

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 16 FEB 1988
/87 (T)

APPLICATION NO 1054

W.P.No.

16042/83

APPLICANT

Vs

RESPONDENTS

Smt M.S. Singhamma

The Registrar General of India, New Delhi
& 4 Ors

To

- Recd
M.S. Singamma
Dengar
brother of
applicant
17.2.88*
1. Smt M.S. Singhamma
Statistical Assistant
Office of the Director of Census
Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027
 2. Shri G.N. Seshagiri Rao
Advocate
No. 18(Upstairs)
Opp : Nagappa Park
Srirampuram
Bangalore - 560 021
 3. The Registrar General of India
Motah House (Annexe)
2/A, Mansingh Road
New Delhi - 110 011
 4. The Director of Census Operations
in Karnataka
21/1, Mission Road
Bangalore - 560 027
 5. Shri B. Venkatachala Rao
Senior Investigator
Office of the Director of Census
Operations in Karnataka
21/1, Mission Road, Bangalore - 560 027

6. Shri M.S. Nagaraj
Statistical Assistant
Edit & Coding Cell
Office of the Director of Census
Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027
7. Shri B.S. Nagaraj
S-2C, SQC Section
Office of the Director of Census
Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027
8. Shri M.S. Padmarajaiah
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/~~STAY~~

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 25/27-1-88.

17.2.88
Encl: as above.

9/c
DEPUTY REGISTRAR
(JUDICIAL)

ORDER

This is a transferred application and is received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant who joined service as a Sorter on 5-6-1961 in the office of the Director, Census Operations in Karnataka, Bangalore (Director) on a temporary basis with two breaks in service was regularly appointed to that post from 6-11-1963 and continued in that post till 31-7-1964.

3. On 1-8-1964 the applicant was promoted as a Compiler-Checker but was reverted from 1-3-1965 as a Sorter. She was again promoted as Compiler. But her services were terminated from 29-1-1966 with one month's notice, the validity of which was challenged by her before the High Court in Writ Petition No. 362 of 1966. On 5-9-1967 the High Court allowed her said writ petition quashed her termination and directed her reinstatement with all consequential benefits. In pursuance of the order of the High Court the applicant was reinstated to service in an equivalent post she earlier held. On 8-5-1970 the applicant was promoted as a Computer and that on 25-5-1978, she was promoted as a Statistical Assistant from which date she is working in that capacity.

4. M.S. Nagaraj, respondent-4 who also started as a Sorter on a temporary basis, later than the applicant was however, appointed on a regular basis from 12-6-1962. On this basis, with various vicissitudes that are not necessary to notice, respondent-4 was promoted as a Statistical Assistant from 7-7-1977 on a regular basis. We have gathered these service

service details from the original service registers of the applicant and respondent No.4 which have also been examined by the applicant and her learned counsel also.

5. In the seniority list of officials working in the census office, Karnataka State as on 1-12-1963 the applicant was assigned a higher rank over respondent Nos. 3 and 4 and, therefore, she has no grievance with the same. In the said list, respondent No.5 does not even find a place at all.

6. But, in the later seniority list published as on 1-1-1982 by the Director (Annexure-F) in the category of Statistical Assistants, respondent -4 has been assigned a higher rank over the applicant. In that list respondents Nos. 3 and 5 have also been assigned higher positions or ranks. But, on a close scrutiny of their service records, the applicant has filed a memo withdrawing her challenge to the positions assigned to those respondents. We have, therefore, not noticed the details of their services and confine ourselves to the applicant and respondent No.4.

7. Among others, the apploicant has urged that she having started her service earlier to respondent No.4 which had been properly recognised in the seniority list as on 1-12-1963 should have reflected itself in the later seniority list as on 1-1-1982 also in the cadre of Statistical Assistants.

8. In justification of the rankings assigned to the applicant and respondent-4, respondents 1 and 2 have filed their reply and have also produced their records.



9. Sri G.M:Sheshagiri Rao, learned counsel for the applicant, contends that the ranks assigned to the applicant and respondent No.4 as on 1-2-1963 being correct, it was impermissible for the Director to assign a higher rank to respondent No.4 in the cadre of Statistical Assistants as on 1-1-1982. In support of his contention Sri Sheshagiri Rao strongly relies on a Division bench ruling of the Karnataka High Court in RAMASWAMY G.T. AND OTHERS v. STATE OF KARNATAKA AND OTHERS [1986 (1) Kar.L.J.page 1].

10. Sri M.S.Padmarajaiah, learned counsel for respondent Nos. 1 and 2 refuting the contention of Sri Rao, contends that the assignment of ranks to the applicant and respondent No.4 with due regard to the service particulars noticed, were unexceptionable and correct.

11. We have earlier noticed that respondent-4 was appointed as a Sorter on a regular basis from 12-6-1962 before the applicant was so appointed from 6-11-1963. The result of this was that in the very initial cadre of Sorters itself, the applicant though she had joined service earlier on an ad hoc basis lost seniority to respondent No.4. Apart from this respondent No.4 was promoted as a regular Statistical Assistant from 7-7-1977 as against the applicant who was so promoted from 25-5-1978. If these are the facts, which cannot be undone, it is clear that the ranking assigned to respondent No.4 who was promoted earlier to the applicant to the cadre of Statistical Assistants is absolutely correct and no exception

can, therefore, be taken to the rankings assigned to the applicant and respondent No.4.

12. We are of the view that Ramaswamy's case which did not deal with a situation, as in the present does not really bear on the point and assist the applicant.

13. On the foregoing discussion, we hold that this application is liable to be dismissed in its entirety. We, therefore, dismiss this application in its entirety. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN.

27/1/1988
(27-1-1988)

Sd/-
MEMBER(A) 27.1.88

TRUE COPY

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

16/2

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE
DATED THIS THE 25TH/27TH JANUARY, 1988.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego, .. Member(A).

APPLICATION NUMBER 1054 OF 1987

Smt. M.S. Singhamma,
Major, D/o Sri Sampath Iyengar,
Statistical Assistant,
Office of the Director of Census
Operations in Karnataka, Bangalore. .. Applicant.
(By Sri G.N. Sheshagiri Rao, Advocate)

v.

1. The Registrar General of India,
Motah House (Annexe) 2/A,
Mansingh Road, New Delhi-11.
2. The Director of Census Operations
in Karnataka, 21/1, Mission Road,
Bangalore-560 007.
3. B. Venkatachala Rao,
Major, Senior Investigator Office of
the Director of Census Operations
in Karnataka, Bangalore-27.
4. M.S. Nagaraj, Major,
Statistical Assistant,
Edit and Coding Cell,
Office of the Director of Census
Operations in Karnataka,
Bangalore-27.
5. B.S. Nagaraj, Major,
S-2C, SQC Section, Office of the
Director of Census Operations
in Karnataka, Bangalore. .. Respondents
(By Sri M.S. Padmarajaiah, CGSSC)

--

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

O R D E R

O R D E R

This is a transferred application and is received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicant who joined service as a Sorter on 5-6-1961 in the office of the Director, Census Operations in Karnataka, Bangalore (Director) on a temporary basis with two breaks in service was regularly appointed to that post from 6-11-1963 and continued in that post till 31-7-1964.

3. On 1-8-1964 the applicant was promoted as a Compiler-Checker but was reverted from 1-3-1965 as a Sorter. She was again promoted as Compiler. But her services were terminated from 29-1-1966 with one month's notice, the validity of which was challenged by her before the High Court in Writ Petition No. 362 of 1966. On 5-9-1967 the High Court allowed her said writ petition quashed her termination and directed her reinstatement with all consequential benefits. In pursuance of the order of the High Court the applicant was reinstated to service in an equivalent post she earlier held. On 8-5-1970 the applicant was promoted as a Computer and that on 25-5-1978, she was promoted as a Statistical Assistant from which date she is working in that capacity.

4. M.S. Nagaraj, respondent-4 who also started as a Sorter on a temporary basis, later than the applicant was however, appointed on a regular basis from 12-6-1962. On this basis, with various vicissitudes that are not necessary to notice, respondent-4 was promoted as a Statistical Assistant from 7-7-1977 on a regular basis. We have gathered these service

