

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 20 JAN 1989

APPLICATION NO. 1886 / 88(F)

W.P. NO. _____

Applicant(s)

Shri S.S. Mulki
To

V/s

Respondent(s)

The Post Master General, Karnataka, Bangalore
& another

1. Shri S.S. Mulki
Sorting Assistant Superintendent - I
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
2. The Post Master General
Karnataka Circle
Bangalore - 560 001
3. Shri Bandigaiah
Assistant Superintendent
RMS-3, Bangalore Sorting Office
Bangalore - 560 051
4. Shri M.S. Padmarajaiah
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/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 17-1-89.

*Issued
K. M. J. M. 20-1-89*
Encl : As above

R. Venkateshwaran
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 17TH DAY OF JANUARY, 1989

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

APPLICATION NO. 1886/1988

Shri S.S. Mulki,
S/o Late Dayananda Shenoy,
(Aged 47 years),
Sorting Asst. Superintendent-I,
O/o the Postmaster General,
Bangalore.

.... Applicant.

v.

1. The Postmaster General,
Karnataka Circle,
Bangalore.

2. Shri Bandigaiah,
Asst. Superintendent,
RMS-3, B'lore Sorting office,
Bangalore-51.

.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

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

ORDER

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

2. Shri S.S. Mulki, who is the applicant before us
was senior to respondent-2 who is a member of scheduled
caste in the cadre of Inspector RMS. Both of them have
been confirmed in that cadre from one and the same day
viz., 1.3.1985. But, notwithstanding this, respondent
No.2 has been promoted earlier on 9.10.1980 to the cadre
of Assistant Superintendent, RMS ('ASRMS') and the

applicant has been promoted to the said cadre from 3.3.1981. On these facts, there is no dispute before us. On the basis of the earlier promotion accorded to respondent-2 and the later promotion accorded to the applicant, respondent-2 has been shown as senior to the applicant in the gradation list of RMS officials of Karnataka Circle prior to 1.7.1987.

3. The applicant has challenged the order of confirmation dated 18.7.1985 (Annexure-9) in which respondent-2 has been shown as senior to him and the gradation list prepared on 1.7.1987 in the cadre of ASRMS.

4. In making this application, there is a delay of 930 days. In I.A. No. I filed under Section 21(3) of the Act, the applicant has sought for condoning the said delay and deal with his case on merits.

5. In their objections filed to I.A. No. I, respondent-I has opposed the same.

6. Shri Mulki passionately urges for condoning the delay of 930 days in making his application and deal with his case on merits.

7. Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for respondent-1 contends that the facts and circumstances stated by the applicant in I.A. No. I do not constitute a sufficient ground for condoning the delay and even if the delay is condoned no useful purpose would be served as the earlier promotion accorded to respondent-2 to the higher cadre of ASRMS cannot now be interfered with by this Tribunal.

8. In I.A. No.I, the applicant except pleading his ignorance and the representations he made, does not explain every days delay as required under the Act for condonation of delay. Every one of the averments made by the applicant in I.A. No.I are as vague and general as they could be. On this short ground, I.A. No.I is liable to be rejected.

9. Even otherwise we are of the view that the promotion accorded to respondent-2 on 9.10.1980, which cannot be interfered with by this Tribunal under the Act, has necessarily to stand. If that is so, no useful purpose would be served by condoning the delay and dealing with the case on merits. We are also of the view that even the principles/instructions referred to in Annexure-13 do not really help the applicant to claim seniority over respondent-2 who has been promoted as ASRMS earlier to him.

10. On any view of the matter, this application is liable to be rejected.

11. In the light of our above discussion, we reject I.A. No.I and the main application with no order as to



np/Mrv.

Sd/-
VICE-CHAIRMAN 17/11/1989
TRUE COPY

Sd/-
MEMBER (A) 17/11/1989

For consented to by
DEPUTY REGISTRAR (JD) 20/11/1989
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE