

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 DEC 1988

APPLICATION NO.

1888

88(F)

W.P. NO.

Applicant(s)

Shri B.S. Gopala Rao
To

Respondent(s)

V/s The Director of Census Operations in Karnataka,
Bangalore & 2 Ors

1. Shri B.S. Gopala Rao
Statistical Assistant
Office of the Director of
Census Operations in Karnataka
21/1, Mission Road
Bangalore - 560 027
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
V Block, Rajajinagar
Bangalore - 560 010

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STRAK/EXTERIMXORDER
passed by this Tribunal in the above said application(s) on 6-12-88.

*4/26/88
K. Reddy
16-12-88*

As above

0/C

Shri
SECTION OFFICER
EXTERIMXSTRAK
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 6TH DAY OF DECEMBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY... VICE-CHAIRMAN
HON'BLE SHRI P. SRINIVASAN ... MEMBER (A)

APPLICATION NO. 1888/88

B.S. Gopala Rao,
s/o B.S.N. Rao,
aged 45 years,
Statistical Assistant,
Office of the Director of
Census Operations in Karnataka,
No.21/1, Mission Road,
Bangalore-27.

APPLICANT

(Shri M. Narayanaswamy.....Advocate)

Vs.

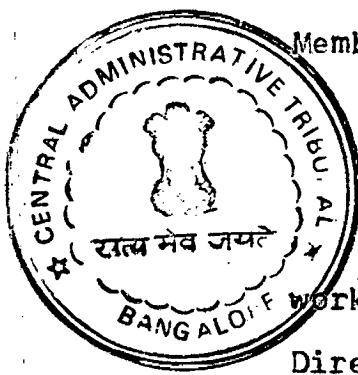
1. The Director of Census Operations in Karnataka, No.21/1, Mission Road, Bangalore-27.
2. The Registrar-General of India, Mansingh Road, Kotah House, New Delhi-11.
3. The Joint Director of Census Operations in Karnataka, No.21/1, Mission Road, Bangalore-27.

RESPONDENTS

This application having come up for hearing before this Tribunal to-day, Hon'ble Shri P. Srinivasan, Member (A), made the following :-

O R D E R

In this application, the applicant who is working as a Statistical Assistant in the Office of the Director of Census Operation, Bangalore (respondent no.1)



P. Srinivasan

prays for a direction from this Tribunal to the respondents to consider his case for restoration of seniority in the grade of Statistical Assistant and to grant him consequential promotion to the higher post of Tabulation Officer, in the event of a similar representation made by another Statistical Assistant, Shri L. Ramachandra being allowed by the respondents.

2. Shri M. Narayanaswamy for the applicant has been heard. He points out that the applicant had made a representation regarding his seniority and the same was rejected by the respondents by letter dated 16.8.1988 (Annexure-F). Thereafter the respondents brought out soon after on 17.8.1988, what they called a "final gradation list" showing the applicant at serial no.7. Apparently, the applicant is not aggrieved with this seniority list as such. But what irritates him is the asterisk mark against the name of a certain L. Ramachandra who appears at serial no.12 with a note below stating that his (Ramachandra's) representation regarding his seniority in the grade of Statistical Assistant was under consideration as per the observations of this Tribunal. Shri Narayanaswamy contends that the respondents have discriminated against the applicant by rejecting his representation while agreeing to consider the representation of Ramachandra who is junior to him. Shri Ramachandra in his representation had claimed seniority over a certain Raja Rao. The applicant also claims seniority over the said Raja Rao. If Ramachandra's representation is accepted, the applicant's seniority should also

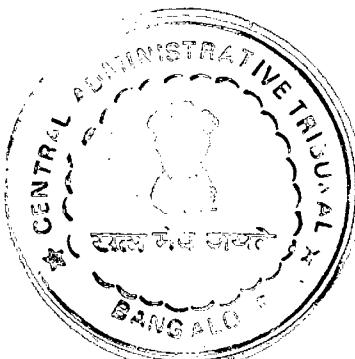
P. 6-14

be refixed because he is admittedly senior to Ramachandra. Shri Narayanaswamy's anxiety is that the letter dated 16.8.1988 by which the applicant's representation was rejected may be taken as giving rise to the cause of action for the purpose of determining limitation and if the disposal of Ramachandra's representation is delayed, the applicant runs the risk of limitation for filing an application before this Tribunal to seek a similar relief. He otherwise admits that the entire case of the applicant depends on how Ramachandra's representation is disposed of. Ultimately if Ramachandra succeeds the applicant will have a grievance. But if he fails the applicant will have no grievance.

3. As it will be seen from what we have stated above, the applicant's claim is founded upon a future event which itself is uncertain. Whether Ramachandra's representation will be accepted or rejected we cannot say now. An application cannot be entertained in respect of a cause of action which may or may not arise in the future. This application therefore deserves to be rejected at the admission stage itself. However, at a future date if Ramachandra's representation is accepted and the applicant feels aggrieved on that account nothing prevents him from making an application at that time for a fresh cause of action

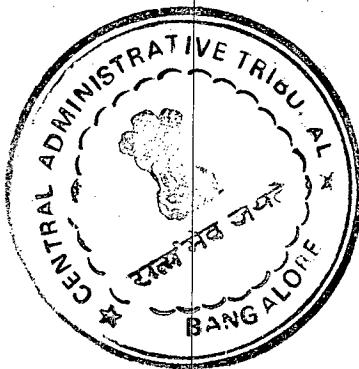
P. J. K.

....4/-



would arise when Ramachandra's seniority is fixed above him.

4. In view of the above the application is rejected at the admission stage itself.



Sd/-

(K.S. PUTTASWAMY)
VICE-CHAIRMAN

Sd/-

(P. SRINIVASAN)
MEMBER (A)

TRUE COPY

H. Lee
SECTION OFFICER (6/12)
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE