

32

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

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

Dated: 17/12/87

APPLICATION NO S 2 & 24 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

Shri Anwar Basha

The Divisional Manager, South Central Rly,  
Hubli & 2 Ors

To

1. Shri Anwar Basha  
Ticket Collector  
South Central Railway  
Gadag  
Dharwad District
2. Shri A.S. Mensinkai  
Advocate  
No. 1, Parakalamutt Building  
Tank Bund Road  
Bangalore - 560 009
3. The Divisional Manager  
South Central Railway  
Divisional Office  
Hubli  
Dist. Dharwad
4. The Divisional Personnel Officer  
South Central Railways  
Hubli Division  
Hubli  
Dist. Dharwad

5. Shri A.J. Fernandish  
Ticket Collector  
South Central Railway  
Hospet Division  
Hospet  
Ballary District
6. Shri K.V. Lakshmanachar  
Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

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 11-12-87.

*[Signature]*  
DEPUTY REGISTRAR

(JUDICIAL)

Encl: as above.

34

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

Dated the 11th day of December, 1987

Present

THE HON'BLE SHRI L.H.A. REGO .. MEMBER(A)  
THE HON'BLE SHRI CH.RAMAKRISHNA RAO .. MEMBER(J)

APPLICATION NO.2 OF 1987 (F)

C/w

APPLICATION NO.24 OF 1987(F)

Anwar Basha S/o Eabajan,  
Major, Ticket Collector,  
South Central Railway,  
Gadag, Dharwad Dist.  
(Karnataka State) .. Applicant.

(By Shri A.S.Mensinkai, Advocate for applicant)

-vs.-

1. The Divisional Manager,  
South Central Railway,  
Divisional Office, Hubli,  
Dist.Dharwad.
2. The Divisional Personnel-  
Officer, South Central Railways,  
Hubli Division, Hubli,  
Dharwad Dist.
3. A.J.Fernandish,  
Ticket Collector,  
South Central Railway,  
Hospet Division, Hospet,  
Bellary Dist. .. Respondents.

(By Shri K.V.Lakshmanachar, Advocate for respondents)

The



The applications coming on for hearing this day, HON'BLE SHRI L.H.A. REGO, MEMBER(A), made the following:

ORDER

In these two applications viz., Applications 2 and 24 of 1987 (abbreviated as A-2 and A-24 respectively, for ease of reference) filed under Section 19 of the Administrative Tribunals Act, 1985, which are inter-connected and therefore, we propose to dispose them of by a common order, the applicant prays that the impugned orders dated 30-9-1986 and 29-12-1969 (Annexure-'B' in A-2 and A-24 respectively) passed by Respondent(R) 2, reverting him to his substantive post/parent post in Class IV, be set aside.

2. The following is the background to this case. The applicant entered service in Commercial Department of the South Central Railway (SCRLy. for short) at Hubli as a Luggage Porter on 30-8-1974 on a monthly pay of Rs.196/- in Class III, in the pay scale of Rs.196-232(RS). He was promoted as a Ticket Collector ('TC' for short) purely on an ad hoc basis, with effect from 11-12-1981 (Annexure-A, in both applications) on condition, that this promotion would not confer on him, any claim for seniority, confirmation and continuance in this grade.

3. In the promotional cadre of TCs, one third (33 1/3%) of the posts are filled in, by inviting volunteers from Group 'D' staff, of the Commercial

Department

sd

Department of the SCRLy. The applicant, along with others accordingly offered himself for the post of TC, to qualify for which, he appeared both for the written test as well as the viva voce . However, he could not be empanelled for selection to the post of TC, as he was not sufficiently senior.

4. The applicant was promoted in the meanwhile on an ad hoc basis, as an interim arrangement, against the quota earmarked for the direct recruits. He was continued in this capacity till October 1986. The applicant is said to have appeared in 1982-83 and again in 1985-86 for regular selection to the grade of TC but without success.

5. A panel of 18 Class IV candidates held eligible for regular promotion to Class III was published on 23-9-1986 by R-2, after completing the due process of selection. Consequently, the applicant, who was appointed as TC in Class III, purely on an ad hoc basis had to be reverted to make room for the candidates regularly promoted as above. As a result, the applicant was first reverted by R2 from the post of TC in Class III to his substantive post in Class IV on 29-9-1986 (Annexure-B in A2). This order of reversion was served on him on 1-11-1986 and was given effect to from the same date.

6. However, the applicant was again promoted by R2 among others, as TC in Class III in the pay scale of

Rs.

Rs.



Rs.260-400(RS), on 22-10-1986, purely on an ad hoc basis, as a stop-gap arrangement, till the regular candidates joined. He was again reverted by R-2, on 29-12-1986 (Annexure-B in A-24), to accommodate the candidates regularly selected, after empanelment and undergoing the prescribed training course. The above order of reversion was served on the applicant on 15-1-1987 and took effect from that date.

7. The applicant has approached this Tribunal through two separate applications, as a sequel to the above impugned orders of reversion, alleging that while R3 who is junior to him, has been regularly appointed as TC on promotion and continued in that post, he has been reverted. R1 and 2 have filed their replies thereto, which are substantially similar. R-3 too has filed a reply.

8. Shri A.S.Mensinkai, learned Counsel for the applicant in both these applications contends, that the applicant has been reverted from the post of TC, without assigning any reason, after having served for as long as 4 years and nine months in that post, while R3 who entered service on 1-3-1975 and is therefore junior to him and besides, is not qualified (being in the Operation and not in the Commercial Department, as required) has been in flagrant discrimination, continued in that post; that R-3 nowhere appears in the pertinent

seniority



RR

Seniority List of Class III employees in the Commercial Department of the SCRLy, Thus, his seniority is indeterminate and therefore, he cannot be deemed as senior to the applicant; that the applicant was directed by R2 on 7-4-1981, to attend the Promotional Course for TCs for a period of 45 days from 4-5-1981; <sup>and</sup> ~~that~~ that taking all these facts into account, his client should not have been reverted from the post of TC, in preference to R-3.

9. Shri K.V.Laxmanachar, learned Counsel for R-1 and R-2, denies that R-3 is junior to the applicant as claimed by Shri Mensinkai, as he had entered service in the SCRLy on 1-3-1973 (and not on 1-3-1975 as mis-stated by Shri Mensinkai) whereas, the applicant entered service on 30-8-1974. He further clarified, that R-3 was selected for the post of TC in Class III, in the pay scale of Rs.260-400(RS), by virtue of his seniority in Class IV, as compared to the applicant and was promoted to that post, on a regular basis. He contends, that R-3 was serving in the Commercial Department of the SC Rly, at the time he was selected and promoted as TC in Class III and was thus qualified for this post. He states, that the applicant could not be appointed as a regular TC in like manner as R3, as he was not adequately senior for empanelment.

10. As regards the contention of Shri Mensinkai that R-3 did not appear in the pertinent Seniority List, and therefore his seniority was not determinate, Shri Laxmanachar concedes, that omission of R3 from the Seniority



39  
List

It was an inadvertent error and on enquiry by us clarified, that the Seniority List was still provisional.

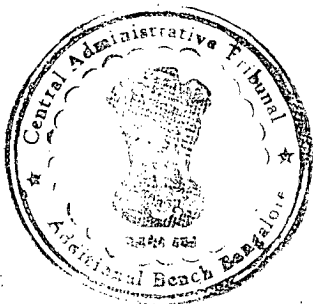
11. We have carefully examined the rival contentions and the material placed before us. Though prima facie, R3 appears to be senior to the applicant by virtue of his earlier date of entry in service, namely 1-3-1973 in the S.C.Rly. as compared to 30-8-1974 of the applicant, presuming that he entered service in an identical cadre, as that of the applicant in the Commercial Department, the question of seniority needs to be determined and settled, though the well-established and recognised procedure of first circulating a provisional Seniority List to all concerned and finalising the same after affording reasonable opportunity to them, to represent their grievance if any, thereon. This does not appear to have been done in the instant case. Shri Laxmanachar produced before us a copy of the Provisional Seniority List of Class III staff, in the pay scale of Rs.196-232(RS), in the Commercial Department of the S.C.Rly. drawn up as upto 1979. He admits that the name of R-3 did not appear therein, but could not explain this omission, as also could not clarify, as to whether R3 entered service in the S.C.Rly in the same cadre, as the applicant in the Commercial Department.

ld  
12. Where

40

12. Where a person is appointed to a higher post in an officiating capacity, he does not acquire any legal right [(1966) SC (CA 1420/1966) STATE OF MYSORE Vs. NARAYANAPPA] to hold that post, for any period whatsoever and accordingly, there is no reduction in rank, within the meaning of Article 311(2), if he is merely reverted to his substantive post (1958 SC 36 - PARSHOTTAM DINGRA v. UNION OF INDIA). In this case, however though the applicant was reverted from an ad hoc promotion to the post of TC, his Counsel contends, that R-3 who was junior to his client and who was not qualified for promotion as TC (as he was working in the Operation and not in the Commercial Department as was the requirement) could not have been regularly promoted as TC and continued in that post, while his client was reverted to his substantive post.

13. In the Provisional Seniority List of Class IV employees in the Commercial Department of the SC Rly, drawn up as 4 upto 1979, a copy of which is produced by Shri Laxmanachar, we notice, that the name of R-3 is conspicuously missing therein. It therefore raises a doubt, as to whether R-3 entered service in the Commercial Department of SC Rly. an the same post as the applicant and if not, on what basis, he was deemed senior to the applicant and considered eligible for regular appointment to the post of TC, if service in the Commercial Department is regarded as an essential pre-requisite.



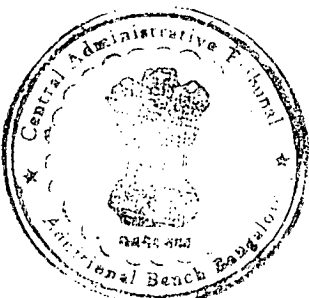
SL



14. In our view the first pre-requisite to help resolve this tangle, is to determine finally and at the earliest, the relative seniority of R-3 vis-a-vis the applicant, in the Seniority List of Class III staff, in the pay scale of Rs.196-232(RS) in the Commercial Department of the SC Rly, which was the feeder cadre for the promotional post of TC. That done, other - criteria such as: successful completion of the tests, training course etc., prescribed for the post of TC, would need to be examined, for the purpose of empanelment and subsequent promotion to the post of TC. From the pleadings of R-1 and R-2, we notice, that the only impediment to the applicant not having been considered for empanelment and promotion to the post of TC, is that he was not sufficiently senior in the feeder cadre of Class III, in the pay scale of Rs.196-232(RS) in the Commercial Department of the SC Rly. The question of seniority of the applicant vis-a-vis R-3, is inexplicit, for the reasons aforementioned.

15. In the light of the foregoing, we make the following order:

- (i) We direct R-1 and R-2, to determine the seniority of the applicant at the relevant time, vis-a-vis R-3 in the Class III cadre, in the pay scale of Rs.196-232(RS) in the Commercial Department of the SC Rly. by finalising the Seniority List in that cadre at the earliest, as prescribed by the relevant rules and procedure.



*LR*

(ii)

42

- 9 -

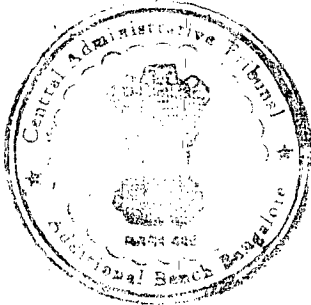
- (ii) Having so determined the relative seniority of R3, vis-a-vis the applicant, their eligibility for empanelment in the cadre of TC in Class III, in the pay scale of Rs.260-400(RS) on a regular basis, with reference to the date from which R3 was regularly promoted in that cadre, be decided, according to the rules prevalent.
- (iii) If, as a result, the applicant is deemed to be senior to R3, his empanelment and subsequent promotion to the cadre of TC, on a regular basis, be regulated in the manner, as was done in the case of R3 (whom he would substitute) and the impugned orders dated 30-9-1986 and 29-12-1986 (Annexure-B in A-2 and A-24 respectively) will stand quashed to that extent, in so far as they relate to the applicant and R-3.
- (iv) In consequence, the pay of the applicant would be notionally fixed to date, in the post of TC in Class III, granting him the increments due. This however, would not entitle the applicant to arrears of pay in the said post, for the period during which, he did not actually perform duty and shoulder higher responsibility in this post.



LA

(v)


- (v) The promotion of R3 as TC in Class-III, in that event, for the period during which, the applicant should have been promoted as TC in his place, should be treated as ad hoc and fortuitous.
- (vi) This order be complied with, within a period of 3 months from the date of receipt.
- (vii) The application is disposed of in these terms. No order as to costs.



sdl-  
11.12.87  
(Ch. RAMAKRISHNA RAO)  
MEMBER (J).

sdl  
11.12.87  
(L.H.A. REGO)  
MEMBER (A)

- True COPY -

  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
17/12

kms:

REGISTERED

44

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 11 APR 1988

IA I IN

APPLICATION NOS

2 & 24

/ 87(F)

W.P. NO.

Applicant

Respondent

Shri Anwar Basha  
To

V/s The Divisional Manager, South Central Rly,  
Hubli & 2 Ors

1. Shri Anwar Basha  
Ticket Collector  
South Central Railway  
Gadag  
Dharwad District

4. The Divisional Personnel Officer  
South Central Railway  
Hubli Division  
Hubli  
Dist. Dharwad

2. Shri A.S. Mensinkai  
Advocate  
No. 1, Parakalamutt Building  
Tank Bund Road  
Bangalore - 560 009

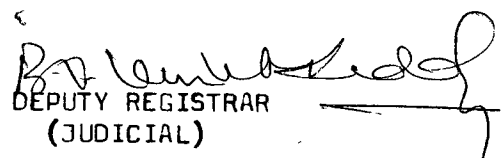
5. Shri A.J. Fernandish  
Ticket Collector  
South Central Railway  
Hospet Division  
Hospet  
Bellary District

3. The Divisional Manager  
South Central Railway  
Divisional Office  
Hubli  
Dist. Dharwad

6. Shri K.V. Lakshmanachar  
Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

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 6-4-88.

  
DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

(48)

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

ORDER SHEET

Application No. 2 & 24 of 1987(F)

Applicant

Shri Anwar Bashe

Advocate for Applicant

A.S. Mansinkai

V/s

The Divisional Manager, South  
Central Railway, Hubli & 2 Ore  
Advocate for Respondent

K.V. Lakshmanachar

Respondent

Date	Office Notes	Orders of Tribunal
		<u>A.Nos. 2 &amp; 24 OF 1987</u>
		<u>(KSP)VC/(PS)M(A)</u>
		APRIL 6, 1988:
		<u>ORDER ON I.A.NO.I - FOR EXTENSION OF TIME</u>
		In this application, the respondents have sought for extension of time by another three months either for obtaining an order of stay from the Supreme Court of India or for implementing the order made by this Tribunal on 11-12-1987. I.A.No.I is opposed by the applicant.
		We are satisfied that the facts and circumstances stated by the deponent in his affidavit accompanying I.A.No.I justify us to extend the time sought for by the respondents. We, therefore, allow I.A.No.I and extend the time by another three months either for obtaining an order of stay from the Supreme Court or for implementing the order of the Supreme Court.
		<div style="display: flex; justify-content: space-between;"><div>sd/- VICE CHAIRMAN.</div><div>sd/- MEMBER(A)</div></div>



**TRUE COPY**

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

(46)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT BANGALORE.

I.A. No. II

In

A. Nos. 2 & 24 of 1987.

Between:

The Divisional Railway Manager  
South Central Railway  
HUBLI

..

Applicant

And

Anwar Basha  
Son of Babajan  
South Central Railway  
Gadag

..

Respondent

UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE

The Applicant most respectfully prays that for the reasons stated in the accompanying affidavit, this Hon'ble Tribunal, may be pleased to grant further extension of time by three months for implementing the order passed by this Hon'ble Tribunal, on 11-12-1987, in the interest of justice.

PLACE: ~~HUBLI~~, BANGALORE

Dated: 4/7/88.

*W. S. Srinivas*  
ADVOCATE FOR APPELLANT.

--

47

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT BANGALORE

A. Nos. 2 & 24 of 1987

Between:

The Divisional Railway Manager  
South Central Railway  
Hubli ... Applicant

And

Anwar Basha ... Opponent

A F F I D A V I T

I, V. Rajagopal son of P.S.Venkatarama Iyer, working as Additional Divisional Railway Manager, South Central Railway, Hubli, do hereby solemnly affirm and state on oath as follows:-

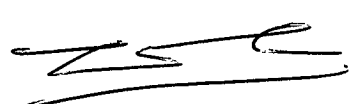
1. I am the first Respondent in the Original application and the Applicant in the present Application.

2. The above original applications were disposed of by this Hon'ble Tribunal on 11-12-1987 by a common order, granting several reliefs and issuing several directions to the Respondent Nos., 1 & 2 to implement the same within a period of 3 months from the date of receipt of the order. I submit that the order of this Hon'ble Tribunal was received in my office on 28-12-1987. Thereafter, the matter was referred to the Headquarters Office for taking suitable action in the matter.

3. This Hon'ble Tribunal was pleased to extend the time for implementing the order on 6-4-87 by three months from that date.

4. Due to administrative reasons, and want of time, we have not been able to implement the order in the stipulated time. We require another 3 months time to implement the order. Therefore, I have made this Application on behalf of Respondent Nos. 1 & 2 in the original Application.

No. of corrections:



C. ntd....2.

5. I submit that the delay for not complying with the directions issued issued by this Hon'ble Tribunal in the above said case is unintentional, bonafide and for the reasons stated above.

WHEREFORE, I respectfully pray that this Hon'ble Tribunal, may be pleased to grant further extension of time by 3 months for complying the directions of this Hon'ble Tribunal, in the interest of justice.

Identified by me:

  
DEPONENT

Advocate

'Sworn to before me'

Place: HUBLI

DATED: 30-6-88

No. of corrections:

W  
copy



(49)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 27 JUL 1988

IA II IN APPLICATION NO.S. 2 & 24 / 87(F)

W.P. NO. \_\_\_\_\_

Applicant(s)

Shri Anwar Basha  
To

Respondent(s)

V/s

The Divisional Manager, South Central Railway,  
Hubli & 2 Ors

1. Shri Anwar Basha  
Ticket Collector  
South Central Railway  
Gadag  
Dharwad District

2. Shri A.S. Mensinkai  
Advocate  
No. 1, Parakalamutt Building  
Tank Bund Road  
Bangalore - 560 009

3. The Divisional Manager  
South Central Railway  
Divisional Office  
Hubli  
Dharwad District

4. The Divisional Personnel Officer  
South Central Railway  
Hubli Division  
Hubli (Dharwad District)

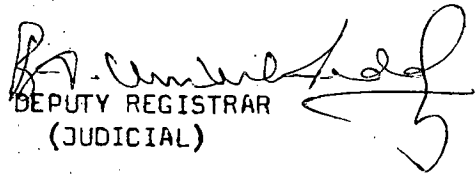
5. Shri A.J. Fernandish  
Ticket Collector  
South Central Railway  
Hospect Division  
Hospet  
Ballary District

6. Shri K.V. Lakshmanachar  
Railway Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

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(s) on 20-7-88.

Encl : As above

  
DEPUTY REGISTRAR  
(JUDICIAL)

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

50

**ORDER SHEET**

Application No. **2 & 24** of 1987(F)

Applicant

Respondent

**Anwar Bashe**

**V/s**


**The Divisional Manager, South Central Rly  
Hubli & another**

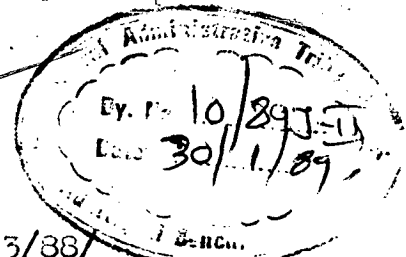
**Advocate for Applicant**

**Advocate for Respondent**

**A.S. Mensinkai**

**K.V. Lakshmanachar**

Date	Office Notes	Orders of Tribunal
20.7.1988	 <p><b>TRUE COPY</b></p> <p><i>[Signature]</i> DEPUTY REGISTRAR (JDL) 20/7/88 CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p>	<p><b>KSPVC/LHARM</b></p> <p><b><u>Orders on IA No.2 - Application for extension of time</u></b></p> <p>In this IA filed on 5.7.1988 the Respondents have sought for extension of time to comply with the various directions issued by this Tribunal on 11.12.1987. In the additional affidavit filed to day one Shri V. Rajagopal, who is working as Additional Divisional Railway Manager, has explained as to why further extension of time is required. We have perused the application and the additional affidavit. We are satisfied that the facts and circumstances stated in IA No.2 justify us to extend the time for implementing the order of this Tribunal dated 30.9.1988. We, therefore, allow IA No.2 in part and extend time till 30.9.1988 for implementing the order of this Tribunal.</p> <p><i>[Signature]</i> SD/- VC</p> <p><i>[Signature]</i> SD/- M(A)</p>



4172-73/88/  
D.No. \_\_\_\_\_ Sec. IV.A

SUPREME COURT OF INDIA  
NEW DELHI

Dated 17th January, 1989.

From:

The Assistant Registrar  
Supreme Court of India  
New Delhi

To

1. The Registrar  
~~High Court of~~  
Central Administrative  
Tribunal at Bangalore.

2. The Divisional Manager,  
South Central Railway  
Divisional Office Hubli,  
Distt. Dharwad.

3. The Divisional Personnel Manager,  
South Central Railways, Hubli Division,  
Hubli, Dharwad District.

SPECIAL LEAVE PETITION NOS. 11670-71/1988  
(Tribunal's Appln. Nos. 2/87(F) C/W.24/87(F))

A.J. Ferananeis

....Petitioner

Vs.

The Divisional Manager South  
Central Railway & Ors.

....Respondents

Sir,

In continuation of this Registry's letter of even  
number dated 22nd November, 1988, I am directed  
to forward herewith for your information and necessary  
action a certified copy of the Order  
of this Court dated the 16th January, 1989 in the  
matter \_\_\_\_\_ above-mentioned.

Yours faithfully,

ASSISTANT REGISTRAR

J. h

Copy of Supreme Court's order is  
~~fratulated~~ ~~among~~ to ANO 24  
~~forwarded~~ ~~VC~~ out Members  
Sh. KHAR M (A)  
Sh. PS. M (A)

Item No. 5

Court No.

Section

XXX

**SUPREME COURT  
RECORD OF PROCEEDINGS**

IVA

Petition(s) For Special Leave To Appeal (Civil/Cr.) No. 11670-71 of 19 88 (AN)

(From the judgment and order dated \_\_\_\_\_ of the High Court of \_\_\_\_\_  
in \_\_\_\_\_ )

A.J. Feranandis

.. PETITIONER (S)

VERSUS

The Divn. Manager South Central Rly. & Ors. (with appln. for stay) .. RESPONDENT (S)

Date : 16.1.89 : This/These petition (s) was/were called on for hearing today

CORAM :

Hon'ble Mr. Justice M. N. Dutt  
Hon'ble Mr. Justice T. K. Thommen  
Hon'ble Mr. Justice

For the Petitioners :

Mr. K. R. Nagaraja, Adv.

Certified to be true copy

Assistant Registrar (Judl.)

...../8.1.1989  
Supreme Court of India

For the Respondents : Mr. P. P. Singh, Mrs. Sushma Suri, Advs.

**UPON hearing counsel the Court made the following  
ORDER**

Counter-affidavit shall be filed within three weeks from today and rejoinder, if any, will be filed within three weeks thereafter and the matter be placed for hearing after six weeks hence. *Interim order to continue*

*Vijay Kapur*  
(Vijay Kapur)  
Court Master

53

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

1. The OA/TA/CCP No. of the Case appealed: A.No.2/87(F) and 24/87(F)
2. Name of Parties:
  - (a) Applicant(s)/Petitioner(s) : Anwar Basha
  - (b) Respondent(s) : Divisional Manager, SC Rly, Hubli & anr
3. Nature of case in brief : Reversion to lower grade and promoting a junior to higher post-promotional order of junior challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
  - (a) Allowed or disallowed : Allowed with directions
  - (b) Date of Order : 11.12.87
  - (c) Bench comprising of : Hon.Sh.Ch.Ramakrishna Rao M(J)  
Hon.Sh.LHA.Rego M(A)
6. SLP/Civil Appeal No. : SLP No 11670-71/88 granted on 17.7.89, CMP Nos 25197-98/88 in CA Nos 2962-63/89
7. Parties name before the Hon'ble Supreme Court:-
  - (a) Applicant(s)/Petitioner(s) : A.J.Fernandis (R-3 in OA)
  - (b) Respondents : The Dvl.Manager, SC Rly, Hubli & ors
  - (c) Date of Interim Order : 17.7.89
  - (d) Nature of Order in brief (may contain the order if not too long) : Status quo obtaining between the parties as on 17.7.89 is to continue until final disposal by the Supreme Court (Copy of SC's order enclosed)
  - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Status quo to be maintain as dired by the Supreme  
(Please refer to ea communications on the above matter)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

54

1. The QA/TA/CCP No. of the Case appealed: A.No.2/87(F) and 24/87(F)
2. Name of Parties:
  - (a) Applicant(s)/Petitioner(s) : Anwar Basha
  - (b) Respondent(s) : Divisional Manager, SC Rly, Hubli & anr
3. Nature of case in brief : Reversion to lower grade and promoting a junior to higher post-promotional order of junior challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
  - (a) Allowed or disallowed : Allowed with directions
  - (b) Date of Order : 11.12.87
  - (c) Bench comprising of : Hon.Sh.Ch.Ramakrishna Rao M(J)  
Hon.Sh.LHA.Rao M(A)
6. SLP/Civil Appeal No. : SLP No 11670-71/88 granted on 17.7.89, CMP Nos 25197-98/88 in CA Nos 2962-63/89
7. Parties name before the Hon'ble Supreme Court:-
  - (a) Applicant(s)/Petitioner(s) : A.J.Fernandis (R-3 in DA)
  - (b) Respondents : The Dvl.Manager, SC Rly, Hubli & anr
  - (c) Date of Interim Order : 17.7.89
  - (d) Nature of Order in brief (may contain the order if not too long) : Status quo obtaining between the parties as on 17.7.89 is to continue until final disposal by the Supreme Court (Copy of SC's order enclosed)
  - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Status quo to be maintained as directed by the Supreme Court (Please refer to earlier communications on the above matter)

Spar (13)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

File of A.No.

Commercial complex(SDA),  
Indiranagar,  
Bangalore-560 038.

Dated, the 22 AUG 1989

To

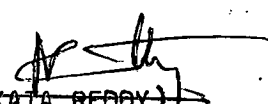
1. The Registrar,  
Central Administrative Tribunal,  
Principal Bench,  
Faridkot House,  
Copernicus Marg,  
NEW DELHI- 110001.
2. The Registrar,  
Central Administrative Tribunal,  
Calcutta Bench,  
CGO Complex, 234/4-AJC Bose Road,  
CALCUTTA-700020.
3. The Registrar,  
Central Administrative Tribunal,  
Bombay Bench,  
CGO Complex, (CBD), I Floor,  
Near Kankon Bhavan,  
NEW BOMBAY-400614.
4. The Registrar,  
Central Administrative Tribunal,  
Allahabad Bench,  
23-A, Thorn Hill Road,  
ALLAHABAD-1.
5. The Registrar,  
Central Administrative Tribunal,  
Chandigarh Bench,  
SCO No.102-103, Sector-34 A,  
CHANDIGARH.
6. The Registrar,  
Central Administrative Tribunal,  
Guwahati Bench,  
Rajgarh Road,  
Off.Shillong Road,  
GUWAHATI-781005.
7. The Registrar,  
Central Administrative Tribunal,  
Patna Bench,  
88-A, Shri Krishna Nagar,  
PATNA-800001.
8. The Registrar,  
Central Administrative Tribunal,  
Ernakulam Bench,  
Kandomkulathy Towers,  
5th Floor, M.G.Road,  
Ernakulam, COCHIN-682001.

9. The Registrar,  
Central Administrative Tribunal,  
Jabalpur Bench,  
Carave Complex,  
15 - Civil Lines,  
Jabalpur (MP).
10. The Registrar,  
Central Administrative Tribunal,  
Madras Bench,  
5th Floor, EVK Sampath Buildings,  
DPI Compound, College Road,  
MADRAS-600006.
11. The Registrar,  
Central Administrative Tribunal,  
Jodhpur Bench,  
C/o Rajasthan High Court,  
Jodhpur, RAJASTHAN.
12. The Registrar,  
Central Administrative Tribunal,  
Hyderabad Bench,  
6th Floor, New Insurance Building Complex,  
Tilak Road,  
HYDERABAD.
13. The Registrar,  
Central Administrative Tribunal,  
Ahmedabad Bench,  
Navrang Pura,  
Near Sarder Patel Colony,  
Usmanpura, AHMEDABAD.
14. The Registrar,  
Central Administrative Tribunal,  
Cuttack Bench,  
Dolmandi,  
CUTTACK-753001.

Sir,

With reference to Principal Bench's circular No.14/1/89-JA/2719 dt.20-3-89, I am forwarding herewith a copy of the particulars of the orders passed by the Supreme Court of India in SLP/CA/CMP preferred against the orders on the file of this Bench.

Yours faithfully,

  
(B.V.VENKATA REDDY)  
Deputy Registrar(J).

Copy to:-

1. P.S. to Hon'ble V.C. and Members.
2. File No.13/89-JII
3. Court Officers.



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

(5)

1. The OA/TA/CCP No. of the Case appealed: A.No.2/87(F) and 24/87(F)
2. Name of Parties:
  - (a) Applicant(s)/Petitioner(s) : Anwar Basha
  - (b) Respondent(s) : Divisional Manager, SC Rly, Hubli & anr
3. Nature of case in brief : Reversion to lower grade and promoting a junior to higher post-promotional order of junior challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
  - (a) Allowed or disallowed : Allowed with directions
  - (b) Date of Order : 11.12.87
  - (c) Bench comprising of : Hon.Sh.Ch.Ramakrishna Rao M(J)  
Hon.Sh.LHA.Rege M(A)
6. SLP/Civil Appeal No, : SLP No 11670-71/88 granted, on 17.7.89, CMP Nos 25197-98/88 in CA Nos 2962-63/89
7. Parties name before the Hon'ble Supreme Court:-
  - (a) Applicant(s)/Petitioner(s) : A.J.Fernandis (R-3 in OA)
  - (b) Respondents : The Dvl.Manager, SC Rly, Hubli & anr
  - (c) Date of Interim Order : 17.7.89
  - (d) Nature of Order in brief (may contain the order if not too long) : Status quo obtaining between the parties as on 17.7.89 is to continue until final disposal by the Supreme Court (Copy of SC's order enclosed)
  - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Status quo to be maintained as dired by the Supreme Court (Please refer to earlier communications on the above matter)

(58)

D. Nos. 4172-73/88/ Sec. IV. A

SUPREME COURT OF INDIA  
NEW DELHI

Dated the 19th July, 1989

From:

The Assistant Registrar  
Supreme Court of India  
New Delhi

The Registrar  
~~High Court~~  
Central Administrative  
Tribunal,  
at Bangalore.

2. The Divisional Manager,  
South Central Railway  
Divisional Office, Hubli,  
Distt. Dharwad.
3. The Divisional Personnel  
Manager, South Central  
Railways, Hubli Division,  
Hubli, Dharwad District.

CIVIL MISC. PETITIONS NOS. 25197-98/88

(Appls. for stay)  
IN THE MATTER OF:

CIVIL APPEALS NOS. 2962-63/1989

A.J. Fernandes

Vs.

The Divisional Manager & Ors.

....Petitioner/  
Appellant.

....Respondents.

Sir,

In continuation of this Registry's letter of even  
number dated 27th April, 1989, I am directed  
to forward herewith for your information and necessary  
action a certified copy of the Order  
of this Court dated the 17-7-1989 passed in the  
applications above-mentioned.

Yours faithfully,

*[Signature]*  
ASSISTANT REGISTRAR

# IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/APPELLATE JURISDICTION

CIVIL MISCELLANEOUS PETITIONS NOS. 25197 to 25198 of 1988  
(Applications for stay by notice of motion)

IN THE MATTER OF

CIVIL APPEALS NOS. 2262-2263 of 1989

(Appeals by Special Leave granted by this Court's Order dated the 17th July, 1989, in Petitions for Special Leave to appeal (civil) Nos. 11670-11671 of 1988, from the Judgment and Order dated the 11th December, 1987, of the High Court of Karnataka at Bangalore in Applications Nos. 2 of 1987 with 24 of 1987)

A.J. Fernandes  
Ticket Collector  
South Central Railway  
Hospet Divn., Hospet  
Bellary Distt.

...Petitioner/Appellant

-Versus-

1. The Divisional Manager  
South Central Railway  
Divisional Office, Hubli  
Distt. Dharwad
2. The Divisional Personnel Manager,  
South Central Railway  
Hubli Divn., Hubli  
Dharwad Distt.
3. Anwar Basha, s/o Babajan  
Major  
Ticket Collector  
South Central Railway  
Gadag, Dharwad Distt.  
Karnataka State

Checked to be true copy  
*[Signature]*  
Assistant Registrar (Judl.)  
.....21.....1989  
Supreme Court of India

...Respondents

CORAM:

Dated the 17th July, 1989

HON'BLE MR. JUSTICE M.M. DUTT  
HON'BLE MR. JUSTICE T.K. THOMMEN

Appellant:

For the Petitioner / : Mr. K.R. Nagaraja, Advocate.

For Respondents  
Nos. 1 & 2

: Mr. P.P. Singh and Mrs. Sushma Suri, Advocates.

Contd...2/-

(18)

100 H 111 111 111

100 H 111 111 111

THE APPLICATIONS FOR STAY above-mentioned being called on for hearing before this Court on the 17th day of July, 1989, UPON hearing Counsel for the appearing parties herein THIS COURT BOTH ORDER that pending the hearing and final disposal by this Court of the appeals mentioned above status quo as obtaining between the parties herein on this the 17th day of July, 1989, with regard to the service of the Petitioner/Appellant herein shall be maintained;

AND THIS COURT BOTH FURTHER ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Engalaguppe Seetharamiah Venkataramiah, Chief Justice of India, at the Supreme Court, New Delhi, this the 17th day of July, 1989.

Sd/-  
(SHARDA LOWE)  
DEPUTY REGISTRAR

6/2

h

vd loer a n  
vd benia  
dine benia  
vd benia

RECEIVED

# SUPREME COURT

CIVIL/CRIMINAL/APPELLATE JURISDICTION

CIVIL MISCELLANEOUS PETITIONS NOS. 25197 to 25199 OF 1988  
(Applications for stay)

IN THE MATTER OF:

CIVIL APPEALS NOS. 2562 to 2563 OF 1988

A.J. Fernandez

For

The Divisional Manager & Co.

....Petitioner/  
Appellant.

Versus

....Respondents.

Appellant  
Petitioner

Respondent

ORDER CONFIRMING STAY

Dated this the 17th day of July 1988.

014

1988

Engrossed by  
Examined by na/.  
Compared with  
No. of folios

SHRI

K.P. Ramesh  
Advocate-on-Record for

the Petitioner/  
Appellant.

SHRI

Mr. Smt. Sushma Suri.  
Advocate-on-Record for

the Respondent  
Nos. 1 & 2.

SHRI

Advocate-on-Record for

17/7/88  
**FILED IN MY PRESENCE**

(62)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

File of A.No.

Commercial complex(SDA),  
Indiranagar,  
Bangalore-560 038.

Dated, the **22 AUG 1989**

To

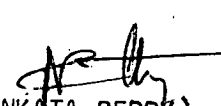
1. The Registrar,  
Central Administrative Tribunal,  
Principal Bench,  
Faridkot House,  
Copernicus Marg,  
NEW DELHI- 110001.
2. The Registrar,  
Central Administrative Tribunal,  
Calcutta Bench,  
CGO Complex, 234/4-AJC Bose Road,  
CALCUTTA-700020.
3. The Registrar,  
Central Administrative Tribunal,  
Bombay Bench,  
CGO Complex, (CBD), I Floor,  
Near Kankon Bhavan,  
NEW BOMBAY-400614.
4. The Registrar,  
Central Administrative Tribunal,  
Allahabad Bench,  
23-A, Thorn Hill Road,  
ALLAHABAD-1.
5. The Registrar,  
Central Administrative Tribunal,  
Chandigarh Bench,  
SCO No.102-103, Sector-34 A,  
CHANDIGARH.
6. The Registrar,  
Central Administrative Tribunal,  
Guwahati Bench,  
Rajgarh Road,  
Off.Shillong Road,  
GUWAHATI-781005.
7. The Registrar,  
Central Administrative Tribunal,  
Patna Bench,  
88-A, Shri Krishna Nagar,  
PATNA-800001.
8. The Registrar,  
Central Administrative Tribunal,  
Ernakulam Bench,  
Kandomkulathy Towers,  
5th Floor, M.G.Road,  
Ernakulam, COCHIN-682001.

9. The Registrar,  
Central Administrative Tribunal,  
Jabalpur Bench,  
Caravs Complex,  
15 - Civil Lines,  
Jabalpur (MP).
10. The Registrar,  
Central Administrative Tribunal,  
Madras Bench,  
5th Floor, SVK Sampath Buildings,  
DPI Compound, College Road,  
MADRAS-600006.
11. The Registrar,  
Central Administrative Tribunal,  
Jodhpur Bench,  
C/o Rajasthan High Court,  
Jodhpur, RAJASTHAN.
12. The Registrar,  
Central Administrative Tribunal,  
Hyderabad Bench,  
6th Floor, New Insurance Building Complex,  
Tilak Road,  
HYDERABAD.
13. The Registrar,  
Central Administrative Tribunal,  
Ahmedabad Bench,  
Navrang Pura,  
Near Sardar Patel Colony,  
Usmanpura, AHMEDABAD.
14. The Registrar,  
Central Administrative Tribunal,  
Cuttack Bench,  
Dolmandi,  
CUTTACK-753001

Sir,

With reference to Principal Bench's circular No.14/1/89-JA/2719 dt.20-3-89, I am forwarding herewith a copy of the particulars of the orders passed by the Supreme Court of India in SLP/CA/CMP preferred against the cases on the file of this Bench.

Yours faithfully,

  
(B.V. VENKATA REDDY)  
Deputy Registrar(J).

Copy to:-

1. P.S. to Hon'ble V.C. and Members.
2. File No.13/89-JII
3. Court Officers.

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

1. The CA/TA/CCP No. of the Case appealed: A.No.2/87(F) and 24/87(F)
2. Name of Parties:
  - (a) Applicant(s)/Petitioner(s) : Anwar Basha
  - (b) Respondent(s) : Divisional Manager, SC Rly, Hubli & anr
3. Nature of case in brief : Reversion to lower grade and promoting a junior to higher post-premotional order of junior challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
  - (a) Allowed or disallowed : Allowed with directions
  - (b) Date of Order : 11.12.87
  - (c) Bench comprising of : Hon.Sh.Ch.Remakrishna Rao M(J)  
Hon.Sh.LMA.Rao M(A)
6. SLP/Civil Appeal No. : SLPNo 11670-71/88 granted on 17.7.89, CMP Nos 25197-98/88 in CA Nos 2962-63/89
7. Parties name before the Hon'ble Supreme Court:-
  - (a) Applicant(s)/Petitioner(s) : A.J.Fernandis (R-3 in OA)
  - (b) Respondents : The Dvl.Manager, SC Rly, Hubli & anr
  - (c) Date of Interim Order : 17.7.89
  - (d) Nature of Order in brief (may contain the order if not too long) : Status quo obtaining between the parties as on 17.7.89 is to continue until final disposal by the Supreme Court (Copy of SC's order enclosed)
  - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Status quo to be maintained as directed by the Supreme Court (Please refer to earlier communications on the above matter)



27/12/88  
Byron  
Please  
use  
R-27/12/88

(3)

D. No. 4172-73/88/ Sec. IV. A

SUPREME COURT OF INDIA  
NEW DELHI

From:

The Assistant Registrar  
Supreme Court of India  
New Delhi

Dated the 19th July, 1989

2. The Divisional Manager,  
South Central Railway  
Divisional Office, Hubli,  
Distt. Dharwad.
3. The Divisional Personnel  
Manager, South Central  
Railways, Hubli Division,  
Hubli, Dharwad District.

The Registrar  
~~High Court~~  
Central Administrative  
Tribunal,  
at Bangalore.

CIVIL MISC. PETITIONS NOS. 25197-98/88  
(Appls. for stay)  
IN THE MATTER OF:

CIVIL APPEALS NOS. 2962-63/1989

A.J. Fernandes

Vs.

The Divisional Manager & Ors.

....Petitioner/  
Appellant.

....Respondents.

Sir,

In continuation of this Registry's letter of even  
number dated 27th April, 1989, I am directed  
to forward herewith for your information and necessary  
action a certified copy of the Order  
of this Court dated the 17-7-1989 passed in the  
applications above-mentioned.

Yours faithfully,

*[Signature]*  
ASSISTANT REGISTRAR

# IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/APPELLATE JURISDICTION

CIVIL MISCELLANEOUS PETITIONS NOS. 25197 to 25198 of 1988  
(Applications for stay by notice of motion)

IN THE MATTER OF:

CIVIL APPEALS NOS. 2962-2963 of 1989

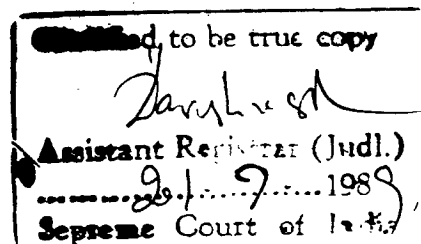
(Appeals by Special Leave granted by this Court's Order dated the 17th July, 1989, in Petitions for Special Leave to appeal (civil) Nos. 11670-11671 of 1988, from the Judgment and Order dated the 11th December, 1987, of the High Court of Karnataka at Bangalore in Applications Nos. 2 of 1987 with 24 of 1987)

A.J. Fernandes  
Ticket Collector  
South Central Railway  
Hospet Divn., Hospet  
Bellary Distt.

...Petitioner/Appellant

-Versus-

1. The Divisional Manager  
South Central Railway  
Divisional Office, Hubli  
Distt. Dharwad
2. The Divisional Personnel Manager,  
South Central Railways  
Hubli Divn., Hubli  
Dharwad Distt.
3. Anwar Basha, s/o Babajan  
Major  
Ticket Collector  
South Central Railway  
Gadag, Dharwad Distt.  
Karnataka State



...Respondents

Dated the 17th July, 1989

CORAM:

HON'BLE MR. JUSTICE M.M. RUST  
HON'BLE MR. JUSTICE T.K. THOMMEN

Appellant:

For the Petitioner / : Mr. K.R. Nagaraja, Advocate,

For Respondents  
Nos. 1 & 2

: Mr. P.P. Singh and Mrs. Sushma Suri, Advocates.

Contd...2/-

THE APPLICATIONS FOR STAY above-mentioned being called on for hearing before this Court on the 17th day of July, 1989, UPON hearing Counsel for the Appearing parties herein THIS COURT DOETH ORDER that pending the hearing and final disposal by this Court of the appeals mentioned above status quo as obtaining between the parties herein on this the 17th day of July, 1989, with regard to the service of the Petitioner/Appellant herein shall be maintained;

AND THIS COURT DOETH FURTHER ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Engalaguppe Seetharamiah Venkataramiah, Chief Justice of India, at the Supreme Court, New Delhi, this the 17th day of July, 1989.

Sd/-  
(SHARDA LOWE)  
DEPUTY REGISTRAR

6/8

h

vd b/c  
vd b/c  
vd b/c  
vd b/c

RECEIVED

26

# SUPREME COURT

CIVIL/CRIMINAL/APPELLATE JURISDICTION

CIVIL APPELLATE PETITIONS NOS. 25197 to 25199 OF 1989  
(Applications for stay)

IN THE MONTH OF

CIVIL APPELLATE NOS. 2962 to 2963 OF 1989

**A.S. Fernandes**

**Versus**

**The Divisional Manager & Ors.**

**....Petitioner/  
Appellant.**

**Versus**

**....Respondents.**

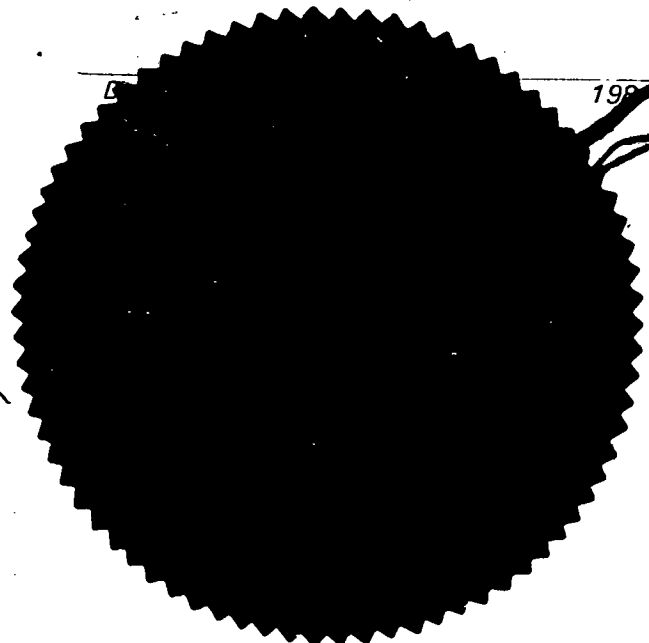
**Appellant  
Petitioner**

**Respondent**

ORDER CONCERNING STAY

Dated this the 17th day of July 1989.

all



Engrossed by  
Examined by **na/.**  
Compared with  
No. of folios

SHRI

**K.P. Vaswala**  
Advocate-on-Record for

**the Petitioner/  
Appellant.**

SHRI

**Shri. Sushma Suri.**  
Advocate-on-Record for

**the Respondent  
Nos. 1 & 2.**

SHRI

Advocate-on-Record for

*17/7/89*  
**NOTED IN MY PRESENCE**

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH



1. The OA/TA/CCP No. of the Case appealed: A.No.2/87(F) and 24/87(F)
2. Name of Parties:
  - (a) Applicant(s)/Petitioner(s) : Anwar Bashe
  - (b) Respondent(s) : Divisional Manager, SC Rly, Hubli & anr
3. Nature of case in brief : Reversion to lower grade and promoting a junior to higher post-promotional order of junior challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
  - (a) Allowed or disallowed : Allowed with directions
  - (b) Date of Order : 11.12.87
  - (c) Bench comprising of : Hon.Sh.Ch.Ramakrishna Rao M(J)  
Hon.Sh.LHA.Rao M(A)
6. SLP/Civil Appeal No, : SLP No 11670-71/88 granted on 17.7.89, CMP Nos 25197-98/88 in CA Nos 2962-63/89
7. Parties name before the Hon'ble Supreme Court:-
  - (a) Applicant(s)/Petitioner(s) : A.J.Fernandis (R-3 in OA)
  - (b) Respondents : The Dvl.Manager, SC Rly, Hubli & anr
  - (c) Date of Interim Order : 17.7.89
  - (d) Nature of Order in brief (may contain the order if not too long) : Status quo obtaining between the parties as on 17.7.89 is to continue until final disposal by the Supreme Court (Copy of SC's order enclosed)
  - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Status quo to be maintained as directed by the Supreme Court (Please refer to earlier communications on the above matter)

(40)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

1. The OA/TA/CCP No. of the Case appealed: A.No.2/87(F) and 24/87(F)
2. Name of Parties:
  - (a) Applicant(s)/Petitioner(s) : Anwar Baaha
  - (b) Respondent(s) : Divisional Manager, SC Rly, Hubli & anr
3. Nature of case in brief : Reversion to lower grade and promoting a junior to higher post-promotional order of junior challenged.
4. Name of the Bench which passed the impugned orders : Bangalore Bench
5. Whether the case was:-
  - (a) Allowed or disallowed : Allowed with directions
  - (b) Date of Order : 11.12.87
  - (c) Bench comprising of : Hon.Sh.Ch.Ramakrishna Rao M(J)  
Hon.Sh.LMA.Rao M(A)
6. SLP/Civil Appeal No. : SLP No 11670-71/88 granted on 17.7.89, CMP Nos 25197-98/88 in CA Nos 2962-63/89
7. Parties name before the Hon'ble Supreme Court:-
  - (a) Applicant(s)/Petitioner(s) : A.J.Fernandis (R-3 in OA)
  - (b) Respondents : The Dvl.Manager, SC Rly, Hubli & anr
  - (c) Date of Interim Order : 17.7.89
  - (d) Nature of Order in brief (may contain the order if not too long) : Status quo obtaining between the parties as on 17.7.89 is to continue until final disposal by the Supreme Court (Copy of SC's order enclosed)
  - (e) Whether operation of the order of the Tribunal stayed/restricted or modified. : Status quo to be maintained as dired by the Supreme Court (Please refer to earlier communications on the above matter)

Dated December, 1992.

8th Jan '93

File No.2/87 & 24/87

To

The Assistant Registrar,  
Supreme Court of India,  
New Delhi.

Sub: Sending of records - Civil Appeal  
No.2962-63/89 (O.A.2/87 and 24/87 of  
CAT Bangalore)

\*\*\*\*\*

A.J.Fernandis

Vs.

The Divisional Manager  
South Central Railway &  
Others.

Sir,

I am directed to refer to your letter  
D.No.4172-73/88/Sec.IV A/ dated 27.11.1992 on the  
above subject and to say that the case records of 'A' files of  
O.A.2/87 and 24/87 contained on the case files are  
enclosed alongwith an index sheet for further  
action at your end. B' file which has duplicate copies of O.A. and Reply

And 'C' file which contains only notices, acknowledgements etc. have been retained here.

The receipt of the above records may please be  
acknowledged and the records may be returned to  
this Registry, when no longer required.

Yours faithfully,

  
(N.RAMAMURTHY)  
DEPUTY REGISTRAR(J).

Encl.: Index Sheet  
O.A.2/87 and 24/87  
records.

Copy to file of O.A. 24/87.

gs recd on  
8.1.93  
p  
8/1

O.A.No.2/87

Anwar Bashe Vs.  
Divisional Manager,  
S South Central Railway &  
Others.

INDEX SHEET  
File - A

Sr.	Description	Page No.
-----	-------------	----------

1.	Order Sheet	1 - 16
2.	Examination Report in C.A.T.	17
3.	Original Application	19 to 24
4.	Annexures to Original Application	25 to 27
5.	Vakalat	28
6.	Reply Statement of Respondents 1 & 2	29 to 32
7.	Reply Statement of Respondent 3	33 to 43
8.	Memo. for production of document dated 17.9.87	44
9.	Office copy of C.A.T. Order dated 11.12.87	45 to 55
10.	I.A.-I for extension of time	56
11.	Affidavit on I.A.-I	57 to 58
12.	Notice	59 to 60
13.	Order on I.A.-I dated 6.4.88	61 to 62
14.	I.A.-II for Extension of time alongwith affidavit	63 to 67
15.	Orders on I.A.-II dated 20.7.88	68 to 69
16.	Covering letter of Supreme Court dt.22.11.88 along with order of Supreme Court dt.21.11.88	70 to 72
17.	Covering letter of Supreme Court dt.17.11.89 alongwith order of S.C. dated 16.1.89	73 to 74
18.	Covering letter of Supreme Court dt.27.11.89 along with order of S.C.dated 24.4.89	75 to 77
19.	Covering letter of Supreme Court dt.19.7.89 along with order of S.C. dated 17.7.89	78 to 80
20.	Letter of S.C. dated 19.12.90 regarding notice of lodgment of petition of appeal to be served on respondent	81 to 82
21.	Order of Supreme Court dated 17.7.89	83

.....Contd./-



22.	Plaint filed before Supreme Court	84 to 100
23.	Notice of lodgment of petition by Supreme Court	101 to 102
24.	Notice of lodgment issued by C.A.T.	103 to 104
25.	Letter from the file of O.A.2/87 dt.13.2.91 addressed to Supreme Court Registry regarding certificate for having served copies of lodgment of petition of appeal	105
26.	Acknowledgement	106
27.	Original order of C.A.T. dated 11.12.87	108 to 116

117

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

O.A.No.24/87

Anwar Basha

vs.

Divisional Manager  
South Central Railway &  
Others.

INDEX SHEET

File - A

Sl. No.	Description	Page No.
1.	Order Sheet	1 to 5
2.	Examination report in C.A.T.	6
3.	Original Application	7 to 14
4.	Annexures to Original Application	15 to 17
5.	Vakalath	18
6.	Reply of Respondent 3 with annexures	19 to 28
7.	Reply of Respondents 1 & 2	29 to 32
8.	Original Order of C.A.T.	33 to 43
9.	Copy of Order on I.A.-I	44 to 45
10.	I.A.-II for extension of time with offidevit	46 to 48
11.	Orders on I.A.-II	49 to 50
12.	Copy of letter of Supreme Court dated 17.1.89 with order dt. 16.1.89	51 to 52
13.	Particulars of the orders passed by the Supreme Court of India with spare copy intimation to other Benches of C.A.T.	53 to 57
14.	Certified copy of the order of Supreme Court dated 17.7.89 along with a forwarding letter date 19.7.89	58 to 61
15.	Intimation to other Benches of C.A.T. regarding particulars of orders passed by the Supreme Court dated 17.7.69 along with a copy of forwarding letter dated 19.7.89 with spare copy	62 to 70

SECTION IV-A

From:

The Assistant Registrar,  
Supreme Court of India.

D.No. **4172-73/88/IV-A**

SUPREME COURT OF INDIA  
NEW DELHI.

DATED: **24-4-98**

To:

The Registrar,  
Central Administrative Tribunal,  
Bench at BANGALORE

*Recd by post  
as R.L. No T34.  
R.  
4/5/98.*

CIVIL APPEALS NO 2962-2963 of 1989

(Appln. No 2 of 1987 C/W Appln. No 24 of 1987)

*Enter in SLP Register,*

*O.A. Register, add to*

*duplicate file & note. Copy to be*

*put in close file.*

*...Appellant*

*So (VII) (Smt. R.)*

**A, J. Feraandis**

-Versus-

*..Respondent*

**The Divisional Manager & Ors.**

Sir,

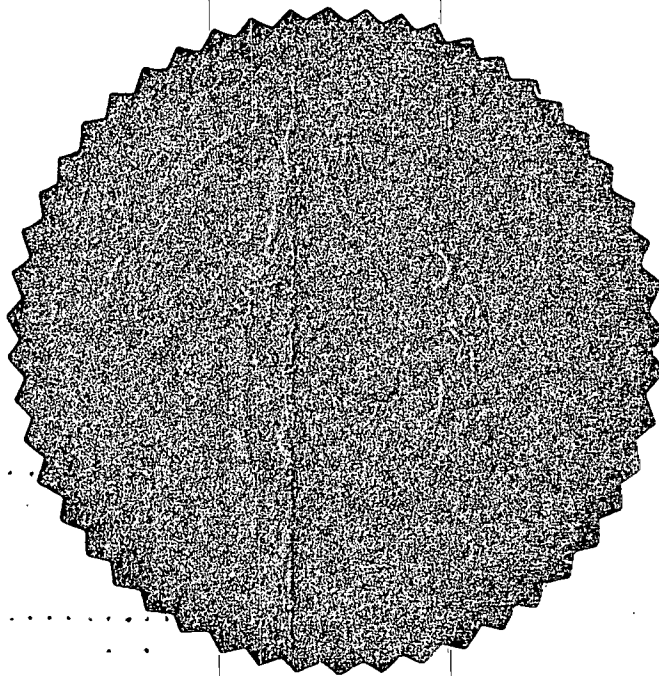
In pursuance of Order XIII, Rule 6, S.C.R.1966, I am directed by their Lordships of the Supreme Court to transmit herewith a certified copy of the ~~judgment~~/Signed Order dated the **10.2.1998** in the appeal above-mentioned.

The certified copy of the decree made in the said appeals will be sent later on.

Please acknowledge receipt.

Yours faithfully

*[Signature]*  
ASSISTANT REGISTRAR



SEALED IN MY PRESENCE

19-11

All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name. Telegraphic address :— "SUPREMECO"

D. No. 4172-73/88/IV-A.

SUPREME COURT  
INDIA

Dated New Delhi, the 25.4.1998 19

FROM

The Assistant Registrar,  
Supreme Court of India.

TO

The Registrar,  
Central Admn. Tribunal,  
Bench at Bangalore.

INTERLOCUTORY APPLICATION NOS. 5-6

(Applications for restoration of the appeals)

I N

CIVIL APPEAL NOS. 2962-63 OF 1998

A. J. Fernandis

-Versus-

The Divisional Manager & Ors.

..Respondents.

Sir,

*In continuation of this Registry's letter of even number dt. 25.4.1998.*  
I am directed to forward herewith for your information

and necessary a certified copy of the Order dated 20.4.1998 in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully

*[Signature]*  
ASSISTANT REGISTRAR

THE APPLICATIONS above-mentioned being called on

**IN THE SUPREME COURT OF INDIA**

CRIMINAL/CIVIL APPELLATE JURISDICTION

**INTERLOCUTORY APPLICATION NOS. 5-6**

(Applications for restoration of the appeals.)

IN THE MATTER OF:  
No. of199  
257958**CIVIL APPEALS NOS. 2962-63 OF 1989.**

(Appeals from the Judgment and Order dated 11th December, 1987 of the Central Administrative Tribunal Bench at Bangalore in Application No.2 of 1987 with Application No.24 of 1987.)

A.J.Fernandis,  
Ticket Collector,  
South Central Railway  
Hospet Division, Hospet,  
Bellary District... Plaintiff.  
Appellant.**-Versus-**

1. The Divisional Manager,  
South Central Railway,  
Divisional Office, Hubli,  
Distt. Dharwad.
2. The Divisional Personnel  
Manager, South Central Railway,  
Hubli Division, Hubli,  
Dharwad District.
3. Anwar Basha, s/o Babajan,  
Major, Ticket Collector,  
South Central Railway, Gadag,  
Dharwad Distt. Karnataka State.

Certified to be true copy

Santosh Mathur  
Assistant Registrar (Jud.)25-4-1988  
Supreme Court of India

.. Respondents.

20TH APRIL, 1998.

CORAM:

HON'BLE MR. JUSTICE S.C.AGRAWAL  
HON'BLE MR. JUSTICE S.SAGHIR AHMAD  
HON'BLE MR. JUSTICE A.F.MISRA

For the Appellant: Mr.K.R.Nagaraja, Advocate.

For Respondent Nos.1 & 2: Mr.P.P.Malhotra, Senior Advocate  
(Mr.S.A.A.Gadri, Advocate with him.)

For Respondent No.3: Mr.P.Mahale, Advocate.

THE APPLICATIONS above-mentioned being called on

for hearing before this Court on the 20th day of April, 1998, UPON perusing the papers and hearing counsel for the parties herein THIS COURT while allowing the application DOTH ORDER that the Order of this Hon'ble Court dated 10th February, 1998 dismissing the appeals on default be and is hereby recalled and Civil Appeal Nos. 2962-63 of 1989 be and are hereby restored to its Original numbers;

AND THIS COURT DOTH FURTHER ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Madan Mohan Punchhi, Chief Justice of India, at the Supreme Court, New Delhi dated this the 20th day of April, 1998.

8-1/-  
(V.K. SABHARWAL)  
DEPUTY REGISTRAR

# SUPREME COURT

CRIMINAL/CIVIL APPELLATE JURISDICTION  
~~XXXXXXXX~~

INTERLOCUTORY APPLICAT. ON NOS. 5-6  
(Applications for restoration of appeals.)

No. I N of 199

CIVIL APPEAL NOS. 2962-63 OF 1989.

Appellant

A.J. Fernandes

Versus

Respondent  
s.

The Divisional Manager & Ors.

ORDER RESTORING THE APPEALS

Dated this the 20th day of April, 1998.

Dated the \_\_\_\_\_ day of \_\_\_\_\_

Engrossed by ~~grun/-~~ SHRI

K.A. Nagaraja,

Examined by

Advocate on Record for the Petitioner/Appellant.

Compared with

SHRI S. Suchan Suri,

No. of folios

Advocate on Record for the Respondent Nos. 1 & 2.

Mr. P. Mahala, Advocate for Respondent No. 3.

**SEALED BY THE REGISTRAR**



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2952-53 OF 1989

Certified to be true copy

Santosh Mathur  
Assistant Registrar (Jd.)

25-4-1990  
Supreme Court of India

257884

A. J. Fernandes

.. Appellants

Versus

Divisional Manager & Ors..

.. Respondents.

O R D E R

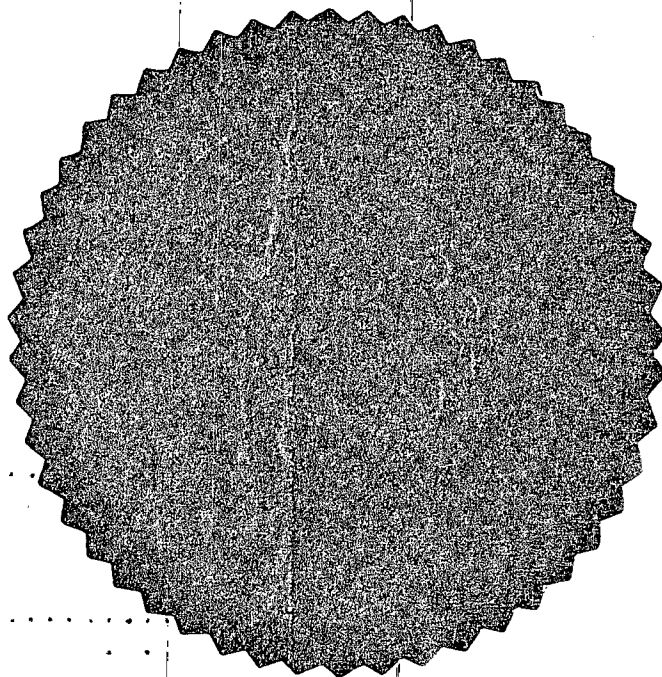
Counsel for the appellant is not present.  
Earlier also when the case was listed on 6.1.98 counsel  
for the appellant was absent. The appeal <sup>are</sup> dismissed in  
default.

New Delhi.

Date: 10.4.1989.

S-/-  
.....J.  
(S. SAGHIR AHMAD)

S-/-  
.....J.  
(G. B. PATTANAİK)



SEALED IN MY PRESENCE

1951/1

## SUPREME COURT

INDIA

NEW DELHI

All communications should be addressed to the Registrar, Supreme Court by designation, NOT by name  
Telegraphic address :- "SUPREMECO"

From: The Assistant Registrar  
Supreme Court of India,  
New Delhi.

To:

The Registrar,  
Central Administrative Tribunal,  
Bangalore Bench,  
Bangalore.

CIVIL APPEAL NOS. 2962-2963 OF 1989  
(Application Nos. 2 and 24 of 1987(F) of 1987 B File)

A.J.Fernandis

-Versus-

Divisional Manager and Ors.

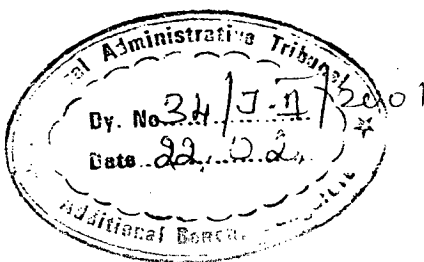
Sir,

In continuation of this Registr's letter of even number dated the 30<sup>th</sup> January, 2001, I am directed to transmit herewith the Original Record relating to the matters, forwarded to this Court under your letter file No. 2/87 and 24/87 dated the 8th January, 1993 as per the list attached herewith.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR



Details of original records

As per list

Recd. AS R.P. AD No. 857  
on 16/1/01

30<sup>th</sup> January, 2001

fil. Check records. These are  
two files. Amalgamate B file JFS.

properly. Copies of order sheets

need to be put in file of  
...Appellant

And O.A. Pl. enter Reg. Return  
of records in Register of records sent to  
...Respondents

S.C. Registry & in O.A. Registers. Dates  
Records to go back to Regd Room 19/1/01

T II / Smt P. M.

b  
16/1