

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 15 JUL 1988
/87 (F)

APPLICATION NO 424

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri N.S. Nanjundaradhya

The Secy, M/o Railways, New Delhi & 3 Ors

To

1. Shri N.S. Nanjundaradhya
M.H. No. 11 (1049), 2nd Stage
Siddarthanagara
(Near JSS High School)
Mysore - 11
2. Shri M. Papanna
Advocate
99, Magadi Chord Road
Vijayanagara
Bangalore - 560 040
3. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi - 110 001
4. The General Manager
Southern Railway
Park Town
Madras - 600 003

5. The Deputy Chief Electrical Engineer
Southern Railway
Madras
6. The Works Manager
Southern Railway Workshop
Mysore
7. 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/~~STAX~~/

~~XXXXXX~~ passed by this Tribunal in the above said application
on 5-7-88.

Encl: as above.

B.V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5th DAY OF JULY, 1988

Present : Hon'ble Sri Justice K.S.Puttaswamy Vice Chairman

Hon'ble Sri L.H.A.Rego

Member (A)

APPLICATION No. 424/1987.

N.S.Nanjundaradhya,
R/a M.H.No.11(1049),
IInd Stage, Sidhartha Nagar,
(Near JSS High School),
Mysore - 11.

...

Applicant

(Sri M.Pappanna

...

Advocate)

vs.

1. Union of India,
represented by the Secretary
to Government of India,
Railways, New Delhi.

2. The General Manager,
Southern Railways,
Madras.

3. The Deputy Chief Electrical
Engineer, Southern
Railways, Madras.

4. The Works Manager,
Southern Railway Workshop,
Mysore.

...

Respondents

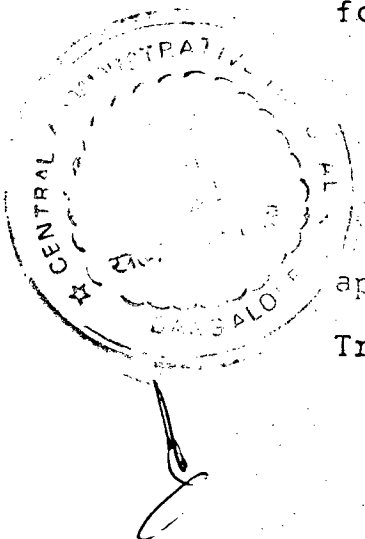
(Sri K.V.Lakshmanachar ... Advocate)

This application having come up before the
Tribunal today, Hon'ble 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/-



2. Sri N.S.Nanjundaradhya, the applicant before us, who initially joined service as a coolie as early as on 20.11.1942 was promoted as Highly Skilled Grade-II from 1.6.1970. When so was working, he was removed from service from 22.6.1976.

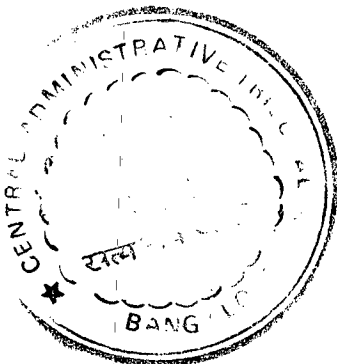
3. In a proceeding against his removal, he was reappointed to service with effect from 18.2.1978, the validity of which was challenged by him before the High Court of Karnataka in Writ Petition No. 7704 of 1978. On 7.2.1985, Rama Jois, J. disposed of the said writ petition with the following directions :

"In the result, I make the following order :-

(i) The writ petition is partly allowed.

(ii) The order of the General Manager (Annexure-K) in so far it directed that the petitioner should be treated as a fresh entrant on the same pay and scale in which he was working at the time of his removal from service is set aside and the order in so far it directs that the petitioner be taken back to the service remains undisturbed and the petitioner shall be entitled to all consequential benefits flowing from this order.

(iii) The General Manager shall be at liberty to consider as to whether any penalty other than dismissal, removal or compulsory retirement from service, could be substituted and to pass an appropriate order in accordance with law. If any such order is made the consequential benefits to which the petitioner is entitled to by the quashing of the impugned order shall be determined in the light of that order.



(iv) If no order is passed within six months from the date of this order, the petitioner shall be entitled to the benefit of the entire past service as if he had been in service without imposition of any penalty of removal from service and to get all consequential benefits.

In pursuance of this order, the General Manager, Southern Railways, Madras ('GM') made a consequential order which was communicated to the Works Manager, Southern Railway Workshop, Mysore ('WM') in office Order No.S/P/5042/Elec./Retirement dated 22.7.1985 (Annexure-B). That order which is material reads thus :

Annexure-B.

SOUTHERN RAILWAY
No.S/P/5042/Elec/
Retirement.

Works Manager's Office,
Mysore South,
Dated : 22nd July, 85.

OFFICE ORDER No.137/85

Sub : Shri N.S.Nanjundaradhya, T.No.5042/
Elec.Shop/A-Retired from service
on 31.12.1982(on superannuation)-

Ref : This office order No.E/5042/Elec.
dated 19.12.1982.

The General Manager, Southern Railway, Madras has considered the Revision Petition dated 1.7.1977 submitted by the above named employee, against his removal from service together with connected records and having regard to the facts and circumstances of the cases, has passed orders modifying the penalty of removal from service with effect from 22.6.1976 imposed on his (N.S.Nanjundaradhya) by the works Manager to one of "CENSURE".

It has also been decided by the General Manager, S.Rly., Madras that the period intervening between the date of his removal from service and that on which he was re-appointed as a fresh entrant (i.e. from 22.6.76 to 17.2.1978) is regularised as leave due to him and that the service rendered by him during the period a from the date



of re-appointment to that of his retirement
on superannuation ie., from 18.2.78 to
31.12.82 is treated as service on
reinstatement and not as service rendered
on reappointment as a fresh entrant.

(Authority: CPO/MAS Con. letter No. P(A)
87/Y/8 of 24.6.85).

sd/-
WORKS MANAGER/MYSS/.
23.7.85

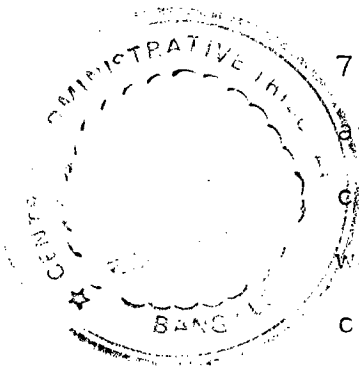
On the basis of this order, the applicant was promoted as Highly Skilled Grade-I with effect from 25.8.1985.

4. On attaining the age of superannuation, the applicant has retired from service from 31.12.1982.

5. The applicant claims that he had held the post of Highly Skilled grade-I when removed from service on 1.6.1970 and had sought for diverse reliefs in this application made before us on 1.6.1987.

6. The respondents have filed their reply resisting this application and have produced the relevant records.

7. Sri M. Papanna, learned counsel for the applicant strenuously contends that when his client was removed from service, on 1.6.1970 he was holding the post of HS G-I and his service conditions in pursuance of the order made by the High Court on 7.2.1986 in Writ Petition No. 7704 of 1978 and the consequential order made by the GM should all be regulated on that basis only.

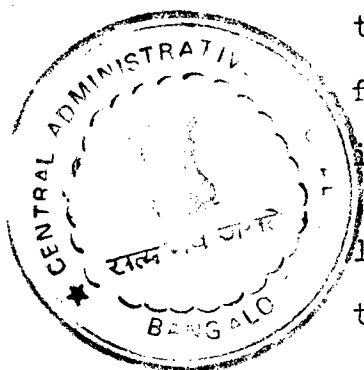


8. Sri K.V.Laxmanachar, learned counsel for the respondents, refuting the contention of Sri Papanna, contends that when the applicant was removed from service, he was only holding the post of HG G-II and the authorities had properly regulated his conditions of service and had not violated the order of the High Court in any manner.

9. We have carefully examined the original service register of the applicant and all the relevant records placed before us. We find from them that when the applicant was removed from service, he was holding the post of HS G-II and not HS G-I. We also find that the order of the High Court had been implemented by the authorities in letter and spirit.

10. As noticed earlier, the entire claim of the applicant is founded on the ground that he was holding the post of HS g-I, when he was removed from service though in fact and law he was not holding the same. From this it follows that the entire claim based on an erroneous foundation is without any merit, imaginary and is liable to be rejected.

11. We find from the service register and the records that the authorities had made available all the service and financial benefits due to the applicant in compliance with the order



of the High Court. We are of the view that the claims of the applicant are all extravagant and are without any merit.

12. In the light of our above 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/-

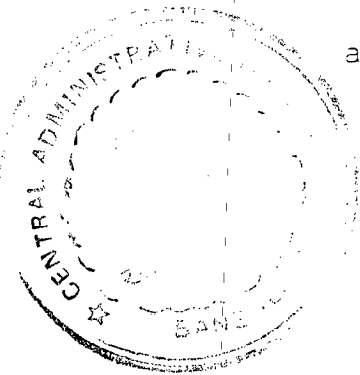
VICE CHAIRMAN 5/11

Sd/-

MEMBER(A)

an.

B. V. Choudhary
11/17



भारत सरकार

रेल मंत्रालय (रेलवे बोर्ड)

सं. ई० (जी०) — ४४ एल० एल० ३ — ६ (२०१)

नयी दिल्ली दिनांक २७/७/४४ १९७

सेवा में,

The Registrar

CAT, Bangalore.

२४/७/४४
४-६-४४

विषय—

Arto. 424/87 (F)

N.S. Nanyundaradhya

Secy of Physg ४४

महोदय,

उपर्युक्त विषय पर आपके तारीख ५/७/४४ के सम्मन/आदेश के सम्बन्ध में मुझे यह सूचित करने का निर्देश हुआ है कि महाप्रबन्धक इस मामले को निबटाने में सक्षम प्राधिकारी हैं। इसलिए विचाराधीन सम्मन/आदेश आवश्यक कार्रवाई हेतु उन्हें भेज दिये गये हैं।

सन्तुष्ट : कुछ नहीं।

भवदीय

जगदीश चन्द्र

कृते सचिव, रेलवे बोर्ड

सं. ई० (जी०) — ४४ एल० एल० ३ — ६ (२०१)

दिनांक २७/७/४४ १९७

अदालत के सम्मन/आदेशों सहित एक प्रति महाप्रबन्धक, आवश्यक कार्रवाई हेतु अग्रेषित।

Southern Aly.

इस मामले में सुनवाई की तारीख है।

संलग्न : यथोक्त।

कृते निर्देशक, स्थापना
रेलवे बोर्ड