

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(8DA)
Indiranagar
Bangalore - 560 038

Dated : 12 OCT 1988

APPLICATION NOS. 144 to 165/88(F)

Applicants

Shri N. Raghavendra & 21 Ors

Respondents

V/s

The Secretary, M/o Communications,
New Delhi & 4 Ors

To

1. Shri N. Raghavendra
Assistant Engineer
Rural South
Bangalore Telecom
Bangalore - 560 020
2. Shri K. Ramaiah
Assistant Engineer
CC II, City Exchange
Bangalore - 560 027
3. Shri Abdur Rasheed
Assistant Director
Office of the General Manager
Telecommunications
Bangalore - 560 009
4. Shri K.S. Nagareja
Assistant Engineer
Telephone Exchange
Mysore
5. Shri V.B. Kulkarni
Assistant Engineer
Telephone Exchange
Belgaum
6. Shri R. Narayana Rao
Assistant Engineer
Rural, North Telecom Dist.
Bangalore
7. Shri K.S. Putturaya
Assistant Director
Office of the General Manager
Telecommunications
Bangalore - 560 009
8. Shri Narayanaswamy
Directory Officer
City Telephone Exchange Building
Bangalore
9. Shri U.S. Nagaraju
Assistant Engineer (Cables)
Lakshmiपुर
Mysore
10. Shri K. Shivaswamy
Assistant Engineer
Telephone Exchange
Shimoga
11. Shri D.N. Rangaswamy
Assistant Engineer
Fault Control(Coaxial)
Telecom Building
Bangalore
12. Shri B.S. Jayashankaraswamy
S.O.O. Telegraphs
C.K.G. Division
Mudigere
Karnataka

Issued
K. Mahan
12-10-88

9c

13. Shri G. Padmanabha Mande
SDO (Phones)
Udupi
14. Shri M.G. Nanjundeswamy
Assistant Engineer
Office of the General Manager
Telephones, BG TO
Bangalore - 560 009
15. Shri D.S. Nagendra
SDO (Phones)
Shimoga
16. Shri Venugopala
17. Shri M.V.R. Sharma
(Sl Nos. 16 & 17 -

C/o Shri S. Ranganatha Jois
Advocate
36, 'Vagdevi'
Shankarapuram
Bangalore - 560 004)
18. Shri R.R. Joshi
S.D.O. (Telegraphs)
Ranebennur
Dharwad District
19. Shri M.N. Krishnamurthy
Assistant Engineer (Trunks)
Telephone Exchange
Mysore
20. Shri B. Anantharamu
Assistant Engineer (I)
Office of the General Manager
Telephones
Bangalore - 560 009
21. Shri M.R. Hanumantha Rao
Assistant Director
Office of the General Manager
Telecom, Karnataka Circle
Bangalore - 560 009
22. Shri A.B. Mutalik
Assistant Engineer
Telephone Exchange
Belgaum
23. Shri S. Ranganatha Jois
Advocate
36 'Vagdevi', Shankarapuram
Bangalore - 560 004
24. The Secretary
Ministry of Communications
'Sanchar Bhavan', New Delhi - 1
25. The Chairman
Telecommunications Board
Sanchar Bhavan, New Delhi - 1
26. The Director General
Department of Telecommunications
STG II Section, Sanchar Bhavan
New Delhi - 1
27. Shri P.N. Lal
Staff No. 7035, Assistant Engineer
RRDC-Prasad Nagar
CTO, New Delhi
28. Shri Brij Mohan
Staff No. 6861, Assistant Engineer
(Computers),
C/o The District Manager
Telephones
Lucknow - 226 001 (U.P.)
29. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 29-9-88.

Encl : As above

[Signature]
SECTION OFFICER
(JUDICIAL)

dc

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 29TH DAY OF SEPTEMBER, 1988

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATIONS NUMBERS 144 TO 165 OF 1988

1. N. Raghavendra,
Aged 43 years, S/o Narasimha Murthy,
Assistant Engineer, Rural South,
Bangalore Telecom, Bangalore-20.
2. K. Ramaiah,
S/o Manchaiah, Aged 42 years,
Assistant Engineer, CC II,
City Exchange, Bangalore-560 027.
3. Abdur Rasheed,
S/o Shaik Mahaboob, Aged 49 years,
Assistant Director, Office of the General
Manager, Telecom, Bangalore-9.
4. K.S. Nagaraja,
S/o K. Subbaraya, Aged 46 years,
Assistant Engineer, Telephone
Exchange, Mysore.
5. V.B. Kulkarni,
S/o B.K. Kulkarni, Aged 47 years,
Assistant Engineer, Tax, Belgaum.
6. R. Narayana Rao,
S/o late K. Ramachandraiah, 42 years,
Assistant Engineer, Rural, North
Telcom, District Bangalore.
7. K.S. Putturaya,
S/o K.R. Putturaya, 46 years,
Assistant Director, Office of the
General Manager, Telecom,
Bangalore-9.
8. Narayanaswamy,
S/o late C. Ramakrishnaiah, 46 years,
Directory Officer,
City Telephone Exchange Building,
Bangalore.
9. U.S. Nagaraju,
S/o S. Srinivasaiah, 41 years,
Assistant Engineer, Cables,
Lakshmipura, Mysore.
10. K. Shivaswamy,
S/o K. Lakshmi Narasimha Shastry, 43 years,
Assistant Engineer, Telephone Exchange,
Shimoga.
11. D.N. Rangaswamy,
S/o D. Narayana Iyengar,
Aged 44 years, Assistant Engineer,
Fault Control, Coaltial, Telcom Building,
Bangalore.

.. Applicants
(Contd..)



- 2 -
12. B.S. Jayashankaraswamy,
S/o late B.M. Siddappa, Aged 44 years,
SDO Telegraphs, Mudigere,
C.K.G. Division, Karnataka.
 13. G. Padmanabha Hande,
S/o Narayana Hande, Aged 43 years,
SDO Phones, Udupi.
 14. M.G. Nanjundaswamy,
S/o M. Gundalah, 52 years,
Assistant Engineer, Office of the
General Manager, Telephone, BG TD, Bangalore.
 15. D.S. Nagendra,
S/o D.R. Suryanarayana Iyer,
Aged 47 years, S.D.O Phones, Shimoga.
 16. Venugopala
S/o C. Keshavamurthy,
43 years, SDOP(II), Mysore.
 17. M.V.R. Sharma,
S/o M. Venkaramaiah, Aged 49 years,
Assistant Engineer, M.W. Mangalore.
 18. R.R. Joshi,
S/o R.C. Joshi, Aged 43 years,
S.D.O, Telegraphs, Ranebennur.
 19. M.N. Krishnamurthy,
S/o M.R. Narasimhaiah, Aged 52 years,
Assistant Engineer, Trunks,
Telephone Exchange, Mysore.
 20. B. Anantharamu,
S/o K. Byataraya, Aged 54 years,
Assistant Engineer (I) Office of the
General Manager, Telephone, Bangalore-9.
 21. M.R. Hanumantha Rao,
S/o M.S. Ramachandra Rao,
Aged about 44 years, Assistant Director,
Office of the General Manager,
Telecom, Karnataka Circle, Bangalore-9.
 22. A.B. Mutalik,
S/o B.G. Mutalik, Aged 50 years,
Assistant Engineer, Telephone Exchange,
Belgaum.

.. Applicants in
Applications Nos. 144 to 165 of 1988.
(By Sri S. Ranganath Jois, Advocate)

v.

1. The Union of India
represented by its Secretary, Ministry of
Communications, 'Sanchar Bhavan', New Delhi-1.
2. The Telecommunication Board,
represented by its Chairman,
'Sanchar Bhavan', New Delhi-1.
3. The Director General,
Department of Telecommunications, STG II Section,
'Sanchar Bhavan', New Delhi-1.
4. P.N. Lal,
Major, Staff No. 7035, Assistant Engineer,
RRDC-Prasgad Nagar, CTO, New Delhi.
5. Brij Mohan,
Major, Staff No. 6861, Assistant Engineer
(Computers) C/o The District Manager,
Telephones, Lucknow 226 001.

.. Respondents.

(By Sri M. Vasudeva Rao, ACGSC)

These applications having come up for hearing this day, Hon'ble Vice-Chairman made the following:

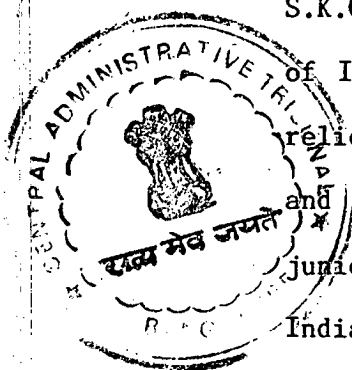
ORDER

These/are applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. All the 22 applicants and respondents 4 and 5 before us who started their career on different dates were working as 'Junior Engineers' ('JEs') in the Department of Tele-communication, Government of India.

3. Prior to 1981 and at any rate as on 11-5-1981 which date is crucial, the applicants in Applications Nos. 144 to 160 of 1988 claim that they are senior to respondents 4 and 5 and applicants in Applications Nos. 161 to 165 of 1988 claim that they are senior to respondent-4. We are also informed that in that very cadre as on 11-5-1981, atleast another 3000 were senior to respondents 4 and 5. Be this as may, under the Telegraph Engineering Service (Class-II) Recruitment Rules, 1966 ('Rules') made under the proviso to Article 309 of the Constitution, applicants in Applications Nos. 144 to 164 of 1988 were all promoted as Assistant Engineers ('AEs') in 1979, 1980 and 1981 and the applicant in Application No. 165 of 1988 was so promoted from 25-4-1984. On the dates the applicants were so promoted respondents 4 and 5 had not been promoted as AEs.

4. On their non-promotion as on 11-5-1981 or so, respondents 4 and 5 approached the High Court of Judicature, Allahabad sitting at Lucknow ('High Court') in Writ Petitions Nos. 2739 and 3652 of 1981 without impleading the applicants but impleading Sriyuths S.K. Sud S.K. Gupta and Raghubir Singh as respondents 4 to 6 besides the Union of India and its subordinates as respondents 1 to 3 for appropriate reliefs. On 20-2-1985 the High Court allowed these writ petitions and directed that the petitioners be promoted from the dates their juniors were so promoted as AEs. Against this order, the Union of India and its subordinates approached the Supreme Court in Special Leave Petitions Nos. 3384 to 3386 of 1986, which were dismissed on 8-4-1986 with some modification of the order of the High Court.



-4-

which is not material for these cases.

5. Evidently in implementation of the orders of the High Court and the Supreme Court in favour of respondents 4 and 5, Government in its letter No.232-10/81-STG-II dated 10-12-1986 (Anneuxre-K) addressed to the General Manager, Telecom, Training Centre, Jabalpur ('GM') informed him to give notional promotion to respondent-5 from 10-6-1977 on which date his immediate junior had been promoted as AE and refix his seniority in that cadre in between Sri K.Suryanarayana and Sri K.Appalacharyalu. On that very day, Government must have made a similar communication in favour of respondent-4 also on the basis of which he would secure a rank in the cadre in between R.S.Deshpande and Vishwanath Pradhan, who were ranked at Sl.Nos.1102 and 1103 in the 'List of Officers of the Department of Tele-Communications, Ministry of Communications, corrected upto 1st February,1985' called the 'Blue Book', which term we will use hereafter. On this, respondents 4 and 5, who were far far juniors to the applicants in the cadre of AEs overnight had become their senior by a myraid of places.

6. On making full inquiries from all sources from 17-3-1987 and onwards, the applicants by separate but identical representations made before the Director General, Tele-Communications, New Delhi ('DGTC') through proper channel prayed him to give them retrospective promotions with all monetary reliefs and treat them as seniors to respondents 4 and 5. This, however was not acceded to or rejected even to this day. Hence, these applications under the Act before us for those reliefs reiterating their case in their representations made to the DGTC.

7. On admitting these cases, time was granted to respondents 1 to 3 for their reply more than once. When these cases came up on 9-8-1988, these respondents did not file their reply and sought for time and overruling the objections of the applicants, we granted them time till 27-9-1988 for their reply and arguments. Accordingly

these cases were posted to 27-9-1988 for hearing on merits.

8. When these cases were called on 27-9-1988, in the first round, Sri M. Vasudeva Rao, learned Additional Standing Counsel for ~~appearing~~ Central Government appearing for respondents 1 to 3, again sought for 8 weeks' time to file reply and argue the cases. We examined this request of Sri Rao, refused the same and then commenced hearing on that day, which continued on 28-9-1988 and to-day. On the conclusion of the hearing, we have dictated this order. On all the hearing dates, respondents 4 and 5, who have been duly served have remained absent and are not represented.

9. We will first deal with the objection of Sri Rao on the limitation urged by him.

10. Sri Rao contends that these applications computing the period of limitation from the respective dates the applicants were promoted and at any rate they reported for duty as AEs, were barred by time and calls for dismissal on that ground, without examining merits.

10. Sri S. Ranganath Jois, learned counsel for the applicants contends that the limitation for these applications should be computed from the expiry of 6 months from the date the applicants made their representations before the DGTC as held by us in G.K. SHENAVA AND OTHERS v. UNION OF INDIA AND OTHERS (Applications Nos. 970 to 981 of 1987 and connected cases decided on 26-8-1988) and that we should likewise hold that the present applications are in time and proceed to adjudicate the matter on merits.

11. When promoted as AEs on different dates and they reported for duty as set in their statement (Annexure-D), the applicants had no grievance on the same. On those occasions, respondents 4 and 5 had neither been promoted nor were they ranked senior to them. Almost in a trice the applicants have become junior to respondents 4 and 5 which ~~has~~ naturally jeopardises their career seriously on what they represented on 17-3-1987 and onwards but to no avail. In these circumstances, we cannot really reckon the period of limitation from the earlier promotions of the applicants as urged by Sri Rao.



12. In Shenava's case also we had occasion to deal with a somewhat similar situation and objection. On repelling a similar objection, we expressed thus:

"As the applicants did not receive any further communication for a period of six months, they approached this Tribunal, reckoning expiry of the period of 6 months, as the starting point of limitation, for their applications. We are not concerned whether there is merit or not in their representation. But, nevertheless, the fact remains, that the applicants had addressed representations to the GOI, to extend to them the benefit of the order of the Calcutta High Court, in Subimal Roy's case and that these representations had been entertained by the GOI. When once these representations had been entertained by the GOI rightly or wrongly, the applicants can undoubtedly invoke the provisions of Section 21(1)(b) of the Act and approach this Tribunal on expiry of the period referred to in that section. This is what they have done. If that is so, then it follows, that these applications are in time."

On these principles which are apposite, these applications without any doubt are in time. We, therefore, overrule the preliminary objection of Sri Rao and proceed to examine the merits.

13. Sri Jois contends that on the terms of para 206 of the P & T Manual and the principles enunciated by the High Court of Allahabad in *PARMANAND LAL AND ANOTHER v. UNION OF INDIA AND OTHERS* (Writ Petitions Nos. 2739 and 3652 of 1981 decided on 20-2-1985) affirmed to by the Supreme Court, the applicants were entitled to retrospective promotions as AEs from the very dates they passed the qualifying examination under the Ruels, with all monetary benefits as done to respondents 4 and 5 and so done, they should be ranked senior to respondents 4 and 5. In support of his contention, Sri Jois strongly relies on the rulings of the Supreme Court in *INDERPAL YADAV v. STATE OF PUNJAB* [1985 (2) SLJ 58 = 1985 SCC (L&S) 526], *PRABHAKAR RAO v. STATE OF ANDHRA PRADESH* [1985 SCC (Supplementary) 430] and this Tribunal in *SATISH KUMAR AND OTHERS v. UPSC AND OTHERS* [1986 (2) CAT 47].

14. Sri Rao contends that the orders made by GOI in favour of respondents 4 and 5 and higher seniority accorded to them, were not independent orders made by them and they were mere implementation of the orders of the High Court and the Supreme Court and that on principle or authority they cannot be granted the same, which will also turn topsy turvy the seniority of well-nigh thousands, who were not parties to these applications.

15. In order to properly appreciate the rival contentions, it is useful to notice the proceedings instituted by respondents 4 and 5 in some detail.

16. In the Blue Book in the cadre of AEs, respondents 4 and 5 occupy rank Nos. 4569 and 4741 respectively.

17. On their non-promotion and the promotion of their three juniors arrayed as respondents 4 to 6 as AEs as on 11-5-1981, respondents 4 and 5 approached the High Court in Writ Petitions Nos. 2739 and 3652 of 1981 challenging the promotions of their juniors and for a mandamus to promote them, which was resisted by the Union of India and its subordinates. On 20-2-1985 the High Court allowed them inter alia expressing thus:

"In view of what has been stated above, it seems that without any reason or rhyme the petitioners were passed over and they were deprived of their promotion, may it be because the officers on the local level never liked that the petitioners may be promoted. Even while making local adjustment they were passed over and their juniors were promoted and neither the rule of seniority nor merit was given due consideration in making promotion and by passing the petitioner. The stand of the department in these writ petitions is contradictory, incoherent and inconsistent. It is very sad state of affairs that the Government officers act in such a manner which bring the Government in disrepute and involves it in various litigations. The writ petitions thus deserve to be allowed.

The writ petitions are allowed with costs and mandamus is issued directing the opposite parties that both the petitioners may be promoted with effect from the date prior to a date of promotion of any person who passed the departmental examination subsequent to them and adjust their seniority accordingly and pay them salary and allowances accordingly with effect from the said date."

This order was challenged by the Union of India in Special Leave Petitions Nos. 3384-86/86 before the Supreme Court which disposed of them on 8-4-1986 (Annexure-A) in these words:

"Special Leave Petition is dismissed on merits. In the facts and circumstances of the present case, we are not inclined to interfere with the judgment of the High Court except to a limited extent. We modify the direction made by the High Court requiring the petitioners to deposit a sum of Rs.79,100-50p. for payment to respondent No.1 Parmanand Lal, alleged to be due towards arrears of his salary. We direct instead that the petitioners shall deposit half the amount for payment to respondent-1 as arrears of his salary within one month from to-day, subject to adjustment."



This is how the Court proceedings in favour of respondents 4 and 5 ended.

18. In implementation of the aforesaid orders, Government on 10-2-1986 (Annexure-K) directed the GMTC thus:

"No.232-10/81-STG-II
Government of India
Ministry of Communications
Department of Telecommunications

Dated New Delhi the 10th Dec., 1986

To

The General Manager
Telecom, Training Centre, Jabalpur.

Sub: Fixation of seniority in TES group-B -
the case of Sri Brij Mohan, AE TTC Jabalpur.

Sir,

I am directed to refer to your letter No.TC/SO/3730 /II/60 dated 2-7-1986 regarding judgment of the Allahabad High Court at Lucknow in the above mentioned case and to say that the seniority of Sri Brij Mohan on his regular promotion to TES Group-B has been fixed above Sri K.Surya-narayana and below Sri K.Appalacharyalu. You are also requested to refix his pay by granting him notional promotion from the date of promotion of his immediate junior was promoted under this office Memo No.233/26/77-STG.II dated 10-6-1977. The officer may be informed suitably.

Yours faithfully,

Sd/- R.R.Koley,
Assistant Director General (DOT)."

On the basis of this order, which itself is based on the orders of the High Court and Supreme Court, the applicants have founded their claims before us.

19. Ignoring the language and all refinements, without any doubt, the applicants are claiming seniority over respondents 4 and 5, who overnight have gone above them and thousands of their colleagues who are not parties before us and who were not also parties before the High Court and the Supreme Court.

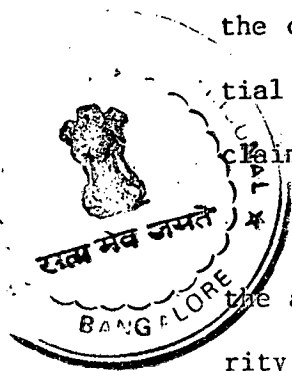
20. The fact that respondents 4 and 5 are parties to these applications does not mean that all others who are between them and the applicants are also parties before us. We need hardly say that they are all necessary parties. In their absence, we cannot grant the relief sought, even assuming that the same is well founded. We are of the view that this conclusion which is too obvious and well settled

cannot be held differently on the sentences occurring in the ruling of the Supreme Court in Inderpal Yadav's case as urged by Sri Jois. On this conclusion itself, we must throw out these applications without examining all other questions. But, we do not propose to do so and proceed to examine the contention.

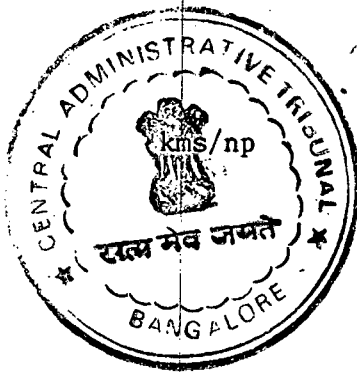
21. Sri Jois was at pains in telling us that the applicants who are senior to respondents 4 and 5 were claiming the very benefits accorded to them by the Courts and Government. When this is closely analysed, the applicants claim ~~for~~ the benefit of a Court decree or order in favour of another person in service on the sole ground that they are also in service in the same cadre and they were once senior to those who approached the Courts and got orders in their favour from Court. We are of the view, that this claim ~~on~~ legal premise is not at all sound and convincing. We know no legal principle or authority that supports such a claim. We even shudder at the consequences of accepting such a wild claim. We are of the view that the true ratio in the rulings of the Supreme Court in Inderpal Yadav's Prabhakar Rao's and this Tribunal in Satish Kumar's cases do not support this extreme contention of the applicants.

22. We cannot and do not sit in judgment on the orders of the High Court and the Supreme Court in favour of respondents 4 and 5. The order of Government only implements the orders of the Courts that had become final and binding on them. If we cannot examine the orders of the Courts, then we cannot also examine the consequential orders of Government. On this view also, we cannot uphold the claims of the applicants.

23. We are conscious that grave injustice had been caused to the applicants and thousands of seniors in the matter of their seniority vis-a-vis respondents 4 and 5. But, as pointed out by the Supreme Court in SHIVDEO SINGH v. STATE OF PUNJAB (AIR 1963 SC 1909) that injustice had to be remedied by other forums and not by us. We cannot on any score remedy the same.



24. On the foregoing discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss them with no order as to costs.



Sd/-
VICE-CHAIRMAN. 29/9/

Sd/-
MEMBER(A) 29.9.68

TRUE COPY

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 12 OCT 1988

To

1. Shri Sanjeev Malhotra
All India Law Journal .
Hakikat Nagar, Mal Road
New Delhi - 110 009
2. Administrative Tribunal Reporter
Post Box No. 1518
Delhi - 110 006
3. The Editor
Administrative Tribunal Cases
C/o Eastern Book Co.
34, Lal Bagh
Lucknow - 226 001
4. The Editor
Administrative Tribunal Law Times
5335, Jawahar Nagar
(Kolhapur Road)
Delhi - 110 007
5. M/s All India Reporter
Congressnagar
Nagpur

Sir,

I am directed to forward herewith a copy of the under mentioned order passed by a Bench of this Tribunal comprising of Hon'ble

Mr. Justice K.S. Puttaswamy Vice-Chairman/~~Member~~(X)

and Hon'ble Mr. L.H.A. Rego Member (A) with a

request for publication of the order in the journals.

Order dated 29-9-88 passed in A.Nos 144 to 165/88(F).

Yours faithfully,

[Signature]
(B.V. VENKATA REDDY)
DEPUTY REGISTRAR(J)

4/10/88
[Signature]
12-10-88

9/c

Copy with enclosures forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi - 110 001.
2. The Registrar, Central Administrative Tribunal, Tamil Nadu Text Book Society Building, D.P.I. Compounds, Nungambakkam, Madras. - 600 006.
3. The Registrar, Central Administrative Tribunal, C.G.O. Complex, 234/4, AJC Bose Road, Nizam Palace, Calcutta - 700 020.
4. The Registrar, Central Administrative Tribunal, CGO Complex (CBD), 1st Floor, Near Konkon Bhavan, New Bombay - 400 614.
5. The Registrar, Central Administrative Tribunal, 23-A, Post Bag No. 013, Thorn Hill Road, Allahabad - 211 001.
6. The Registrar, Central Administrative Tribunal, S.C.O. 102/103, Sector 34-A, Chandigarh.
7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shillong Road, Guwahati - 781 005.
8. The Registrar, Central Administrative Tribunal, Kandamkulathil Towers, 5th & 6th Floors, Opp. Maharaja College, M.G. Road, Ernakulam, Cochin - 682 001.
9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15 Civil Lines, Jabalpur (MP).
10. The Registrar, Central Administrative Tribunal, 88-A B.M. Enterprises, Shri Krishna Nagar, Patna - 1 (Bihar).
11. The Registrar, Central Administrative Tribunal, C/o Rajasthan High Court, Jodhpur (Rajasthan).
12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.
13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sardar Patel Colony, Usmanapura, Ahmedabad (Gujarat).
14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttak - 753 001 (Orissa).

Copy with enclosures also to :

1. Court Officer (Court I)
2. Court Officer (Court II)

9/11/58
K. Venkat
12-10-58

for 
(B. V. VENKATA REDDY)
DEPUTY REGISTRAR (J)

d/c

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 29TH DAY OF SEPTEMBER, 1988

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATIONS NUMBERS 144 TO 165 OF 1988

1. N. Raghavendra,
Aged 43 years, S/o Narasimha Murthy,
Assistant Engineer, Rural South,
Bangalore Telecom, Bangalore-20.
2. K. Ramaiah,
S/o Manchaiah, Aged 42 years,
Assistant Engineer, CC II,
City Exchange, Bangalore-560 027.
3. Abdur Rasheed,
S/o Shaik Mahaboob, Aged 49 years,
Assistant Director, Office of the General
Manager, Telecom, Bangalore-9.
4. K.S. Nagaraja,
S/o K. Subbaraya, Aged 46 years,
Assistant Engineer, Telephone
Exchange, Mysore.
5. V.B. Kulkarni,
S/o B.K. Kulkarni, Aged 47 years,
Assistant Engineer, Tax, Belgaum.
6. R. Narayana Rao,
S/o late K. Ramachandraiah, 42 years,
Assistant Engineer, Rural, North
Telcom, District Bangalore.
7. K.S. Putturaya,
S/o K.R. Putturaya, 46 years,
Assistant Director, Office of the
General Manager, Telecom,
Bangalore-9.
8. Narayanaswamy,
S/o late C. Ramakrishnaiah, 46 years,
Directory Officer,
City Telephone Exchange Building,
Bangalore.
9. U.S. Nagaraju,
S/o S. Srinivasaiah, 41 years,
Assistant Engineer, Cables,
Lakshmipura, Mysore.
10. K. Shivaswamy,
S/o K. Lakshmi Narasimha Shastry, 43 years,
Assistant Engineer, Telephone Exchange,
Shimoga.
11. D.N. Rangaswamy,
S/o D. Narayana Iyengar,
Aged 44 years, Assistant Engineer,
Fault Control, Coal, Telcom Building,
Bangalore.

.. Applicants
(Contd..)

12. B.S. Jayashankaraswamy,
S/o late B.M. Siddappa, Aged 44 years,
SDO Telegraphs, Mudigere,
C.K.G. Division, Karnataka.
13. G. Padmanabha Hande,
S/o Narayana Hande, Aged 43 years,
SDO Phones, Udupi.
14. M.G. Nanjundaswamy,
S/o M. Gundaiah, 52 years,
Assistant Engineer, Office of the
General Manager, Telephone, BG TD, Bangalore.
15. D.S. Nagendra,
S/o D.R. Suryanarayana Iyer,
Aged 47 years, S.D.O Phones, Shimoga.
16. Venugopala
S/o C. Keshavamurthy,
43 years, SDOP(II); Mysore.
17. M.V.R. Sharma,
S/o M. Venkaramaiah, Aged 49 years,
Assistant Engineer, M.W. Mangalore.
18. R.R. Joshi,
S/o R.C. Joshi, Aged 43 years,
S.D.O, Telegraphs, Ranebennur.
19. M.N. Krishnamurthy,
S/o M.R. Narasimhaiah, Aged 52 years,
Assistant Engineer, Trunks,
Telephone Exchange, Mysore.
20. B. Anantharamu,
S/o K. Byataraya, Aged 54 years,
Assistant Engineer (I) Office of the
General Manager, Telephone, Bangalore-9.
21. M.R. Hanumantha Rao,
S/o M.S. Ramachandra Rao,
Aged about 44 years, Assistant Director,
Office of the General Manager,
Telecom, Karnataka Circle, Bangalore-9.
22. A.B. Mutalik,
S/o B.G. Mutalik, Aged 50 years,
Assistant Engineer, Telephone Exchange,
Belgaum.

.. Applicants in
Applications Nos. 144 to 165 of 1988.
(By Sri S. Ranganath Jois, Advocate)

v.

1. The Union of India
represented by its Secretary, Ministry of
Communications, 'Sanchar Bhavan', New Delhi-1.
2. The Telecommunication Board,
represented by its Chairman,
'Sanchar Bhavan', New Delhi-1.
3. The Director General,
Department of Telecommunications, STG II Section,
'Sanchar Bhavan', New Delhi-1.
4. P.N. Lal,
Major, Staff No. 7035, Assistant Engineer,
RRDC-Prasgad Nagar, CTO, New Delhi.
5. Brij Mohan,
Major, Staff No. 6861, Assistant Engineer
(Computers) C/o The District Manager,
Telephones, Lucknow 226 001.

.. Respondents.

(By Sri M. Vasudeva Rao, ACGSC)

- 3 -

These applications having come up for hearing this day, Hon'ble Vice-Chairman made the following:

O R D E R

These ^{are} applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. All the 22 applicants and respondents 4 and 5 before us who started their career on different dates were working as 'Junior Engineers' ('JEs') in the Department of Tele-communication, Government of India.

3. Prior to 1981 and at any rate as on 11-5-1981 which date is crucial, the applicants in Applications Nos. 144 to 160 of 1988 claim that they are senior to respondents 4 and 5 and applicants in Applications Nos. 161 to 165 of 1988 claim that they are senior to respondent-4. We are also informed that in that very cadre as on 11-5-1981, atleast another 3000 were senior to respondents 4 and 5. Be this as may, under the Telegraph Engineering Service (Class-II) Recruitment Rules, 1966 ('Rules') made under the proviso to Article 309 of the Constitution, applicants in Applications Nos. 144 to 164 of 1988 were all promoted as Assistant Engineers ('AEs') in 1979, 1980 and 1981 and the applicant in Application No. 165 of 1988 was so promoted from 25-4-1984. On the dates the applicants were so promoted respondents 4 and 5 had not been promoted as AEs.

4. On their non-promotion as on 11-5-1981 or so, respondents 4 and 5 approached the High Court of Judicature, Allahabad sitting at Lucknow ('High Court') in Writ Petitions Nos. 2739 and 3652 of 1981 without impleading the applicants but impleading Sriyuths S.K. Sud S.K. Gupta and Raghubir Singh as respondents 4 to 6 besides the Union of India and its subordinates as respondents 1 to 3 for appropriate reliefs. On 20-2-1985 the High Court allowed these writ petitions and directed that the petitioners be promoted from the dates their juniors were so promoted as AEs. Against this order, the Union of India and its subordinates approached the Supreme Court in Special Leave Petitions Nos. 3384 to 3386 of 1986, which were dismissed on 8-4-1986 with some modification of the order of the High Court.

- 4 -

which is not material for these cases.

5. Evidently in implementation of the orders of the High Court and the Supreme Court in favour of respondents 4 and 5, Government in its letter No.232-10/81-STG-II dated 10-12-1986 (Anneuxre-K) addressed to the General Manager, Telecom, Training Centre, Jabalpur ('GM') informed him to give notional promotion to respondent-5 from 10-6-1977 on which date his immediate junior had been promoted as AE and refix his seniority in that cadre in between Sri K.Suryanarayana and Sri K.Appalacharyalu. On that very day, Government must have made a similar communication in favour of respondent-4 also on the basis of which he would secure a rank in the cadre in between R.S.Deshpande and Vishwanath Pradhan, who were ranked at Sl.Nos.1102 and 1103 in the 'List of Officers of the Department of Tele-Communications, Ministry of Communications, corrected upto 1st February,1985' called the 'Blue Book', which term we will use hereafter. On this, respondents 4 and 5, who were far far juniors to the applicants in the cadre of AEs overnight had become their senior by a myraid of places.

6. On making full inquiries from all sources from 17-3-1987 and onwards, the applicants by separate but identical representations made before the Director General, Tele-Communications, New Delhi ('DGTC') through proper channel prayed him to give them retrospective promotions with all monetary reliefs and treat them as seniors to respondents 4 and 5. This, however was not acceded to or rejected even to this day. Hence, these applications under the Act before us for those reliefs reiterating their case in their representations made to the DGTC.

7. On admitting these cases, time was granted to respondents 1 to 3 for their reply more than once. When these cases came up on 9-8-1988, these respondents did not file their reply and sought for time and overruling the objections of the applicants, we granted them time till 27-9-1988 for their reply and arguments. Accordingly

- 5 -

these cases were posted to 27-9-1988 for hearing on merits.

8. When these cases were called on 27-9-1988, in the first round, Sri M. Vasudeva Rao, learned Additional Standing Counsel for ~~appearing~~ Central Government appearing for respondents 1 to 3, again sought for 8 weeks' time to file reply and argue the cases. We examined this request of Sri Rao, refused the same and then commenced hearing on that day, which continued on 28-9-1988 and to-day. On the conclusion of the hearing, we have dictated this order. On all the hearing dates, respondents 4 and 5, who have been duly served have remained absent and are not represented.

9. We will first deal with the objection of Sri Rao on the limitation urged by him.

10. Sri Rao contends that these applications computing the period of limitation from the respective dates the applicants were promoted and at any rate they reported for duty as AEs, were barred by time and calls for dismissal on that ground, without examining merits.

10. Sri S. Ranganath Jois, learned counsel for the applicants contends that the limitation for these applications should be computed from the expiry of 6 months from the date the applicants made their representations before the DGTC as held by us in G.K. SHENAVA AND OTHERS v. UNION OF INDIA AND OTHERS (Applications Nos. 970 to 981 of 1987 and connected cases decided on 26-8-1988) and that we should likewise hold that the present applications are in time and proceed to adjudicate the matter on merits.

11. When promoted as AEs on different dates and they reported for duty as set in their statement (Annexure-D), the applicants had no grievance on the same. On those occasions, respondents 4 and 5 had neither been promoted nor were they ranked senior to them. Almost in a trice the applicants have become junior to respondents 4 and 5 which ~~may~~ naturally jeopardises their career seriously on what they represented on 17-3-1987 and onwards but to no avail. In these circumstances, we cannot really reckon the period of limitation from the earlier promotions of the applicants as urged by Sri Rao.

12. In Shenava's case also we had occasion to deal with a somewhat similar situation and objection. On repelling a similar objection, we expressed thus:

"As the applicants did not receive any further communication for a period of six months, they approached this Tribunal, reckoning expiry of the period of 6 months, as the starting point of limitation, for their applications. We are not concerned whether there is merit or not in their representation. But, nevertheless, the fact remains, that the applicants had addressed representations to the GOI, to extend to them the benefit of the order of the Calcutta High Court, in Subimal Roy's case and that these representations had been entertained by the GOI. When once these representations had been entertained by the GOI rightly or wrongly, the applicants can undoubtedly invoke the provisions of Section 21(1)(b) of the Act and approach this Tribunal on expiry of the period referred to in that section. This is what they have done. If that is so, then it follows, that these applications are in time."

On these principles which are apposite, these applications without any doubt are in time. We, therefore, overrule the preliminary objection of Sri Rao and proceed to examine the merits.

13. Sri Jois contends that on the terms of para 206 of the P & T Manual and the principles enunciated by the High Court of Allahabad in *PARMANAND LAL AND ANOTHER v. UNION OF INDIA AND OTHERS* (Writ Petitions Nos. 2739 and 3652 of 1981 decided on 20-2-1985) affirmed to by the Supreme Court, the applicants were entitled to retrospective promotions as AEs from the very dates they passed the qualifying examination under the Ruels, with all monetary benefits as done to respondents 4 and 5 and so done, they should be ranked senior to respondents 4 and 5. In support of his contention, Sri Jois strongly relies on the rulings of the Supreme Court in *INDERPAL YADAV v. STATE OF PUNJAB* [1985 (2) SLJ 58 = 1985 SCC (L&S) 526], *PRABHAKAR RAO v. STATE OF ANDHRA PRADESH* [1985 SCC (Supplementary) 430] and this Tribunal in *SATISH KUMAR AND OTHERS v. UPSC AND OTHERS* [1986 (2) CAT 47].

14. Sri Rao contends that the orders made by GOI in favour of respondents 4 and 5 and higher seniority accorded to them, were not independent orders made by them and they were mere implementation of the orders of the High Court and the Supreme Court and that on principle or authority they cannot be granted the same, which will also turn topsy turvy the seniority of well-nigh thousands, who were not parties to these applications.

15. In order to properly appreciate the rival contentions, it is useful to notice the proceedings instituted by respondents 4 and 5 in some detail.

16. In the Blue Book in the cadre of AEs, respondents 4 and 5 occupy rank Nos. 4569 and 4741 respectively.

17. On their non-promotion and the promotion of their three juniors arrayed as respondents 4 to 6 as AEs as on 11-5-1981, respondents 4 and 5 approached the High Court in Writ Petitions Nos. 2739 and 3652 of 1981 challenging the promotions of their juniors and for a mandamus to promote them, which was resisted by the Union of India and its subordinates. On 20-2-1985 the High Court allowed them inter alia expressing thus:

"In view of what has been stated above, it seems that without any reason or rhyme the petitioners were passed over and they were deprived of their promotion, may it be because the officers on the local level never liked that the petitioners may be promoted. Even while making local adjustment they were passed over and their juniors were promoted and neither the rule of seniority nor merit was given due consideration in making promotion and by passing the petitioner. The stand of the department in these writ petitions is contradictory, incoherent and inconsistent. It is very sad state of affairs that the Government officers act in such a manner which bring the Government in disrepute and involves it in various litigations. The writ petitions thus deserve to be allowed.

The writ petitions are allowed with costs and mandamus is issued directing the opposite parties that both the petitioners may be promoted with effect from the date prior to a date of promotion of any person who passed the departmental examination subsequent to them and adjust their seniority accordingly and pay them salary and allowances accordingly with effect from the said date."

This order was challenged by the Union of India in Special Leave Petitions Nos. 3384-86/86 before the Supreme Court which disposed of them on 8-4-1986 (Annexure-A) in these words:

"Special Leave Petition is dismissed on merits. In the facts and circumstances of the present case, we are not inclined to interfere with the judgment of the High Court except to a limited extent. We modify the direction made by the High Court requiring the petitioners to deposit a sum of Rs. 79,100-50p. for payment to respondent No. 1 Parmanand Lal, alleged to be towards arrears of his salary. We direct instead that the petitioners shall deposit half the amount for payment to respondent-1 as arrears of his salary within one month from to-day, subject to adjustment."

This is how the Court proceedings in favour of respondents 4 and 5 ended.

18. In implementation of the aforesaid orders, Government on 10-2-1986 (Annexure-K) directed the GMTC thus:

"No.232-10/81-STG-II
Government of India
Ministry of Communications
Department of Telecommunications

Dated New Delhi the 10th Dec., 1986

To

The General Manager
Telecom, Training Centre, Jabalpur.

Sub: Fixation of seniority in TES group-B -
the case of Sri Brij Mohan, AE TTC Jabalpur.

Sir,

I am directed to refer to your letter No.TC/SO/3730 /II/60 dated 2-7-1986 regarding judgment of the Allahabad High Court at Lucknow in the above mentioned case and to say that the seniority of Sri Brij Mohan on his regular promotion to TES Group-B has been fixed above Sri K.Suryanarayana and below Sri K.Appalacharyalu. You are also requested to refix his pay by granting him notional promotion from the date of promotion of his immediate junior was promoted under this office Memo No.233/26/77-STG.II dated 10-6-1977. The officer may be informed suitably.

Yours faithfully,

Sd/- R.R.Koley,
Assistant Director General (DOT)."

On the basis of this order, which itself is based on the orders of the High Court and Supreme Court, the applicants have founded their claims before us.

19. Ignoring the language and all refinements, without any doubt, the applicants are claiming seniority over respondents 4 and 5, who overnight have gone above them and thousands of their colleagues who are not parties before us and who were not also parties before the High Court and the Supreme Court.

20. The fact that respondents 4 and 5 are parties to these applications does not mean that all others who are between them and the applicants are also parties before us. We need hardly say that they are all necessary parties. In their absence, we cannot grant the relief sought, even assuming that the same is well founded. We are of the view that this conclusion which is too obvious and well settled

cannot be held differently on the sentences occurring in the ruling of the Supreme Court in Inderpal Yadav's case as urged by Sri Jois. On this conclusion itself, we must throw out these applications without examining all other questions. But, we do not propose to do so and proceed to examine the contention.

21. Sri Jois was at pains in telling us that the applicants who are senior to respondents 4 and 5 were claiming the very benefits accorded to them by the Courts and Government. When this is closely analysed, the applicants claim ~~on~~ the benefit of a Court decree or order in favour of another person in service on the sole ground that they are also in service in the same cadre and they were once senior to those who approached the Courts and got orders in their favour from Court. We are of the view, that this claim ~~on~~ legal premise is not at all sound and convincing. We know no legal principle or authority that supports such a claim. We even shudder at the consequences of accepting such a wild claim. We are of the view that the true ratio in the rulings of the Supreme Court in Inderpal Yadav's Prabhakar Rao's and this Tribunal in Satish Kumar's cases do not support this extreme contention of the applicants.

22. We cannot and do not sit in judgment on the orders of the High Court and the Supreme Court in favour of respondents 4 and 5. The order of Government only implements the orders of the Courts that had become final and binding on them. If we cannot examine the orders of the Courts, then we cannot also examine the consequential orders of Government. On this view also, we cannot uphold the claims of the applicants.

23. We are conscious that grave injustice had been caused to the applicants and thousands of seniors in the matter of their seniority vis-a-vis respondents 4 and 5. But, as pointed out by the Supreme Court in SHIVDEO SINGH v. STATE OF PUNJAB (AIR 1963 SC 1909) that injustice had to be remedied by other forums and not by us. We cannot on any score remedy the same.

24. On the foregoing discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss them with no order as to costs.

Sd/-
VICE-CHAIRMAN. 29/91

Sd/-
MEMBER(A) 29.9.83

kms/np

TRUE COPY

[Signature]
12/11
SECRETARY OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL ENCL
BANGALORE

144 / 165/88

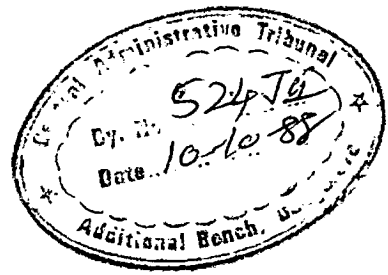
42546)

Central Administrative Tribunal
Principal Bench, New Delhi.

Faridkot House,
Copernicus Marg, New Delhi.

From: The Registrar,
Central Administrative Tribunal
Principal Bench, New Delhi.

To



The Dey. Registrar,
Central Administrative Tribunal Bangalore Bench
Commercial complex (BDA) Indira Nagar,
BANGALORE -560038

MP-1718/88 in

Regn.No. OA OA-575/87

Sh. K.K Baja j

*** Applicant(s)

Union of India & Ors. Versus

*** Respondent(s)

Sir,

I am directed to forward herewith a copy of Judgment/Order
Dt. 6.9.88 passed by this Tribunal in the above noted
case for information and necessary action, if any. A copy of

MP. 1718/88 is enclosed.

Please acknowledge the receipt.

Yours faithfully

Anil Srivastava

(Anil Srivastava)
Section Officer Judl-I

Dt. 16.9.88

MP No.1718/88 in
OA 575/87 Jabalpur Bench.

6.9.1988

None present.

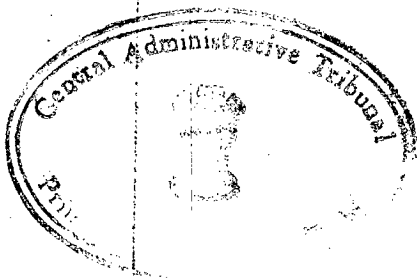
OA 575/87 is a case in which relief is claimed regarding refixation of seniority in the grades and for consequential benefits. Several such petitions have been filed in different Benches of the C.A.T. If there were to be conflicting judgements, preparation of a Seniority List would become impossible. This case should, therefore, be transferred to the Principal Bench for hearing along with OA 1599/87, OA 1673/87, OA 1671/87, OA 1597/87 and OA 1125/88 pending before the Principal Bench. However, since the matters are already pending in different Benches and are at different stages, notices of MP No.1718/88 may be issued to the parties in each of these cases through the respective Benches returnable on 25.11.1988 before the Principal Bench.

Pending disposal of this Misc.Petition, the hearing of all these applications by the respective Benches is stayed.

This order may be communicated to the respective Benches forthwith.

Call on 25.11.1988.


(K. MADHAVA REDDY)
CHAIRMAN



~~Union of India and others~~

Respondants

Application under Section 25 of Central Administrative Tribunal Act, 1985.

--- --

The Union of India respectfully submit as under:-

(1) That the following Original Applications have been filed before the Principal Bench which involve the same questions of fact and law:

- i) OA No.1599 of 1987 by Shri Daljit Kumar and 10 others.
- ii) OA No.1673 of 1987 by Shri R.S. Jauhari and 10 others.
- iii) OA No.1671 of 1987 by Shri Vidya Prakash Gupta and 10 others.
- iv) OA No.1673 of 1987 by Shri Rakesh Srivastava and 12 others.
- v) OA No.1125/88 by Shri K.L. Mehta.

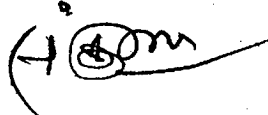
(2) That in addition to the above five Applications filed in Principal Bench, many more applications have been filed in various benches of the Tribunal of which the particulars have been given in Annexure 'A'.


(3) That all these Applications under Section 19 of the Administrative Tribunals Act 1985 have been filed by Applicants who are working as Assistant Engineers in T.E.S. Group 'B' and Junior Telecom. Officers with the Department of Telecom. praying for refixation of seniority in the grades along with other consequential benefits granted to certain other officers similarly situated in implementation of Judgement of Allahabad High Court in the Writ Petition No.2739 of 1981 and 3652 of 1981 filed by Shri P.N. Lal and Shri Brij Mohan respectively.

contd .../-

(4) That to avoid conflicting judgements being rendered in the cases pending before various benches of this Tribunal it is expedient in the interest of justice that the case mentioned in the title be ordered to be transferred to Principal Bench, consolidated and heard together.

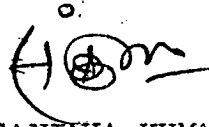
Prayed accordingly.


Respondents


Through P.P. Khurana
Central Government Counsel
Room No. 309, Lawyer's Chambers
Delhi High Court, New Delhi.

VERIFICATION

I, Sanjaya Kumar, Director (Staff Telecom.) Department of Telecommunications do hereby verify that the contents of this Miscellaneous Application are true as per information derived from official records.


(SANJAYA KUMAR)
Director (Staff Telecom.)

LIST OF APPLICATIONS FILED
IN VARIOUS BRANCHES OF CENTRAL ADMINISTRATIVE
TRIBUNAL

- | | |
|--|-------------|
| 1. OA No. 21 of 1988 by Shri K. Surendran and 11 others at CAT, New Bombay Bench. | Applicants |
| 2. OA No. 22 of 1988 by Shri L.B. Nachane and 20 others at CAT, New Bombay Bench. | Applicants |
| 3. OA No. 23 of 1988 by Shri A.H.K. Pillai and 18 others at CAT, New Bombay Bench. | Applicants |
| 4. OA No. 24 of 1988 by Shri A.M. Agreaser and 5 others at CAT, New Bombay Bench. | Applicants |
| 5. OA No. 25 of 1988 by Shri S.V. Subramanian and 5 others at CAT, New Bombay Bench. | Applicants |
| 6. OA No. 190 of 1988 by Shri S.K. Pasricha and 9 others at New Bombay Bench. | Applicants |
| 7. OA No. 198 of 1988 by Shri Devidas Trimbak Manjrekar and 3 others at New Bombay Bench. | Applicants |
| 8. OA No. 566 of 1987 by Shri Katyani Kumar at CAT, Jabalpur Bench. | Applicants |
| 9. OA No. 567 of 1987 by Shri S.C. Singhai at CAT, Jabalpur Bench. | Applicants |
| 10. OA No. 568 of 1987 by Shri R.C. Patel at CAT, Jabalpur Bench. | Applicants |
| 11. OA No. 569 of 1987 by Shri K.K. Jain at CAT, Jabalpur Bench. | Applicants |
| 12. OA No. 570 of 1987 by Shri B.S. Oswal at CAT, Jabalpur Bench. | Applicants |
| 13. OA No. 57 of 1987 by Shri N.F. Quaiyumi at CAT, Jabalpur Bench. | Applicants |
| 14. OA No. 575 of 1987 by Shri K.K. Bajaj at CAT, Jabalpur Bench. | Applicants |
| 15. OA No. 51 of 1988 by Shri G.C. Gupta at CAT, Jabalpur Bench. | Applicants |
| 16. OA No. k 9 of 1988 by Shri K. Rama Kutty in CAT, Madras Bench at Ernakulam. | Applicants |
| ✓ 17. OA No. 144 to 165 of 1988 by Sh. N. Raghavendra and others at CAT, Bangalore Bench. | Applicants. |
| 18. OA No. K-122 of 1988 by Shri Venkateshwara Shenoi in CAT Madras Bench at Cochin. | Applicants. |
| 19. OA No. K-192 of 1988 by Shri M.T.R. Nambissan in CAT, Madras Bench at Cochin. | Applicants. |
| 20. OA No. 34 of 1988 by Shri Amar Kant Navik and 20 others in Allahabad Bench at Lucknow. | Applicants. |

ANNEXURE - A

21. OA No. 1599 of 1987 by Shri Daljit Kumar and 10 others at CAT, Principal Bench New Delhi.
22. OA No. 1597 of 1987 by Shri R.S. Jauhari and 10 others at CAT, Principal Bench New Delhi.
23. OA No. 1671 of 1987 by Shri Vidya Prakash Gupta and 10 others at CAT, Principal Bench New Delhi.
24. OA No. 1673 of 1987 by Shri Rakesh Srivastava and 12 others at CAT, Principal Bench New Delhi.
25. OA No. 1125 of 1988 by Shri K.L. Mehta at Principal Bench, New Delhi.

o.o.o.o

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

By RPAD

IMMEDIATE

11nd Floor,
Commercial Complex (BDA),
Indira Nagar,
Bangalore-560 038.

13.10.88

N.RAMA MURTHY,
Section Officer (J.II),

O.O.A.Nos.144 to 165/88(F)

Dear Shri. Anil Srivastava,

Please refer to your letter No.4254(S) dated 16.9.88 enclosing a copy of Order dt. 6.9.88, passed by the Hon'ble Chairman in M.P.No.1718/88 in O.A.575/87 of Jabalpur Bench - K.K.Bajaj vs. UOI & ors.

Your letter dt. 16.9.88 was received in this Registry only on 10th Oct'88. A.Nos.144 to 165/88 indicated at Sl. No.17 in Annexure 'A' to the M.P. enclosed with your letter were disposed of by the Bangalore Bench on 29th Sep'88; i.e. long before the stay order was received. Order dt. 29th Sep'88, of B'lore Bench has been communicated to all concerned. A copy of the Order is enclosed herewith for reference. These facts may kindly be brought to the notice of the Hon'ble Chairman.

Please acknowledge receipt.

By Order.

Yours Sincerely,

o/c (N.RAMAMURTHY)

Encl: As above

Shri Anil Srivastava,
Section Officer, Judl. I,
Central Administrative Tribunal,
Principal Bench,
Faridkot House,
Copernicus Marg,
New Delhi 110 001.

*Smt. K.
Pl. issue for w.c.
R.*

*Received
13/10/88*

*Seen
Manoj*

S m/a



केन्द्रीय प्रशासनिक अधिकरण
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
प्रधान न्यायपीठ

Faridkot House, Copernicus Marg,
New Delhi-110001.

dated 20th Dec. 1988 18/134

To,

The Dy. Registrar,
Central Administrative Tribunal,
Bangalore Bench,
Commercial Complex (BDA),
Indira Nagar,
Bangalore-560 038.

Sub: MP 1718/88 in DA 515/87 (Jabalpur Bench)

Sir,

I am directed to invite your attention to this Tribunal's letter of even number dt. 16/9/88 and to say that following records as directed by the Hon'ble Chairman Vide his orders dt. 6/9/88 have not ^{been} received in the Principal Bench for further action at our end:

17. DA No. 144 to 165 of 1988 by Sh. N. Raghavendra and others at CAT, Bangalore Bench.

Since the said MP is listed before the Hon'ble Chairman on 20.1.89 steps at your end for sending the records to the Principal Bench may ^{kindly} be taken urgently.

You are also requested to issue notice to the parties about the transfer of the case for hearing & disposal in the Principal Bench for 20.1.89. Inform the position about service on or before the next date of hearing

So (21)

please speak
R 28/12/88

Yours faithfully,

Anil Srivastava

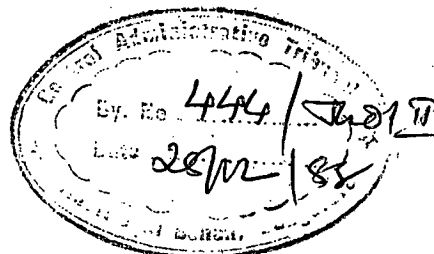
(ANIL SRIVASTAVA)

Section Officer Judl-I

Spoken
R 23/12/88

Reply at
once

R 23/12/88



100-100

100-100

100-100

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

By RPAO

11nd Floor,
Commercial Complex (BDA),
Indira Nagar,
Bangalore-560 038.

Ref : A. Nos. 144 to 165 /88(F)

23 Dec 88

To

Shri Anil Srivastava,
Section Officer, Judl-I,
Central Administrative Tribunal,
Faridkot House, Copernicus Marg,
New Delhi-110001.

Subject:- MP 1718/88 in OA 515/87 (Jabalpur Bench) -
K.K. Bajaj Vs Union of India & Ors.

.....

Sir,

I am directed to refer to your letter No. Nil dated 20.12.88 on
the above subject.

In this connection, please refer to this Registry letter of even
number dated 13.10.88, in which it was intimated that A. Nos. 144 to 165/88
of this Bench were disposed of long before the stay order of the Hon'ble Chairman
was received here. Postal acknowledgement was received from your Registry for
the same. Copy of this Registry letter dated 13.10.88 (with enclosure) and
a copy of the postal acknowledgement are enclosed for ready reference.

Review Applications were also filed in this Registry in the Applications
mentioned above. Copy of the order dated 12.12.88 in RA Nos. 111 to 129/88
(in A. Nos. 144 to 147, 149 to 159, 161 to 164/88) is also enclosed.

In view of the position explained above, notices are not being issued
to the parties regarding transfer of the case. If you still require the records,
the same shall be sent on hearing from you.

Please acknowledge receipt.

Yours faithfully,

o/c *[Signature]*
(N. RAMAMURTHU)
Section Officer (Judl II)

Encls : As stated.

RECEIVED One copy 26/12/88

Copy to file of RA Nos 111 to 129/88

Issued on
27/12/88

RPAO No. 2726
dt 27/12/88
MCR Registrar

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

By RPAD

IMMEDIATE

11nd Floor,
Commercial Complex (BDA),
Indira Nagar,
Bangalore-560 038.

13.10.88

N.RAMA MURTHY,
Section Officer (J.II),

O.O.A.Nos.144 to 165/88(F)

Dear Shri. Anil Srivastava,

Please refer to your letter No.4254(S) dated 16.9.88 enclosing a copy of Order dt. 6.9.88, passed by the Hon'ble Chairman in M.P.No.1718/88 in O.A.575/87 of Jabalpur Bench - K.K.Bajaj vs. UOI & ers.

Your letter dt. 16.9.88 was received in this Registry only on 10th Oct'88, A.Nos.144to 165/88 indicated at Sl. No.17 in Annexure 'A' to the M.P. enclosed with your letter were disposed of by the Bangalore Bench on 29th Sep'88; i.e. long before the stay order was received. Order dt. 29th Sep'88, of B'lore Bench has been communicated to all concerned. A copy of the Order is enclosed herewith for reference. These facts may kindly be brought to the notice of the Hon'ble Chairman.

Please acknowledge receipt.

By Order.

Yours Sincerely,

o/c (N.RAMAMURTHY)

Encl: As above

Shri Anil Srivastava,
Section Officer, Judi. I,
Central Administrative Tribunal,
Principal Bench,
Faridkot House,
Copernicus Marg,
New Delhi 110 001.

*Smt. K.
Pl. Smt. K. K. K.
A.*

*Seen
Mam*

S m/a

*Issued
13/10/88*

Copy.

227

ब्रह्मक
४, ४३३० ४ No.

271/08
14/10/08

Letter/Postcard/Packet Parcel
Shirley Ann Smith

section which, I call - I =
CAT, Principal Base

Could not finish

[illegible]

Signature of addressee

ಸಹಿ/ಸಂಖ್ಯೆ/ತಾರೀಖು. Signature of addressee

* ಅನವಶ್ಯಕ ಬೇರೆ ಕೆಲಸ ಮಾಡುವುದಕ್ಕಾಗಿ ಬಿಡುಗಡೆ ಮಾಡುವುದಕ್ಕೆ ಸೀಮಿತ. * Score out the matter not required.

844-8-53 DATE 25/03/87 50:000 PAB2

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SAUGALORE
ADDITIONAL BENCH
CENTRAL ADMINISTRATIVE TRIBUNAL

Exchanged over Sender's address



Name-stamp of office in position

DEPARTMENT OF POSTS, INDIA

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 12TH DAY OF DECEMBER, 1988

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

REVIEW APPLICATION NOS. 111 TO 129/1988

1. Shri N. Raghavendra,
Asst. Engineer,
Rural South,
B'lore Telecom,
Bangalore.
2. Shri K. Ramaiah,
Asst. Engineer,
CC II, City Exchange,
Bangalore.
3. Shri Abdur Rasheed,
Asst. Director,
O/o the General Manager,
Telecommunications,
Bangalore.
4. Shri K.S. Nagaraja,
Asst. Engineer,
Telephone Exchange,
Mysore.
5. Shri R. Narayana Rao,
Asst. Engineer,
Rural, North Telecom Dist.,
Bangalore.
6. Shri K.S. Putturaya,
Asst. Director,
O/ o the General Manager,
Telecommunications,
Bangalore.
7. Shri Narayanaswamy,
Directory Officer,
City Telephone Exchange Buldg.,
Bangalore.
8. Shri U.S. Nagaraju,
Asst. Engineer,
Lakshmipura,
Mysore.

... Applicants in R.A.
Nos. 111 to 118/88.

9. Shri K. Shivaswamy,
Asst. Engineer,
Telephone Exchange,
Shimoga.
10. Shri D.N. Rangaswamy,
Asst. Engineer,
Fault Control (Coaxial),
Telecom Building,
Bangalore.
11. Shri B.S. Jayashankarswamy,
S.D.O. Telephones,
C.K.G. Division,
Mudigere,
Karnataka.
12. Shri G. Padmanabha Hande,
S.D.O.(Phones),
Udupi.
13. Shri MG. Nanjundaswamy,
Asst. Engineer,
O/o the General Manager,
Telephone, BG TD
Bangalore.
14. Shri D.S. Nagendra,
SDO (Phones),
Shimoga.
15. Shri Venugopala,
Aged 49 years,
Asst. Engineer,
M.W. Mangalore.
16. Shri R.R. Joshi,
SDO (Telegraphs),
Ranibennur,
Dharwad District.
17. Shri M.N. Krishna Murthy,
Asst. Engineer (Trunks),
Telephone Exchange,
Mysore.
18. Shri B. Anantharamu,
Asst. Engineer, (I),
O/o the General Manager,
Telephones,
Bangalore.
19. Shri M.R. Hanumantha Rao,
Asst. Director,
O/o the General Manager,
Telecom, Karnataka Circle,
Bangalore.

..... Applicants in R.A.
Nos. 119 to 129/88.

(Shri Dr. M.S. Nagaraja, Advocate)

1. Secretary of Ministry of Communications,
Sanchar Bhavan,
New Delhi.
 2. The Chairman,
Telecommunication,
Sanchar Bhavan,
New Delhi.
 3. The Director General,
Dept. of Telecommunications,
Sanchar Bhavan,
New Delhi.
 4. Shri P.N. Lal,
Staff No.1735,
Asst. Engineer,
Prasad Nagar, C.T.O.,
New Delhi.
 5. Shri Brij Mohan,
C/o District Manager,
Telephones,
Lucknow (UP)
- ... Respondents.

These applications having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In these applications made under Section 22 (3)(f) of the Administrative Tribunals Act, 1985 (Act), the applicants have sought for a review of our order made on 29.9.1988, dismissing their Application Nos. 144 to 165 of 88, in which they were primarily aggrieved by the higher seniority accorded to respondents 4 & 5 on diverse grounds.

2. We heard them on 27, 28 & 29th September 1988 and dictated ^{the} ~~our~~ order in the open court immediately on the conclusion of arguments in the presence of the parties.

3. The applicants have sought for a review primarily on the ground that as early as 6.9.1988 (Annexure-R1), the Hon'ble Chairman of this Tribunal, in exercise of the

powers conferred on him by Section 25 of the Act, had stayed ^{the} disposal of the applications before this and other benches and their disposal was in contravention of the same and non est and therefore justifies a review under the Act. Dr. M.S. Nagaraja learned counsel for the applicants has urged this very ground as justifying a review under the Act.

4. Unfortunately for the applicants and this Bench, the stay order granted by the Hon'ble Chairman on 6.9.1988 was despatched by the office of the Principal Bench only on 6.10.1988 and was received by this Bench only on 10.10.1988 which fact has also been appraised by the Registrar of this Bench to the Principal Bench on 13.10.1988.

5. When we heard A.Nos. 144 to 165 of 1988 and decided them the stay order granted by the Hon'ble Chairman, had not been communicated to this Bench and the parties also did not apprise us the same to postpone their hearing. On these facts as ruled by the Supreme Court in MULRAJ v. MURTHY RAGHUNATH MAHARAJ (A.I.R. 1967 S.C. 1386) the order of stay granted by the Hon'ble Chairman came into effect from 10.10.1988 and not before that date. On this it follows that what was done by us earlier was perfectly legal and valid and the grounds urged by the applicants does not constitute a sufficient ground for review.

6. In the light of our discussions we hold these applications are liable to be rejected. We, therefore,

reject these applications at the admission stage without notices to the respondents.

Sd/-

VICE-CHAIRMAN 12/1/1

bsg/Mrv.

TRUE COPY

Sd/-

MEMBER (A) / 12-Xr-988

AP-11/23/12/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 23 DEC 1988

REVIEW APPLICATION NOS. 111 to 129/88

IN APPLICATION NOS. 144 to 147, 149 to 159 & 161 to 164/88(F)

Applicants

Respondents

Shri N. Raghavendra & 18 Ors

V/s

The Secretary, M/o Communications, New Delhi
& 4 Ors

To

1. Shri N. Raghavendra
Assistant Engineer
Rural South
Bangalore Telecom
Bangalore - 560 020
2. Shri K. Ramaiah
Assistant Engineer
CC II, City Exchange
Bangalore - 560 027
3. Shri Abdur Rasheed
Assistant Director
Office of the General Manager
Telecommunications
Bangalore - 560 009
4. Shri K.S. Nagaraja
Assistant Engineer
Telephone Exchange
Mysore
5. Shri R. Narayana Rao
Assistant Engineer
Rural, North Telecom Dist
Bangalore
6. Shri K.S. Putturaya
Assistant Director
Office of the General Manager
Telecommunications
Bangalore - 560 009

7. Shri Narayanaswamy
Directory Officer
City Telephone Exchange Building
Bangalore
8. Shri U.S. Nagaraju
Assistant Engineer (Cables)
Lakehmipura
Mysore
9. Shri K. Shivaswamy
Assistant Engineer
Telephone Exchange
Shimoga
10. Shri D.N. Rangaswamy
Assistant Engineer
Fault Control (Coaxial)
Telecom Building
Bangalore
11. Shri B.S. Jayashankaraswamy
S.D.O. Telephones
C.K.G. Division
Mudigere
Karnataka
12. Shri G. Padmanabha Hande
S.D.O. (Phones)
Udupi (Dakshina Kannada)

13. Shri M.G. Nanjundaswamy
Assistant Engineer
Office of the General Manager
Telephones
Bangalore Telecom District
Bangalore - 560 009

14. Shri D.S. Nagendra
S.D.O. (Phones)
Shimoga

15. Shri Venugopala
C/o Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

16. Shri R.R. Joshi
S.D.O. (Telegraphs)
Ranebennur
Dharwad District

17. Shri M.N. Krishna Murthy
Assistant Engineer (Trunks)
Telephone Exchange
Mysore

18. Shri B. Anantharamu
Assistant Engineer (I)
Office of the General Manager
Telephones
Bangalore - 560 009

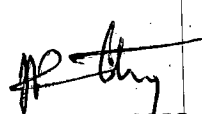
19. Shri M.R. Hanumantha Rao
Assistant Director
Office of the General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009

20. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal in
the above said Review applications on 12-12-88.

Encl : As above


SECTION OFFICER
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

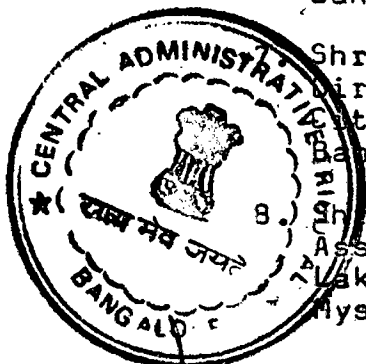
BANGALORE

DATED THIS THE 12TH DAY OF DECEMBER, 1988

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

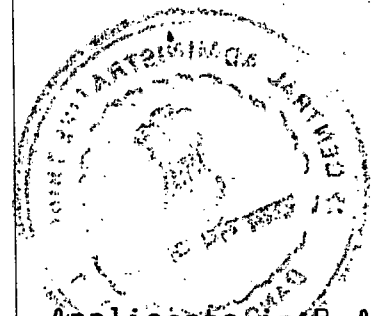
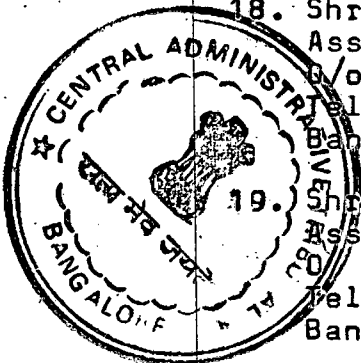
REVIEW APPLICATION NOS. 111 TO 129/1988

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Bangalore.
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O/o the General Manager,
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Bangalore.
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Mysore.
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O/ o the General Manager,
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7. Shri Narayanaswamy,
Directory Officer,
City Telephone Exchange Buldg.,
Bangalore.
8. Shri U.S. Nagaraju,
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Akshnipura,
Mysore.



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Shimoga.
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S.D.O. Telephones,
C.K.G. Division,
Mudigere,
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(Shri Dr. M.S. Nagaraja, Advocate)

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New Delhi.
2. The Chairman,
Telecommunication,
Sanchar Bhavan,
New Delhi.
3. The Director General,
Dept. of Telecommunications,
Sanchar Bhavan,
New Delhi.
4. Shri P.N. Lal,
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Telephones,
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.... Respondents.

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sd/-
VICE CHAIRMAN

12/1/1

sd/-

MEMBER (A) / 12-12-88

TRUE COPY

AP *thy* 23/12/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

TRUE COPY



SECTION OFFICE
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C.
20505