

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 17 MAR 1989

APPLICATION NO (S) 465 /88(F)

W.P. NO (S) 1

Applicant (s)

Shri T. Sannappa
To

1. Shri T. Sannappa
No. 207, 80 Feet Main Road
Prakashnagar
Bangalore - 560 021

2. Shri A.V. Srinivas
Advocate
107 (Upstairs)
Gandhi Bazar, Basavanagudi
Bangalore - 560 004

3. The Secretary
Ministry of Information & Broadcasting
Shastry Bhavan
New Delhi - 110 001

4. The Director General
All India Radio
Akashvani Bhavan
New Delhi - 110 001

Respondent (s)

v/s The Secretary, M/o Information & Broadcasting,
New Delhi & 3 Ora

5. The Station Director
All India Radio
Rajbhavan Road
Bangalore - 560 001

6. Shri Yeshwant Verma
Assistant Station Engineer
All India Radio
Jabalpur (Madhya Pradesh)

7. 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 a copy of ORDER/~~ORDER/~~ passed by this Tribunal in the above said application(s) on 14-3-89.

4/88
K. M. G.
17-3-89

qc *R. Venkatesh*
DEPUTY REGISTRAR
(TINOTIA)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE FOURTEENTH DAY OF MARCH 1989

Present: Hon'ble Justice K.S.PUTTASWAMY ..VICE CHAIRMAN
Hon'ble Shri L.H.A.REGO ..MEMBER(A)

APPLICATION NO.465/BB(F)

T.Sannappa,
No.207, 80 Feet Main Road,
Prakashnagar,
Bangalore 560 021.

.. Applicant

vs. (Shri A.V.Srinivas .. Advocate)

1. The Secretary,
UDI, M/Information &
Broadcasting,
Shastry Bhavan,
New Delhi 110 001.

2. The Director General,
All India Radio,
Akashavani Bhavan,
New Delhi 110 001.

3. The Station Director,
All India Radio,
Bangalore.

4. Yeshwant Verma,
Assistant Station Engr.
All India Radio,
Jabalpur.

.. Respondents

(Shri M.S.Padmarajaiah .. Advocate)

This application has come up today before this
Tribunal for orders. Hon'ble Vice Chairman made the following:

ORDER

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

2. Sri T.Sannappa, the applicant and Sri Yashwant Verma, respondent No.4 who are members of a scheduled tribe commenced their career as Engineering Assistants in the All India Radio. The applicant claims that he is senior to respondent-4 which is disputed by respondents 1 to 3. But, on the view we propose to take, it is unnecessary for us to decide this question.

3. Prior to 20.1.1979 there were 22 vacancies in the grade of Assistant Engineer, one of which was reserved for members of the scheduled tribe. A Departmental Promotion Committee ('DPC') constituted for the purpose, considered the case of the applicant and respondent-4 graded them as 'Good' and recommended the promotion of respondent-4 over the applicant on the ground that he was senior to him. Accepting the said recommendations of the DPC the Director General, All India Radio, New Delhi (DG) by his order dated 14.6.1979 promoted respondent-4 to the post of Assistant Engineer. On that promotion the applicant made more than one representation, which did not yield any result.

4. In 1980, the case of the applicant was again considered and was promoted as Assistant Engineer with effect from 15.9.1980.

5. In this application made on 18.1.1988, the applicant has challenged the promotion of respondent-4 and has sought for a direction to promote him in his place from 14.6.1979.

6. In resisting this application, respondents 1 to 3 have filed their reply and have produced their records. Respondent-4 who has been duly served has remained absent and is unrepresented.

7. In I.A.No.1 filed under Section 21(2) of the Act, the applicant has sought for condoning the delay, if any in making his application under the Act. I.A.No.1 is opposed by respondents 1 to 3.

8. Sri A.V.Srinivas, learned counsel for the applicant prays that reckoning the period from the date of the last order made against his client and of the fact having come to his knowledge the delay of any in making the application be condoned and the application decided on merits.

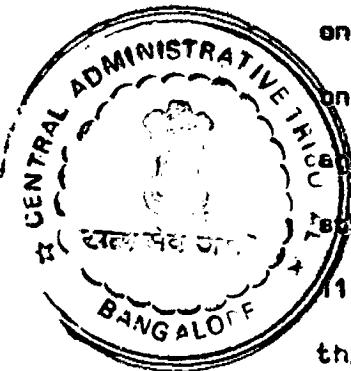
9. Sri M.S.Padmarajaiah, learned Senior Central Government Standing Counsel appearing for respondents 1 to 3 contends that the subject matter arose and stood concluded prior to 1.11.1982 and, therefore, this application cannot be entertained by this Tribunal under the Act. In support of his contention he strongly relies on the ruling in V.K.MEHRA v. THE SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI (ATR 1986 CAT 203) reiterated in Dr.(Smt.) KSHAMA KAPUR v. UNION OF INDIA (1987 (4) ATC 329).

(SOLI J. MARZIALESC VILLIARD)

10. I have earlier noticed that respondent-4 was promoted on 14.6.1979 which necessarily meant that the applicant was superseded on that day. Without any doubt, the claim of the applicant, if any, against the promotion of respondent-4 and his supersession arose and stood concluded before 1.11.1982.

11. In Mehra's case reiterated in Kehma Kapur's case, this Tribunal has ruled that matters which arose and were concluded prior to 1.11.1982 are not within the jurisdiction of this Tribunal and therefore cannot be adjudicated under the Act. On the ratio in Mehra's case this application cannot be entertained by us and calls for dismissal on that ground.

12. When the application cannot be entertained by us, the question of condoning the delay under section 21(2) of the Act does not arise. On this view, we cannot also examine the merits. We, therefore, decline to examine the merits on which both sides



made their submissions.

13. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-

VICE CHAIRMAN 14/3/89

Sd/-

MEMBER (A) 14/3/89

TRUE COPY

bk.

R. Venkateshwaran
DEPUTY REGISTRAR (JD2) 17/3
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

