

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 18 FEB 1988

APPLICATION NO. 855/87(F)

Applicant

Shri K.P. Srinivasan

V/s

Respondents

The GM, South Central Railway, Secunderabad  
& 13 Ors

To

1. Shri K.P. Srinivasan  
C/o Shri U.L. Narayana Rao  
Advocate  
581, 3rd Main Road  
Sadashivanagar  
Bangalore - 560 080
2. Shri U.L. Narayana Rao  
Advocate  
581, 3rd Main Road  
Sadashivanagar  
Bangalore - 560 080
3. The General Manager  
South Central Railway  
Railway Nilayam  
Secunderabad (A.P.)
4. The Financial Advisor &  
Chief Accounts Officer  
South Central Railway  
Railway Nilayam  
Secunderabad (A.P.)
5. Shri K. Venkataraman  
Officiating Accounts Officer  
Station Inspection Section  
Old Financial Advisor &  
Chief Accounts Officer's Building  
South Central Railway  
Secunderabad (A.P.)

6. Shri B. Srinivasa Murthy  
Programmer  
Electronic Data Processing Office  
South Central Railway  
Secunderabad (A.P.)
7. Shri C.N. Krishnan  
Officiating Assistant Accounts Officer  
Railway Electrification  
South Central Railway  
Vijayawada (A.P.)
8. Shri L. Padmanabha Sastry  
Senior Accounts Officer  
Wheel & Axle Plant  
Yelahanka  
Bangalore
9. Shri B.R.K. Prasad  
Section Officer  
Electronic Data Programming Office  
South Central Railway  
Vijayawada (A.P.)
10. Shri C.S. Gundachar  
Section Officer  
Headquarters Construction Office  
South Central Railway  
Secunderabad (A.P.)
11. Shri K. Sathyanarayana  
Workshop Accounts Office  
South Central Railway  
Guntapally (Andhra Pradesh)

12. Shri K.C. Pillai  
Section Officer(Accounts)  
Traffic Accounts Office  
South Central Railway  
Secunderabad (A.P.)

13. Shri K. Natarajan  
Section Officer  
Headquarters Construction Office  
South Central Railway  
Secunderabad (A.P.)

14. Shri B.G. Sutar  
Inspector of Station Accounts  
South Central Railway  
Railway Quarters  
Hubli (Dharwad District)

15. Shri S.K. Srikanthiah  
Inspector of Station Accounts  
South Central Railway  
Hubli (Dharwad District)

16. Shri S. Kumaraswamy  
Inspector of Station Accounts  
Office of the Accounts Officer  
South Central Railway  
Secunderabad (A.P.)

17. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbenpet Main Road  
Bengaluru - 560 002

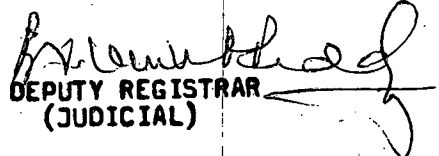
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Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal  
in the above said application on 20-1-88.

Encl : As above

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DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 20TH DAY OF JANUARY, 1988

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

APPLICATION NO. 855/1987

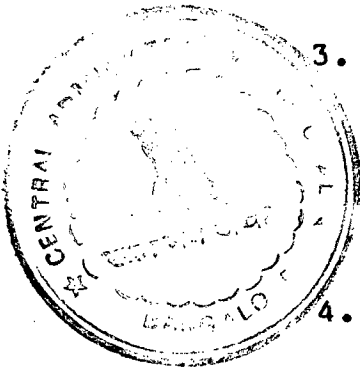
Shri. K.P. Srinivasan,  
S/o K.H. Puttanna,  
Section Officer,  
O/o the Sr. Divl. Accounts Officer,  
South Central Railway,  
Hubli, Dharwad District.

.... Applicant.

(Shri U.L. Narayana Rao, Advocate)

v.

1. The General Manager,  
South Central Railway,  
Railway Nilayam,  
Secunderabad.
2. The Financial Advisor &  
Chief Accounts Officer,  
South Central Railway,  
Railway Nilayam,  
Secunderabad.
3. K. Venkataraman, Officiating  
Accounts Officer, Station  
Inspection Section, Old  
Financial Advisor & Chief  
Accounts Officer's Building,  
South Central Railway,  
Secunderabad.
4. B. Srinivasa Murthy,  
Programmer, Electronic Data  
Processing Office, South  
Central Railway, Secunderabad.
5. C.N. Krishnan, Officiating  
Assistant Accounts Officer  
Railway Electrification,  
South Central Railway,  
Vijayawada.
6. L. Padmanabha Sastry,  
Senior Accounts Officer,  
Wheel and Axel Plant,  
Yelahanka, Bangalore.



7. B.R.K. Prasad, Section Officer,  
Electronic Data Programming  
Office, South Central Railway,  
Vijayawada.
8. C.S. Gundachar, Section Officer,  
Headquarters Construction Office,  
South Central Railway,  
Secunderabad.
9. K. Sathyanarayana (Accounts),  
Workshop Accounts Office,  
South Central Railway,  
Guntapally.
10. K.C. Pillai, Section Officer,  
(Accounts), Traffic Accounts  
Office, South Central Railway,  
Secunderabad.
11. K. Natarajan, Section Officer,  
Headquarters Construction Office,  
South Central Railway, Secunderabad.
12. B.G. Sutar, Inspector of Station  
Accounts, South Central Railway,  
Railway Headquarters, Hubli.
13. S.K. Srikantaiah, Inspector of Station  
Accounts, South Central Railway, Hubli.
14. S. Kumaraswamy, Inspector of Station  
Accounts, O/o the Accounts Officer,  
South Central Railway, Secunderabad.

.... Respondents

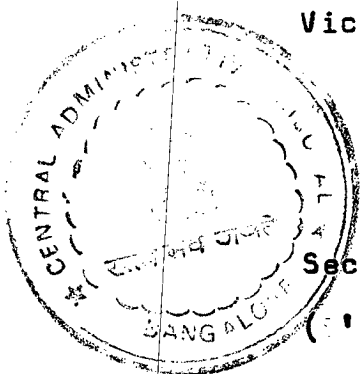
(Shri M. Srirangaiah, Advocate for  
Respondents 1 and 2)

This application having come up for hearing to-day,  
Vice-Chairman made the following:

ORDER

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

2. Prior to 21.6.1969, the applicant, respondents 4  
to 14 in general and respondent No.3 in particular were



working as Clerks Grade-I in various offices of the South Central Railway (SCR). On 21.6.1969, the Financial Advisor and Chief Accounts Officer (FA&CAO) of the SCR, promoted the applicant and respondent-3 as Junior Accountants in the time-scale of Rs.270-435 on an ad-hoc basis. While the applicant declined to accept the said promotion, respondent-3 accepted the same and reported for duty as Junior Accountant.

3. In due course, there was an examination for making regular selections to the post of Assistant Accounts Officer (AAO). In that examination, which consists of a written and viva voce, finalised on 26.8.1987, though the process for the same commenced in 1985, the applicant was unsuccessful and respondent-3 and several others were successful.

4. On 9.9.1987, the FA & CAO had promoted respondent-3 as AAO on regular basis, evidently on the basis of selections finalised on 26.8.1987. On 14.9.1987, the FA & CAO had also promoted certain others as AAOs on ad hoc basis. The applicant, who claims to be Senior to respondents 3 to 14 in the intermediate cadre of Junior Accountant now (re-designated as Section Officer) has challenged the Combined Seniority List ('CSL') and the promotion orders made by the FA & CAO on 9.9.1987 and 14.9.1987, on a large number of grounds.



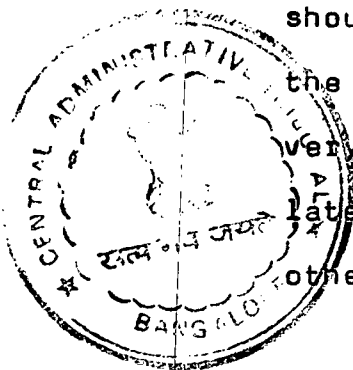
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5. In their reply, respondents 1 and 2 have justified the assignment of ranks to the applicant and respondents 3 to 14 and others in the CSL, as also the promotions made by FA & CAO on 9.9.1987 and 14.9.1987.

6. Shri U.L. Narayana Rao, learned Counsel for the applicant, contends that in the preparation of the revised CSL by the FA & CAO (Annexure-F), the Railway Administration had thrown overboard the criteria or the principles evolved by the Railway Board, and the assignment of the lower rank to the applicant and higher ranks to respondents 3 to 14, was in contravention of those criteria and was wholly unjustified and that being so the promotions given to respondents 3 to 5 and the supersession of the applicant, were also illegal and unjustified.

7. Shri M. Srirangaiah, learned Counsel appearing for respondents 1 and 2 refuting the contentions of Sri Rao contends that this is a fit case in which this Tribunal should decline to examine all the interesting questions as the applicant was due to retire on 31.1.1988. In the very nature of things, it is necessary to examine that later contention of Shri Srirangaiah first, and then the other questions if they become necessary.

8. Shri Rao, in our opinion, very fairly and rightly does not dispute that the applicant is due to retire on 31.1.1988, on superannuation. If that is so, there is hardly another 11 days left for the active service of the applicant.



9. We have earlier seen that the promotions which are seriously in challenge, have been made by the FA & CAO only on 9.9.1987 and 14.9.1987. At the highest, those promoted on those dates, even assuming that their promotions, are contrary to the rules, will hardly have the benefit of such promotions for a period of not more than 4 to 5 months. Even if we accept all the contentions of the applicant, then also, he will get some marginal benefits for a period of about 4 to 5 months. When these are the facts, a decision on the controversial questions which are not free from doubt, would not very much advance the case of the applicant and would not result in any great financial benefits to him. Without any doubt, a decision on the question would all be academic. If that is so, this is a fit case in which we should decline to examine every one of the contentions urged by the applicant, which necessarily means that we should refuse to grant any one of the reliefs sought for by him, and allow the matter to rest, not on the ground that we have refused to accept them on merits, but on the ground that the time itself was the best healer. We propose to do so in this case.



TRUE COPY

10. On the foregoing 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.

*[Signature]*  
DEPUTY REGISTRAR (Joint) Vice-Chairman  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

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20/1/88

kms/Mrv.

sdl-  
NUMBER ( ) / 1988