

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

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

Dated: 4-11-87

APPLICATION NO 273 /87 (F)

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

APPLICANT

Shri R.S. Baindur

To

Vs

RESPONDENTS

The GM, South Central Railway,  
Secunderabad & another

1. Shri R.S. Baindur  
C/o Shri R.U. Goulay  
90/1, 2nd Block  
Thyagarajanagar  
Bangalore - 560 028
2. Shri R.U. Goulay  
Advocate  
90/1, 2nd Block  
Thyagarajanagar  
Bangalore - 560 028
3. The General Manager  
South Central Railway  
Secunderabad (A.P.)
4. The Chief Personnel Officer  
South Central Railway  
Secunderbad (A.P.)
5. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Buildings, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/XXX

XXXXXX passed by this Tribunal in the above said application

on 29-10-87

RECEIVED  
Diary No. 1382/2/87

Date: 6/11/87

Encl: as above.

*S. S. S.*  
Section Officer

(JUDICIAL)

8/11/87

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 29TH DAY OF OCTOBER, 1987

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

APPLICATION NO. 273/1987

Shri R.S. Baindur,  
S/o Shivarao,  
Retired Dy. Stores Keeper,  
Grade I S.C.  
Railway, Hubli  
(Now residing at Dharwad). .... Applicant  
(Shri R.U. Goulay, Advocate)

v.

1. The General Manager,  
South Central Railways,  
Secunderabad.
2. The Chief Personnel Officer,  
S.C. Railways,  
Secunderabad. .... Respondents.

(Shri M. Sreerangaiah, Advocate)

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

O R D E R

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

2. The applicant, who joined service initially in  
the Grainshop establishment on 17.8.1943, has retired  
from service in 1980. He claims that the service  
rendered by him in the Grainshop establishment, should  
be reckoned for purpose of seniority and other conditions  
of service.



3. Shri R.U. Goulay, learned Counsel for the applicant, contends that on the ratio of the ruling of the Supreme Court in THE GENERAL MANAGER, SOUTH CENTRAL RAILWAY, SECUNDERABAD & ANR. vs. A.V.R. SIDDHANTTI & ORS (1974 SCC (L&S) 290 = AIR 1974 SC 1755) the service rendered by his client in the Grainshop Establishment should be counted for purpose of seniority and other conditions of service and the benefits legitimately due to him while in service and thereafter should be extended to him.

4. Shri M. Srirangaiah, learned Counsel for the respondents, contends that the claim which arose prior to 1.11.1982 cannot be entertained under the Act as ruled by the Principal Bench in V.K. MEHRA vs. THE SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI, (AIR 1986 CAT, 203).

5. We have earlier noticed that the applicant retired from service in 1980. Without any doubt the applicant's claim for seniority and other benefits indisputably arose prior to 1.11.1982. In the light of the principles enunciated in Mehra's case, this application cannot be entertained by this Tribunal.

6. When once we find that the application is not maintainable, the question of this Tribunal examining the merits does not arise.

7. In the light of our above discussion, we hold that the 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 26/10/87

Sd/-

Member (A) 129.X.87

'True Copy'

bsv/Mrv.



*Shree*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

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

Dated : 7 JUN 1988

REVIEW APPLICATION NO  
IN APPLICATION NO. 273/87(F)  
W.P. NO.

50

/88

Applicant

Shri R.S. Baindur  
To

v/s

The General Manager, South Central Railway,  
Secunderabad & another

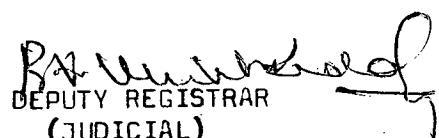
1. Shri R.S. Baindur  
Dr Shinde's Chawl  
Chatrapatinivas  
Malamaddi  
Dharwad

2. Shri S. Narayana  
Advocate  
No. 978, V Block  
Rajajinagar  
Bangalore - 560 010

Respondent

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~REVIEW~~/~~REVIEW~~ passed by this Tribunal in the above said application on 31-5-88.

  
DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 31ST DAY OF MAY, 1988

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

REVIEW APPLICATION NO. 50/1988

Shri R.S. Baindur,  
s/o. Shivarao,  
Aged 66 years,  
Dr. Shinde's Chawl,  
Chatrapatinivas,  
Malamaddi,  
Dharwad.

... Applicant.

(Shri S. Narayana, Advocate)

v.

1. The General Manager,  
South Central Railways,  
Secunderabad.
2. The Chief Personnel  
Officer, S.C. Railways,  
Secunderabad. ... Respondents.

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

O R D E R

  
In this application made under Section 22(3)(f) of  
the Administrative Tribunals Act, 1985 ('the Act') the  
applicant has sought for a review of our order made on  
29.10.1987 dismissing his application No.237/87(f).

2. In making this application there is a delay of 170 days. In IA No.1 praying for condonation of delay the applicant states that he fell ill for the period stated in his affidavit. In support of this assertion, the applicant had not furnished any documentary evidence.

In the absence of the same, it is difficult to hold that the applicant had made out a sufficient cause for condonation of delay.

3. But we will however, assume that applicant has made out a sufficient cause for condonation of delay and deal with the application on merits.

4. Shri S. Narayan, learned counsel for the applicant contends that the decision rendered by us is contrary to the decision rendered by another Bench of this Tribunal in application No. 274 to 278/87 decided on 11.11.1987, (Y.G. YERI AND OTHERS v. GENERAL MANAGER, SOUTH CENTRAL RAILWAY SECUNDERABAD) and this Tribunal ignored that the cause of the applicant was a continuing one.

5. We are of the view that both the grounds, even if they are correct on which we express no opinion, do not constitute a patent error to justify a review of our order. We are of the view that our order does not suffer from any patent error to justify a review under Section 22(3)(f) of the Act.

6. In the light of our above discussion we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the Respondents.

Sd/-

VICE-CHAIRMAN

bsv/Mrv.

TRUE COPY

Sd/-

MEMBER (A) 2-5-88

DEPUTY REGISTRAR (JD) 16  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE