORE

A.K. Loganathan

Appnico v/s  
Order Sheet (contd)

834/87  
The Secy, Dept of Science & Technology, New Delhi & 4 Grs  
M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
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(KSP(VC)/(LHAR)M(A)

MARCH 30, 1988.

ORDER ON I.A.NO.I - APPLICATION FOR RECALLING OUR ORDER DATED 18-3-1988.

Applicant in person.

Respondents by Sri M. Vasudeva Rao.

In this I.A., the applicant has sought for recalling our order and re-hear the main application on the grounds stated in the affidavit accompanying I.A.NoI.

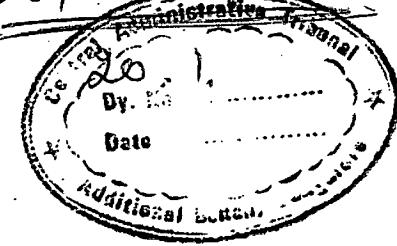
Both on principle and authority, this application cannot be allowed. Even otherwise, we heard the applicant on 18-3-1988 at great length and only after he stated that he had no more arguments to submit, we dictated our order in the open Court. When that is so, we find no justification to recall our order and re-hear the applicant.



Date	Office Notes	Orders of Tribunal
		<p>We see no merit in this application. We, therefore, reject this application. No costs.</p> <p>Sd/- VICE-CHAIRMAN.</p> <p>Sd/- MEMBER(A)</p> <p>TRUE COPY</p> <p>R. Venkatesh DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p>



of No. 26 / Jud. II / 92



Recd. by Post  
20/1  
Shri Rao

2932/89 | SEC. IV A

D. NO. | SUPREME COURT OF INDIA

NEW DELHI.

DATED: - 8th Jan. 1992

From:

The Registrar (Judicial)  
Supreme Court of India,  
New Delhi.

To:

The Registrar  
Central Administrative Tribunal  
Bangalore Bench  
at Bangalore

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL CPL.) NO. 10050/89  
(Petition under Article 136 of the Constitution of India)

From the judgment and order dated 18.3.88 & 30.3.88 of the  
Central Administrative Tribunal, Bangalore Bench  
High Court of Judicature at [redacted]

in Appn. No. 834/87

A. K. Lokanathan

... PETITIONER(S)

VERSUS

The Secretary & Ors.

... RESPONDENT(S)

Sir,

I am directed to inform you that the petition above  
mentioned filed in the Supreme Court was dismissed by the

Court on 28th October, 1991.

Yours faithfully,

R. Kumar  
10.1.92  
For Registrar