

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 16-12-87

APPLICATION NO 423 /87 (F)

U.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri S. Nanjundaswamy

The Divisional Rly Manager, Southern Rly,
Mysore

To

1. Shri S. Nanjundaswamy
S/o Shri S.M. Shamanna
C/o Shri S.N. Subramanya
Ravivarma Street
Shimoga
2. Shri Laxminarayana
Advocate
No. 1, II Floor
SSB Mutt Building
KG Circle
Bangalore - 560 009
3. The Divisional Railway Manager
Southern Railway
Mysore Division
Mysore
4. 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~~/

~~XXXXXX ORDER~~ passed by this Tribunal in the above said application

on 7-12-87.

RECEIVED 4 copies 17/12/87

Diary No. 1539/CR/87

Date: 17.12.87

Encl: as above.

9c
B.V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 7TH DAY OF DECEMBER, 1987

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

APPLICATION NO. 423/1987

Shri S. Nanjundaswamy,
S/o S.M. Shamanna,
Age: 31 years,
C/o S.N. Subramanya,
Ravivarma Street,
Shimogga.

.... Applicant

(Shri Laxminarayana, Advocate)

v.

The Divisional Railway Manager,
Southern Railway,
Mysore Division,
Mysore.

.... Respondent

(Shri K.V. Lakshmanachar, Advocate)

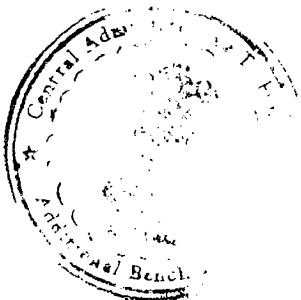
This application having come up for hearing to-day,
Vice-Chairman made the following:

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. Prior to 1.4.1980, the applicant was engaged as
a casual Electrical Kalasi in the then Mysore Division
of the Southern Railway. From 1.4.1980 he has not been
employed in that or any other capacity.

3. On 14.7.1981 the Divisional Personnel Officer,
Mysore (DPO) placed the applicant in a panel prepared



by him for absorption of the erstwhile casual labourers of the railways. But, before the expiry of the term of that panel or thereafter, the applicant has not been offered an appointment and has not been absorbed. On 28.5.1987 the applicant approached this Tribunal for a direction to the respondent to appoint him to the post he was empanelled on 14.7.1981.

4. In his reply, the respondent while justifying the non-appointment of the applicant has urged that this application was maintainable under the Act. Sri K.V. Laxmanachar, learned counsel for the respondent contends that this application made to enforce a claim which arose prior to 1.11.1982 was not maintainable under the Act as ruled by the Principal Bench in V.K. MEHRA v. SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI (ATR 1986 CAT 203). In refuting the contention of Sri Achar, Shri Lakshminarayana, learned counsel for the applicant, contends that his client had made representations from time to time and, therefore, this application was in time.

5. The panel was prepared and published on 14-7-1981. The period of validity of a panel prepared is one year. The validity of the panel admittedly expired on 13-7-1982. Without any doubt, the applicant is seeking to enforce his selection in a panel prepared on 14-7-1981, the life of which expired on 13-7-1982. In other words, the applicant is seeking to enforce a claim that arose prior to 1-11-1982.

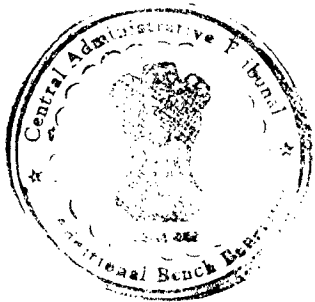
6. In Mehra's case the Principal Bench speaking

through Hon'ble Mr. Justice K. Madhava Reddy, Chairman has ruled that an application to enforce a claim arising prior to 1-11-1982 cannot be entertained by this Tribunal under the Act. On the ratio in Mehra's case, the claim made by the applicant cannot be entertained and adjudicated by us. We have, therefore, no alternative but to uphold the preliminary objection urged by Sri Laxmanachar and dismiss this application without examining the merits.

7. As we have upheld the preliminary objection of Sri Laxmanachar, we cannot examine the merits of the application. We, therefore, decline to examine the merits with a heavy heart.

8. We have earlier noticed that the applicant who was working for some time as a casual Electrical Kalasi had been regularly selected for appointment and was not appointed for reasons which we have not noticed and examined. We are of the view that this is a fit case in which the Railway Administration should try to accommodate the applicant atleast to a future vacancy that may arise in the new Mysore Division or in the Bangalore Division carved out from the erstwhile Mysore Division. We do hope and trust that the Railway administration will do its best to accommodate the applicant.

9. In the light of our above discussion, we dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs. /



- True copy -

B. V. Venkatesh Reddy
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
VICE-CHAIRMAN

Sd/-
MEMBER (A) 7.12.87