

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 27 DEC 1988

APPLICATION NOS

1932 & 1933

/88(F)

W.P. NO.

Applicant(s)

Shri K.K. Kurian & another
To

Respondent(s)

V/s The Secretary, Railway Board, New Delhi & 3 Ors

1. Shri K.K. Kurian
Chief Commercial Clerk
Parcel Office
City Railway Station
Bangalore - 560 023
2. Shri K. Ramankutty
C/o Shri M. Abdul Rahman
Advocate
No. 306, Subedar Chathram Road
Bangalore - 560 009
3. The Secretary
Railway Board
Rail Bhavan
New Delhi - 110 001
4. The General Manager
Southern Railway
Park Town
Madras - 600 003

5. The Divisional Manager
Southern Railway
Bangalore Division
Bangalore - 560 023
6. The Divisional Personnel Officer
Southern Railway
Bangalore Division
Bangalore - 560 023
7. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002
8. Shri M. Abdul Rahman
Advocate
No. 306, Subedar Chathram Road
Bangalore - 560 009

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 15-12-88.

K.K. Kurian
27-12-88
Encl : As above

Jaei
SECTION OFFICER
~~DEPUTY REGISTRAR~~
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 15TH DAY OF DECEMBER, 1988

Present : Hon'ble Shri Justice K.S.Puttaswamy, Vice-Chairman

Hon'ble Shri L.H.A.Rego, Member(A)

APPLICATION NOS.1932 & 1933/88(F)

K.K.Kurian,
Son of K.K.Koruthu
aged about 57 years,
Chief Commercial Clerk,
Parcel Office,
City Railway Station,
BANGALORE

K. Ramankutty
S/o K. Kandan
aged 54 years
Chief Commercial Clerk Grade III
Southern Railway

..... APPLICANTS

(Shri M.Abdul Rahman, Advocate)

Vs.

1. Railway Board,
New Delhi
represented by its
Secretary.

2. General Manager,
Southern Railway,
MADRAS.

3. Divisional Manager,
Southern Railway,
BANGALORE.

4. Divisional Personnel Officer,
Southern Railway,
BANGALORE.

..... RESPONDENTS

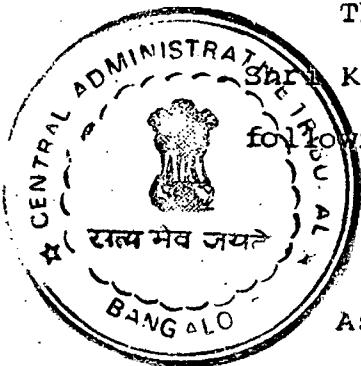
(Sri M.Sreerangaiah, Advocate)

These applications having come up for hearing to-day,

Shri K.S.Puttaswamy, Hon'ble Vice-Chairman made the following :

ORDER

As the questions that arise for determination in these cases are common, we propose to dispose them by a common order.



2. Sriyuths K.K.Kuriyan and K.Raman Kutty, who are the applicants in Application Nos. 1932 and 1933/1988 working as Chief Commercial Clerks, Grade II and Grade III respectively, had appeared for a departmental examination held on 30/31st of May 1988 prescribed for promotions to the post of Chief Commercial Clerk Grade II post on regular basis. But, so far, the Railway Administration had not announced their results. Hence, the applicants have approached this Tribunal for a direction to the respondents to announce their results without further loss of time.

3. Shri M.Abdul Rehman, learned Counsel for the applicants, contends that when the Railway administration had held examinations on 30/31-5-1988, it was bound to announce the results with expedition.

4. Shri M.Sreerangaiah, learned counsel for the respondents contends that the delay in the declaration of results was due to the interim order made in Applications Nos. 518 to 521 of 1988 (V.RAJAGOPALAN & ORS.-vs.-THE CHIEF PERSONNEL OFFICER & ORS.) finally disposed of by this Tribunal on 30.11.1988, and a decision either to cancel or announce the results will be taken within the time permitted by the final order made in RAJAGOPALAN'S case.

5. In Rajagopalan's case, we had directed the Railway

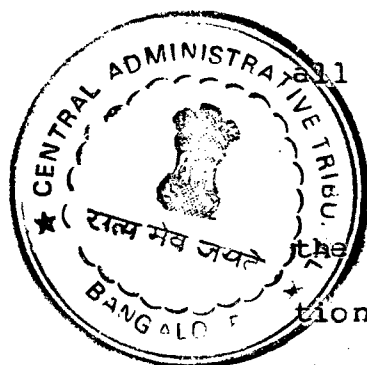
administration as an interim measure not to announce the results of the examination held on 30/31.5.1988. But in our final order made in those cases on 30.11.1988, we have given a free hand to the Railway administration to take a decision on the examination already held and announce the results if it so decides. We are of the view that on the examinations already held, the Railway administration cannot mix up the same with the other directions in Rajagopalan's case and unnecessarily hold up results or such other action as it decides to take on the same. On the very terms of our order in Rajagopalan's case the Railway administration was bound to take a positive decision on the examinations held on 30/31.5.1988, and decide the same one way or the other. We therefore consider it proper to direct the respondents to take a positive decision one way or the other on the examinations already held and announce its results if it so decides on or before 31.1.1989.

6. On the view we have taken, we have not examined

all other questions and leave them open.

7. In the light of our above discussions, we direct

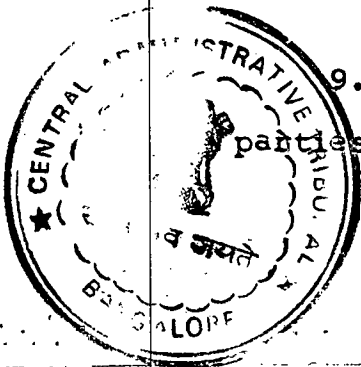
the respondents to take a positive decision on the examinations, held on 30/31.5.1988 and if it decides to announce the results of the examinations then announce the same with all such expedition as is possible in the circumstances



of the case and in any event, on or before 31.1.1989.

8. Applications are disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

9. Let this order be communicated to all the parties, immediately.



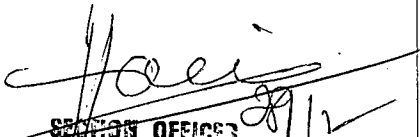
Sd/-

(K.S.PUTTASWAMY)
VICE-CHAIRMAN

Sd/-

(L.H.A.REGO)
MEMBER (A)

TRUE COPY


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE