

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 19 JUL 1988

APPLICATION NO.

8

/88(F)

W.P. NO.

Applicant(s)

Shri S.K. Hajari

Respondent(s)

V/s

The DG, GSI, Calcutta & another

To

1. Shri S.K. Hajari
Geophysicist (Junior)
(Instrumentation)
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
351, 1st Block
Jayanagar
Bangalore - 560 011
2. Dr M.S. Nagaraja
Advocate
35, (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Director General
Geological Survey of India
27, Jawaharlal Nehru Road
Calcutta - 700 016

4. The Secretary
Ministry of Steel & Mines
Department of Mines
Shastry Bhavan
New Delhi - 110 001
5. Shri M. Vasudeva Rao
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 11-7-88.

Received over

S.K. Hajari
1978

(S.K. Hajari)

Encl : As above Applicant

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 11TH DAY OF JULY, 1988

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego,

.. Member(A)

APPLICATION NUMBER 8 OF 1988

S.K. Hajari,
D.24, Central Government Officer's
Hostel, Domlur,
BANGALORE 71.

.. Applicant.

(By Dr. M.S. Nagaraja, Advocate)

v.

1. The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta-16.
2. The Secretary to Government of India,
Ministry of Steel & Mines,
Department of Mines, Shastry Bhavan,
New Delhi-1

.. Respondents.

(By Sri M. Vasudeva Rao, Standing Counsel)

This application having come up for hearing this 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. The applicant, who is a member of a Scheduled Caste ('SC') has been holding the post of Geophysicist (Junior) from 28-5-1982. He claims that under the Recruitment Rules of the Department he was eligible for promotion as early as on 28-5-1987 for the post of Geophysicist (Senior) ('GPS') and alleges that notwithstanding his eligibility and suitability for promotion to that post as on that date



and thereafter, the respondents without any justification in law are needlessly postponing the consideration of his case for promotion and therefore prays we should direct them to do so, with expedition.

3. In their reply, the respondents, without disputing the facts, asserted by the applicant, have justified the non-consideration on the ground that there were proposals for amendment of the Recruitment Rules.

4. Dr.M.S.Nagaraja, learned counsel for the applicant, contends that the case of his client for promotion to the post of GPS when he was eligible and suitable, cannot be indefinitely postponed and in any event on the ground that there was a proposal to amend the Recruitment Rules and the same was even contrary to the circular instructions issued by Government printed as Decision No.3 on pages 78 and 79 of Swamy's Compilation on Seniority and Promotion in Central Government Service (First Edition) ('Decision').

5. Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel, appearing for the respondents sought to justify the action of the respondents.

6. Under the Recruitment Rules as they have stood and are in force as on today also, the fact that the applicant was and is eligible for promotion to the post of GPS is not at all in dispute. The respondents also do not dispute that there are vacancies in that post. If that is so, then as rightly pointed out by Government itself in its Decision No.3 which is also the requirement of Article 16 of the Constitution, the respondents were bound to consider the case of the applicant for promotion and pass appropriate orders in accordance with law. We need hardly say that the respondents cannot postpone promotions awaiting amendments to the Recruitment Rules as in the present case. But, by this, we should not be understood as saying

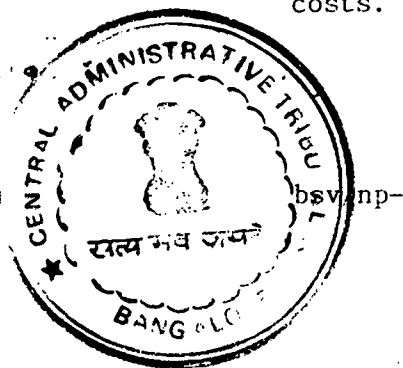


that any of the amendments already made cannot also be taken into consideration on the date of consideration. There cannot be postponement only to await amendments as in the present case. This, in any event, should not have been done when the applicant is a member of a SC.

7. Sri Rao prays for at least three months' time to consider the case of the applicant for promotion. We consider it proper to grant two months' time for the same.

8. In the light of our above discussion, we allow this application and direct the respondents to consider the case of the applicant for promotion to the post of Geophysicist (Senior) in accordance with law and pass orders thereon with all such expedition as is possible in the circumstances of the case and in any event within a period of two months from the date of receipt of this order.

9. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



sd/-
VICE-CHAIRMAN. 11/7/88

sd/-
MEMBER(A) 11/7/88

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JD) 19/7/88
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(8DA)
Indiranagar
Bangalore - 560 038

Dated :

24 MAY 1989

CONTEMPT

PETITION(CIVIL)

APPLICATION NO (S)

28

/ 89

IN APPLICATION NO. 8/88(F)

W.P. NO (S)

Applicant (s)

Respondent (s)

Shri S.K. Hajari

V/s

The Director General, GSI, Calcutta & anr

To

1. Shri S.K. Hajari
D-24, Central Govt. Officer's Hostel
Domlur
Bangalore - 560 071

2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

3. The Director General
Geological Survey of India
No. 27, Jawaharlal Nehru Road
Calcutta - 700 016

4. The Secretary
Ministry of Steel & Mines
Department of Mines
Shastri Bhavan
New Delhi - 110 001

5. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

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C.P.(Civil)
passed by this Tribunal in the above said application(x) on 22-5-89.

DEPUTY REGISTRAR
(JUDICIAL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTY SECOND DAY OF MAY 1989

Present : Hon'ble Justice Shri K.S. Puttaswamy ... Vice-Chairman
Hon'ble Shri L.M.A. Rego ... Member (A)

C.P. (CIVIL) NO. 28/89

Shri S.K. Hajari,
No. D-24, Central Govt. Officer's Hostel,
Domlur, Bangalore-560 071 ... Petitioner

(Dr. M.S. Nagaraja ... Advocate)

v.

1. Shri D.P. Dhoundial,
Geological Survey of India,
No. 27, Jawaharlal Nehru Road,
Calcutta-700 016.

2. Shri B.K. Rao,
Ministry of Steel & Mines,
Department of Mines,
Shastry Bhavan, New Delhi.

... Respondents

(Shri M. Vasudeva Rao .. Advocate)

This contempt petition having come up before this Tribunal today,
Hon'ble Vice-Chairman made the followings:

O R D E R

Petitioner by Dr. M.S. Nagaraja. Respondents by Shri M. Vasudeva Rao.

2. In this petition made under Section 17 of the Administrative Tribunals Act, 1985 and Contempt of Courts Act, 1971 (CC Act), the petitioner has complained that the order made by us in his favour on 11.7.1988 in A No. 8/88 had not been implemented and, therefore, we should proceed against the respondents under the CC Act.

3. Shri Rao informs us that the order made in favour of the petitioner has been complied in letter and spirit by the respondents and, therefore, these contempt proceedings are liable to be dropped. Dr. Nagaraja does not rightly dispute this position.

4. As the respondents have implemented the order made in favour of the petitioner in letter and spirit the question of our proceeding against them under the CC Act no longer arises. We, therefore, drop these contempt proceedings. But in the circumstances of the case we direct the parties to bear their own costs.



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Sd/-
VICE CHAIRMAN
22/5/1989

Sd/-
MEMBER (A) 22/5/89

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

IA I IN APPLICATION NO. 8 / 88(F)

Applicant(s)

Respondent(s)

Shri S. K. Hajari

V/s The DG, GSI, Calcutta & another

1. Shri S.K. Hajari
Geophysicist (Junior)
(Instrumentation)
Airborne Mineral Survey &
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351, 1st Block
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3. The Director General
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27, Jawaharlal Nehru Road
Calcutta - 700 016

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DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

In the Central Administrative
Tribunal Bangalore Bench,
Bangalore

ORDER SHEET

Application No. 8 of 1988 (F)

Applicant

S. K. Hajari

Advocate for Applicant

Dr. M. S. Nagaraja

Respondent

The DG, CSI, Calcutta & arr.

Advocate for Respondent

M. Vasudeva Rao

Date

Office Notes

Orders of Tribunal

(KSP)VC/(LHAR)M(A)

SEPTEMBER 26, 1988.

ORDER ON I.A.NO.I -FOR EXTENSION OF
TIME.

In this I.A. the respondents
have sought for extension of time
for complying with the directions
issued by us on 11-7-1988 by another
four months.

We perused the application and
heard the learned counsel for both
sides.

We are satisfied that the facts
and circumstances stated by the respon-
dents justify the grant of a reasonable
time. We, therefore, allow this appli-
cation in part and extend the time
for complying with our direction till
30-11-1988. I.A.No.I is disposed
of in the above terms. But, in the
circumstances of the case, we direct
the parties to bear their own costs.

Let this order be communicated
to both sides immediately.

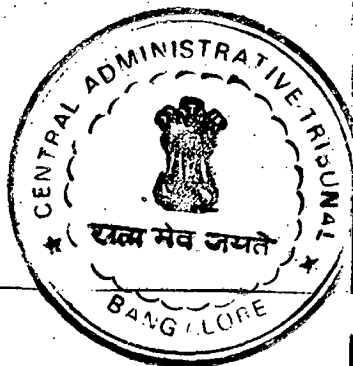
Sd/-

VICE CHAIRMAN.

Sd/-

MEMBER (A)

TRUE COPY



DEPUTY REGISTRAR (JUDICIAL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE