

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

Dated : 14 DEC 1988

APPLICATION NO.3

518 To 521 / 88

W.P. NO.

Applicant(s)

Sh. V. RASA GOPALAN & ORS.

To

- 1) Shri. V. Rajagopalan,
- 2) Shri. G.D. Lakshman,
- 3) Shri. Narayan.
- 4) Sh. S. Nagendra  
(Sl. No 1 to 4 are all  
Commercial Clerks, HBE, SBC  
Southern Railway,  
Bangalore)

- 5) Sh. M. R. Achar,  
Advocate,  
No: 1074-1075, 1st stage, B.S.K,  
Mysore Bank Colony,  
Opp. Raghavendra Nursing Home,  
Main Cross, Sub. Cross-4,  
Bangalore - 50.

Respondent(s)

The Chief Personnel Officer,  
Southern Railway, Madras-3.

- (6) The Chief Personnel Officer,  
Southern Railway,  
Park Town, Madras-3.
- (7) The Divisional Personnel  
Officer, Southern Railway  
Bangalore Division,  
Bangalore.

- (8) Sh. M. Sreerangaiah,  
Railway Advocate,  
3, S.P. Building,  
10th Cross, Cubbonpet,  
Bangalore - 560 002.

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 30-11-88.

Issued  
K. M. L. N.  
14-12-88  
Encl : As above

*[Signature]*  
DEPUTY REGISTRAR  
(JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 30TH DAY OF NOVEMBER, 1988

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

APPLICATION NOS. 518 TO 521/1988

1. Shri V. Rajagopalan,  
S/o T.V. Venkatarathnam-  
Chettiar, Aged about  
57<sup>3</sup>/<sub>4</sub> years,
2. Shri G.D. Lakshman,  
S/o Govindan,  
aged about 56 years,
3. Shri Narayan,  
S/o Krishnaiah,  
aged about 53 years,
4. Shri S. Nagendra,  
S/o late P.S. Subba Rao,  
aged about 50 years,

.... Applicants.

(All are Commercial Clerks,  
HBC, Southern Railway,  
Bangalore.)

(Shri M. Raghavendrachar, Advocate)

v.

1. The Chief Personnel Officer,  
Southern Railway,  
Park Town, Madras-3.
2. The Divisional Personnel  
Officer, Southern Railway,  
Bangalore Division,  
Bangalore.

.... Respondents.

(Shri M. Sreerangaiah, Advocate)

These applications having come up for hearing to-day,

Vice-Chairman made the following:

ORDER

These are applications made by the applicants under  
Section 19 of the Administrative Tribunals Act, 1985  
( 'the Act' ).



2. The applicants have been or were <sup>the</sup> ~~as~~ working Commercial Clerks, claim that they are entitled for the benefit of the orders made by the Railway Board on 20.12.1983 (Annexure-2) from 1.1.1984, as also decided by this Tribunal in D. SATYANARAYANA RAO AND OTHERS v. DIVISIONAL RAILWAY MANAGER, MYSORE AND OTHERS (Applications Nos. 755 to 760 of 1987 and connected cases decided on 24.11.1987). On that basis they seek for similar directions as in Sathyanarayana Rao's case and for a direction to cancel the examinations held thereto.

3. The respondents have resisted these applications on the very grounds urged in Sathyanarayana Rao's case.

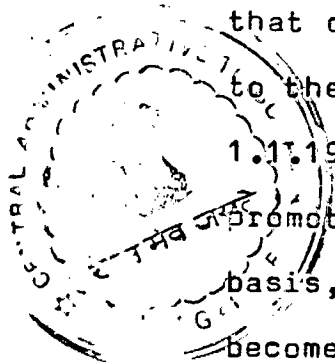
4. We have heard Shri M. Raghavendrachar, learned counsel for the applicants and Shri M. Sreerangaiah, learned counsel for the respondents.

5. We find that the facts in these cases and the questions which arise for our determination are very similar to Sathyanarayana Rao's case. If that is so, then for the very reasons stated in Sathyanarayana Rao's case, we are bound to issue the very directions issued by us in those cases, in these cases also.

6. On the examinations already held or to be held, the question has not been examined <sup>it</sup> in Sathyanarayana Rao's case. Even otherwise we are of the view that the examinations held or to be held are totally different matters which have to be agitated in separate applications. On this we leave open this question to be decided by the authorities in accordance with law. We need hardly say

that if the decision of the authorities goes against the applicants, they are undoubtedly entitled to challenge the same in separate applications on all such grounds as are available to them. With the disposal of these cases, the authorities are free to declare the results of examinations if any already held also.

7. For the very reasons stated in Sathyanarayana Rao's case we direct the respondents to consider the cases of the applicants and such other eligible officers for promotion to the respective grades of Commercial Clerks as on 1.1.1984, as directed by the Board, in its Circular dated 20.12.1983, in the Rules, and in the orders that were in force as on that day, and promote all such eligible and suitable persons to the respective grades to which they were entitled as on 1.1.1984, in the first instance and then regulate all other promotions arising thereafter from time to time on that basis, denying all monetary benefits, if any, that they may become entitled to, till they are actually promoted and shoulder higher responsibilities. But, in all other respects the same should be given effect to by the respondents. We further direct the respondents to comply with these directions with all such expedition as is possible in the circumstances of the cases and in any event within a period of four months from the date of this order.



TRUE COPY

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

*Jalee*  
SECTION OFFICER

Sd/-  
30/11

Sd/-  
MEMBER (A) 30.11.85

CENTRAL ADMINISTRATIVE TRIBUNAL - CHAIRMAN  
ADDITIONAL BENCH  
BANGALORE