

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 27-1-88

APPLICATION NO

114

/87(F)

W.P. NO.

Applicant

Shri R. Shivaraj

Respondent

V/s The GM. Southern Riy, Madras

To

1. Shri R. Shivaraj
Head Draftsman
Divisional Railway Manager/
Works/Office
Southern Railway
Bangalore - 560 023
2. Shri S. Mahadevan
Advocate
53, Subedar Chatram Road
Bangalore - 560 009
3. The General Manager
Southern Railway
Park Town
Madras - 3
4. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

RECEIVED *On 28/1/88*

Diary No. 1652/88

Date: 28-1-88

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~ORDER~~/~~ORDER~~/~~ORDER~~
passed by this Tribunal in the above said application on 13-1-88.

R. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

8/2

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 13TH 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. 114/1987

Shri R. Shivaraj,
s/o late B. Racha,
Head Draftsman,
Divisional Railway Manager/
Works/Office, Southern Railway,
Bangalore-23.

.... Applicant

(Shri S. Mahadevan, Advocate)

v.

The General Manager,
Southern Railway,
Park Town,
Madras.

.... Respondent.

(Shri M. Sreerangaiah, Advocate)

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
('the Act').

2. Prior to 31.3.1975 the applicant was working as a Senior Draftsman (SD) in the Southern Railway in the then time scale of Rs.425-700. On 1.4.1975 he was promoted as a Head Draftsman (HD) in the then time scale of Rs.550-750.



3. On 9.5.1985 the Chief Personnel Officer, Southern Railway, Madras (CPO) reverted the applicant as SD and posted him to Bangalore Division (Annexure-A). In pursuance of this order, the applicant reported for duty as SD at Bangalore. On 30.4.1986 the CPO again promoted the applicant and several others with whom we are not concerned as HD with effect from 15.4.1986 (Annexure-C) on an ad hoc basis and he has been working as HD ever since then.

4. On 9.3.1987 the applicant approached this Tribunal challenging the order of reversion made by the CPO on 9.5.1985 and for a declaration that his service from 1.6.1985 to 15.4.1986 be treated as HD.

5. The Respondents, in supporting the order of reversion and the promotion of the applicant from 15.4.1986 have urged that his application was barred by time.

6. Shri S. Mahadevan, learned Counsel for the applicant contends that the reversion of his client was unjustified and illegal and that in any event he should have been promoted from 1.6.1985 when one of his juniors was promoted on which ground the service from 1.6.1985 to 15.4.1986 be treated as HD only.

7. Shri M. Sreerangaiah, learned Counsel for the respondents refuting the contentions of Sri Mahadevan contends that the application itself was barred by time.



8. In his order dated 9.5.1985 the CPO without expressly using the term 'reversion' had definitely reverted the applicant from HD to SD and had posted him as SD only. We have noticed that the applicant was later promoted as HD from 15.4.1986.

9. The period of limitation prescribed for filing an application under Section 21 of the Act is one year from the date of the order. If so, then the challenge of the applicant against the order dated 9.5.1985 is clearly barred by time. When that is so, this application in so far as it challenges the order dated 9.5.1985 of the CPO is liable to be rejected without examining its merits. When we do so, we must also hold that the order of reversion had become final.

10. In his application, the applicant has not challenged the order of promotion and has not sought for direction to promote him from 1.6.1985 instead of from 15.4.1986. If that is so then, it follows that the promotion takes effect from 15.4.1986 and not from any earlier date. When that is so, then this Tribunal giving an earlier date than the one given by the CPO in his order made on 30.4.1986 does not arise. On this short ground the claim of the applicant for a declaration cannot be granted.

11. On the view we have expressed, it is unnecessary to examine the other questions and therefore they are not examined.



12. 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.



Sd/-
Vice-Chairman
13/1/88

Sd/-
Member (A) 13/1/88

bsv/Mrv.

TRUE COPY

BSV
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
27/1/

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 JUL 1983

REVIEW APPLICATION NO.

28

IN APPLICATION NO. 114/87(F)

/ 88

W.P. NO.

Applicant(s)

Shri R. Shivaraj

v/s

Respondent(s)

The General Manager, Southern Railway, Madras

To

1. Shri R. Shivaraj
Head Draughtsman
Office of the Divisional Railway Manager(Works)
Southern Railway
Bangalore - 560 023
2. Shri S. Mahadevan
Advocate
53, Subedar Chathram Road
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3. The General Manager
Southern Railway
Park Town
Madras - 600 003
4. Shri M. Sreerangaiah
Railway Advocate
3, (Near Sree Lodge)
10th Cross, Cubbonpet
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCHPlease find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER/REVIEW
passed by this Tribunal in the above said application(s) on 4-7-88.

Encl : As above

B. M. Shrivastava
DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

R. Shivaraj

S. Mahadevan

Review Application No. 28/88

V/s The General Manager, Southern Rly, Madras

Order Sheet (contd)

M. Sreerangaiah

| Date | Office Notes | Orders of Tribunal |
|------|--------------|---|
| | | <p style="text-align: center;"><u>VC/AM/AR/AR</u></p> <p style="text-align: center;">4.7.88 <u>Order</u></p> <p>After the arguments were heard for some time, Sri S. Mahadevan learned counsel for the applicant prays for permission to withdraw the application with liberty reserved for the applicant to approach the authorities in the first instance and work out his remedies. We consider it proper to grant this prayer. We, therefore, dismiss this application as withdrawn. no costs.</p> <p style="text-align: center;">Sd/- Sd/- VC 4/7/88 M(A) 4/7/88</p> <p style="text-align: center;">TRUE COPY</p> <p style="text-align: center;"><i>R. Shivaraj</i> DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p> |