

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
Secunderabad (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/5***/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 29-10-87.

RECEIVED

Diary No. 1382/12/87

Date: 6/11/87

Encl: as above.

Section Officer
(JUDICIAL)

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).
(Shri R.U. Goulay, Advocate)

.... Applicant

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:

ORDER

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) 29.10.87

True Copy

bsv/Mrv.



[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 JUN 1988

REVIEW APPLICATION NO. 50 / 88
IN APPLICATION NO. 273/87(F)
W.P. NO. _____

Applicant

Shri R.S. Baindur
To

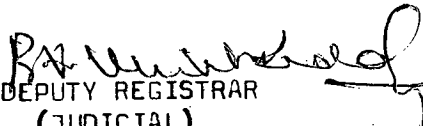
Respondent

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

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 Review 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

TRUE COPY

Sd/-
MEMBER (A) 27.5.88

bsv/Mrv.

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE