

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 19 JUL 1988

APPLICATION NO.

178

/88(F)

W.P. NO.

Applicant(s)

Shri C.V. Ramachandra

Respondent(s)

V/s The Senior Deputy DG, GSI, Bangalore & 8 Ors

To

1. Shri C.V. Ramachandra
No. 43, III Main, 9th Cross
Mathikere
Bangalore - 560 054

9. Shri Munnireddy

10. Shri Muniobalaiah

11. Shri S.D. Rangaraju

(Sl Nos. 5 to 11 -

2. Shri S.K. Srinivasan
Advocate
No. 10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003

Mechanics
AMSE Wing
Geological Survey of India
E&T Division
6, Pampa Mahakavi Road
Basavanagudi
Bangalore - 560 004)

3. The Senior Deputy Director-General
AMSE Wing
Geological Survey of India
E&T Division
6, Pampa Mahakavi Road
Basavanagudi
Bangalore - 560 004

12. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

4. The Director General
Geological Survey of India
27, Jawaharlal Nehru Road
Calcutta - 700 016

5. Shri I.D. Badiger

6. Shri K. Prabhakar

7. Shri R. Deenadayalan

8. Shri S. Somanathan

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~SPAY~~ ~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 8-7-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 8TH DAY OF JULY, 1988.

PRESENT:

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

.. Vice-Chairman.

And

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

.. Member(A).

APPLICATION NUMBER 178 OF 1988

C.V. Ramachandra,
C/o Shri H.N. Krishnamurthy,
No. 43, III Main, 9th Cross,
Mathikere,
Bangalore-54.

.. Applicant.

(By Sri S.K. Srinivasan, Advocate)

v.

1. The Senior Deputy Director-General,
AMSE Wing, Geological Survey of India,
E&T Division, 6, Pampa Mahakavi Road,
Basavanagudi, Bangalore-4.
2. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta-16.
3. I.D. Badigar,
Mechanic, AMSE Wing,
Geological Survey of India,
E&T Division, 6, Pampa Mahakavi
Road, Basavanagudi,
Bangalore-4.
4. K. Prabhakar,
Mechanic, AMSE Wing,
Geological Survey of India,
E&T Division, 6, Pampa Mahakavi
Road, Basavanagudi,
Bangalore-4.
5. R. Deenadayalan,
Mechanic, AMSE Wing,
Geological Survey of India,
E&T Division, 6, Pampa
Mahakavi Road,
Basavanagudi, Bangalore-4.
6. S. Somanathan,
Mechanic, AMSE Wing, Geological
Survey of India, 6, Pampa Mahakavi Road,
Basavanagudi, Bangalore-4.
7. Munnireddy,
Mechanic, AMSE Wing,
Geological Survey of India,
E&T Division, 6, Pampa Mahakavi Road,
Basavanagudi, Bangalore-4.

.. Respondents
(Contd..)



8. Muniobalaiah,
Mechanic, AMSE Wing,
Geological Survey of India,
E&T Division, 6, Pampa Mahakavi
Road, Basavanagudi,
Bangalore-4.
9. S.D.Rangaraju,
Mechanic, AMSE Wing,
Geological Survey of India,
E&T Division,
6, Pampa Mahakavi Road,
Basavanagudi, Bangalore-4.

.. Respondents.

(By Sri M.Vasudeva Rao, Standing Counsel for R1 & R2)

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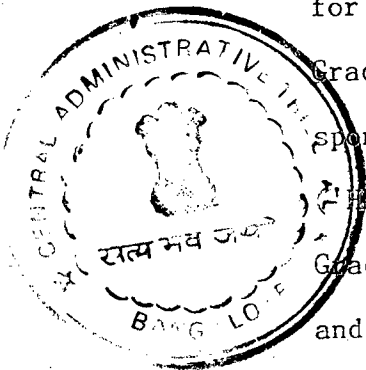
This application having up for hearing this day, Vice-Chairman made the following:

ORDER

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

2. From 21-12-1976 and onwards the applicant with the qualification of Pre-University and ITI Training Certificate, was working as a Mechanic in the Indian Institute of Science, Bangalore (Institute).

3. On or about 12-6-1980 the Director, Airborne Minerals Survey and Exploration Wing, Geological Survey of India ('Director') called for applications for the posts of Head Mechanic and Mechanic Grade-I. In response to the same, the Employment Exchange, Bangalore sponsored the name of the applicant for the post of Head Mechanic ('H1') and the names of respondents 3 to 7 for the posts of Mechanic Grade-I. On an evaluation of the merits of the sponsored candidates and those who had applied directly, a Selection Committee constituted for the purpose, at its meeting held in the months of August and September, 1979, found that the applicant was not suitable for selection for the post of HM but was suitable to the post of Mechanic Grade-I and selected him for that post placing him on the top of the Select List.



4. On the basis of the aforesaid selection, appointment orders were issued to the existing vacancies to respondents 3 and 4 first and then to the applicant on 12-5-1980 (Annexure-A) for reasons that are not necessary to notice in detail, at any rate at this stage. Accepting the said offer, the applicant got himself relieved from the Institute on 21-5-1980 and joined service in the Director's office on 22-5-1980 and has been working as Mechanic Grade-I ever since then.

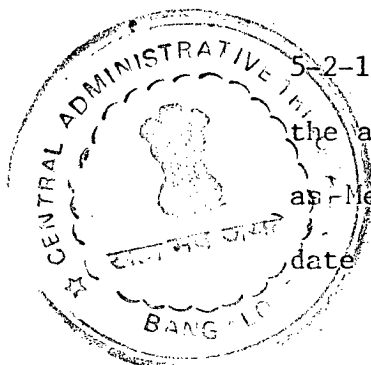
5. On 5-2-1988 a Departmental Promotion Committee ('DPC') constituted for the purpose, considered the cases of respondents 3 to 7 to the posts of HMs and recommended their promotion to the said posts. Accepting the same, the Director by his Order dated 29-2-1988 promoted respondents 3 to 7 as HMs from 26-2-1988. In this application made on 19-2-1988, the applicant has challenged the promotions of respondents 3 to 7 to the posts of HMs as also his non-promotion to the said post.

6. The applicant has urged that he was eligible for promotion as HM on 5-2-1988 and with due regard to his seniority and merit, he should have been promoted in preference to or in addition to respondents 3 to 7.

7. In their reply, respondents 1 and 2, have urged that as on 5-2-1988 on which day the DPC met and considered eligible officials, the applicant had not the requisite of eight years of regular service as Mechanic Grade-I and was not eligible for promotion as on that date and, therefore, his case for promotion was not considered.

8. All other respondents who have been duly served have remained absent and are unrepresented.

9. Sri S.K.Srinivasan, learned counsel for the applicant contends



• that as on 5-2-1988, his client had the requisite eight years of regular service and, therefore, he was eligible for promotion as on that date and non-consideration of his case as on that day, was violative of Article 16 of the Constitution and illegal.

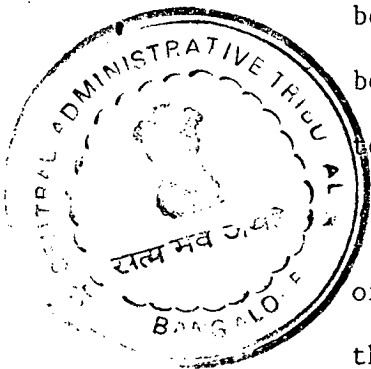
10. Sri M.Vasudeva Rao, learned counsel for respondents 1 and 2 contends, that eight years of regular service is required to be rendered only in the office of the Director and so reckoned, the applicant was not eligible for promotion on 5-2-1988 and 29-2-1988 and, therefore, his non-promotion and the promotion of respondents 3 to 7 were justified and legal.

11. Column 12 of the Recruitment Rules prescribing eligibility reads thus:

"12. In case of recruitment Promotion:
by promotion/deputation/ Mechanic with 8 years of
transfer grade from which regular service in the
promotion/deputation/ grade".
transfer to be made.

This rule requires eight years of regular service as a Mechanic as a pre-requisite for promotion. Both sides are agreed on this requirement. But, on their true import the parties are at variance. On their import, while the applicant contends that the service rendered by him in that grade or as a Mechanic in the Institute should also be reckoned, the respondents contend that that that service cannot be reckoned and the service rendered only in the office of the Director should be reckoned under the Recruitment Rules of the Department.

12. Column No.12 of the Rules do not stipulate that 8 years of regular service should be exclusively rendered in the office of the Director and not in any other office of the Government of India. The object of this provision is to ensure 8 years of regular service in the grade and no more. This length of 8 years of regular service can be rendered either in one or the other offices or the Departments of Government of India. We do not see as to why the regular service in one or the other offices or Departments of Government of India,



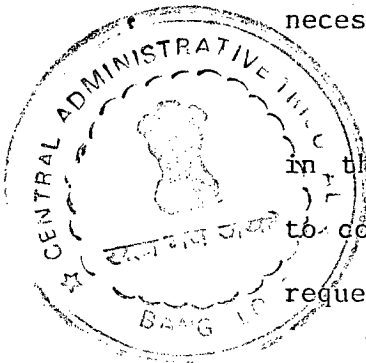
should not be reckoned, to decide the question of eligibility. We are of the view that this construction fulfils the object of the Rules and is sound. We accordingly hold and proceed to examine whether the applicant satisfies that requirement or not on the fact situations.

13. We have earlier noticed that the applicant was working as a regular Mechanic in the Institute which is a Society and a deemed University. For all intents and purposes, the Society is an organisation of the Central Government. If that is so, then the regular service rendered in that Society, that too when the same is without interruption must also be reckoned for the purpose of determining the requirement of 8 years of regular service under the Recruitment Rules. On such reckoning, it is clear, that the applicant who started as a Mechanic on 22-7-1977 in the 'Institute' was eligible for promotion as a HM on 5-2-1988 and 29-2-1988. On this it follows, that as on those dates, the case of the applicant was required to be considered and in not doing so, Article 16 of the Constitution is violated. On this finding, we should necessarily direct consideration of the case of the applicant, for promotion on those dates along with all other eligible persons and passing of appropriate orders as the circumstances justify. We are of the view that this is all the more necessary on the interim order made by this Tribunal on 23-2-1988.

14. Sri Rao prays for 4 months' time to re-do the matter and in the meanwhile, to permit those who have already been promoted, to continue in the promotional posts. We are of the view that this request of Sri Rao is fair and reasonable and calls for our acceptance.

15. In the light of our above discussion, we make the following orders and directions:

i) We quash the proceedings of the DPC held on 5-2-1988 and Office Order No.19011/40/AMSE/PMB dated 29-2-1988 passed by respondent-1.



- ii) We direct respondents 1 and 2 to consider the case of the applicant, respondents 3 to 7 and other eligible persons for the posts of Head Mechanics which existed as on 5-2-88, and pass all such others as are necessary in that behalf with all such expedition as is possible in the circumstances of the case and in any event within a period of four months from the date of receipt of this order. But, till then respondents 3 to 7 are permitted to continue as HMs subject to their regulation by respondent 1 and 2 in the light of the recommendations of the DPC in that behalf.

16. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN.

Sd/-

MEMBER(A)

TRUE COPY



B. V. Venkatesh Reddy
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
19/7/88

BANGALORE GENCH

Dated : 6 FEB 1989

IA III IN APPLICATION NO (S) 176 / 88 (F)

Respondent: (s)

 v/s

Ors

- (S1 Nos. 5 to 11 -

- Mechanics
AMSE Wing
Geological Survey of India
E & T Division
6, Pampa Mahakavi Road
Basavanagudi
Bangalore - 560 004)

12. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Please find enclosed herewith a copy of ORDER/~~STAY~~/INTERIM ORDER

passed by this Tribunal in the above said application(s) on 1-2-89

DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

C.V. Ramachandra

V/s The Senior Deputy Director General, GSI,
Bangalore & 8 Ors

S.K. Srinivasan

Order Sheet (contd)

178/88

M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
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VC/LHAR(AM)
1-2-1989.

ORDERS ON I.A.NO.III -
APPLICATION FOR EXTENSION
OF TIME.

In this I.A., respondents 1 and 2 have sought for an extension of time by another 4 weeks for complying with the directions or for obtaining an order of stay from the Supreme Court, whichever is earlier.

Shri M.Vasudev Rao, learned Additional Standing Counsel for Central Government, appearing for respondents 1 and 2, informs us that the Special Leave Petition filed by respondents 1 and 2 with an application for stay is listed for admission and stay, before the Supreme Court, on 13-2-1989 and that it is just and necessary for us to extend time till 28.2.89.

Shri S.K.Srinivasan, learned Counsel for the applicant, vehemently opposes the grant of any further extension of time.



Date	Office Notes	Orders of Tribunal
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- 2 -

In this I.A., respondents 1 and 2 have stated that the Special Leave Petition filed before the Supreme Court with an application for stay is listed for admission on 13-2-1989. We have no reason to disbelieve this statement of respondents 1 and 2. If that is ^{the case} so, it is necessary to grant time at least upto 28-2-1989. We, therefore, allow this I.A. and extend time till 28-2-1989.

No costs.

Sd/-

VICE CHAIRMAN

Sd/-

MEMBER(A)

TRUE COPY

B. A. Venkatesh Reddy
DEPUTY REGISTRAR (JUDICIAL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

By no. 122/88, 22
26/4/89

By 2002
By 24/88

D.No. 5425/88 /Sec-IVA
SUPREME COURT OF INDIA
NEW DELHI

Dated the 11-4-1989

From:

The Additional Registrar,
Supreme Court of India.

To

The Registrar
Central Administrative Tribunal
at Bangalore.

B26/A
Shrik.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 14825 OF 1988.
(Petitions under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the ~~Judgment~~
~~xxxx~~ Order dated the 8-7-88 of the ~~High Court~~
~~xxxx~~
Karnataka/Central Administrative Tribunal, at Bangalore
in Application No. 178/88.)

Sr. Dy. Director Gen. A.M.S.E, Geological Survey, Petitioner (S)
of India & Anr.

Versus

C.V. Ramachandra & Ors.

..Respondent (S)

Sir,

I am to inform you that the Petitions above-mentioned for
Special Leave to Appeal to this Court was/were filed on behalf
of the Petitioner above-named from the Judgment and Order of the
~~High Court of~~
~~Karnataka~~ Central Administrative Tribunal at Bangalore
noted above and that the same was/were dismissed/disposed of by
this Court on the 13th day of February, 1989.

Yours faithfully,

for Addl. Registrar.

AS|