

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 28 MAR 1988

APPLICATION NO 834 / 87(F)

W.P. NO: _____

Applicant

Shri A.K. Loganathan

To

Respondent

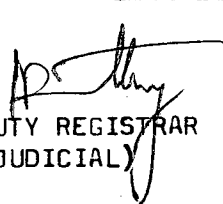
V/s

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

- | | |
|---|---|
| <p>1. Shri A.K. Loganathan
No. 6, Murugapillai Street
Bangalore - 560 001</p> <p>2. The Secretary
Department of Science & Technology
New Delhi</p> <p>3. The Surveyor General of India
Post Box No. 37
Dehra Dun
Uttar Pradesh</p> <p>4. The Senior Director
Survey of India
Southern Circle
Koramangala II Block
Sarjapura Road
Bangalore - 560 034</p> <p>5. The Superintending Surveyor Incharge
No. 17 Party (S.C.)
Survey of India
Bangalore - 560 025</p> | <p>6. The Superintending Surveyor Incharge
No. 84 (P) Party (S.C.)
Survey of India
No. 1A, Brunton Road
Bangalore - 560 025</p> <p>7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001</p> |
|---|---|

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 on 18-3-88.


DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

ofc

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.

(Shri M. Vasudeva Rao, Advocate)

.. Respondents



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

ORDER

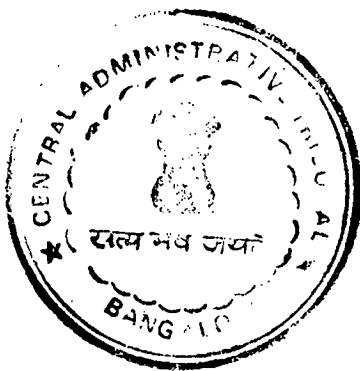
This is an application made by the applicant
under Section 19 of the Administrative Tribunals Act, 1985.

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 not withstanding 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,

.....4/-



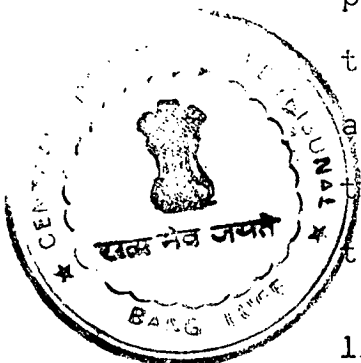
the respondents have filed their reply.

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.

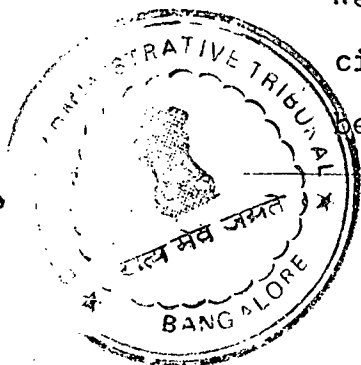
11. The applicant who appeared for the examination in 1962-63 failed in the Trade Test held thereto and that has not been undone by the Civil



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

TRUE COPY

Sd/-

MEMBER (A) 18.3.88

AP 28/3/88
DEPUTY REGISTRAR (JDL)
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

Respondent

V/s

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

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
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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.

DEPUTY REGISTRAR
(JUDICIAL)

Encl: As above

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE

A.K. Loganathan

Order Sheet (contd)

The Secy, Dept of Science &
Technology, New Delhi & 4 Cse
M. Vasudeva Rao

App No. 834/87
V/s

Date

Office Notes

Orders of Tribunal

(KSP(VC))/(LHAR)M(A)

MARCH 30, 1988.

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

Applicant in person.
Respondents by Sri M.Vasudeva
Rao.

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

Both on principle and
authority, this application
cannot be allowed. Even other-
wise, 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 justifica-
tion to recall our order and
re-hear the applicant.



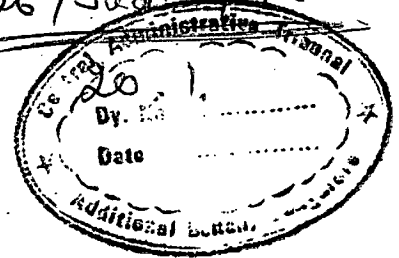
Date	Office Notes	Orders of Tribunal
	<p> <i>[Faint handwritten notes in Devanagari script]</i> </p> <div data-bbox="289 573 643 941" data-label="Image"> </div>	<p> <i>[Faint handwritten notes in Devanagari script]</i> </p> <p> We see no merit in this application. We, therefore, reject this application. No costs. </p> <div data-bbox="797 449 1062 555" data-label="Text"> <p> <i>Sd/-</i> VICE-CHAIRMAN. </p> </div> <div data-bbox="1208 449 1386 555" data-label="Text"> <p> <i>Sd/-</i> MEMBER(A) </p> </div> <p> TRUE COPY </p> <div data-bbox="893 782 1463 986" data-label="Text"> <p> <i>[Signature]</i> DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE </p> </div>

Recd. by Post.

20/1

Shri. Rao.

Dy No. 26 / Jud II / 92



From:

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

D.NO. 2932/89 / SEC. IV A
SUPREME COURT OF INDIA
NEW DELHI.

DATED:- 8th Jan. 1992

To

The Registrar
Central Administrative Tribunal
Bangalore Bench
at Bangalore

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CRL.) 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

in Appln. 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. K. Narayan
10.1.92
For Registrar.