

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 2 AUG 1988

APPLICATION NO.

724

/88(F)

W.P. NO.

Applicant(s)

Shri R. Ramamirtham

To

1. Shri Ramamirtham
23/24, 1st Floor
Infantry Road
Bangalore - 560 001

2. Shri Ranganatha S. Josi
Advocate
36, 'Vagdevi'
Shankarapuram
Bangalore - 560 004

3. The Secretary
Ministry of Urban Development (CPWD)
Nirman Bhavan
New Delhi - 110 011

Respondent(s)

V/s The Secretary, M/o Urban Development (CPWD),
New Delhi & 2 Ors

4. The Director General (Works)
Central Public Works Department (CPWD)
Nirman Bhavan
New Delhi - 110 011

5. The Superintending Engineer
Bangalore Central Circle
Central Public Works Department (CPWD)
55/35, II Main
Vyalikaval
Bangalore - 560 003

6. 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/STRAK/EXTRAK ORDER
passed by this Tribunal in the above said application(s) on 27-7-88.

Encl : As above

K. N. Wolf
28-8-88
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 27th DAY OF JUNE, 1988

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

APPLICATION No. 724/88(F)

R.Ramamirtham,
23/24, 1st Floor,
Infantry Road,
Bangalore - 1.

...

Applicant

(Sri S.R.Jois ... Advocate)

vs.

1. The Union of India by
its Secretary, Ministry
of Urban Development(CPWD)
'Nirman Bhavan',
New Delhi.

2. The Director General(Works)
CPWD 'Nirman Bhavan',
New Delhi - 1.

3. The Superintending Engineer,
Bangalore Central Circle,
CPWD, 55/35, II Main,
Vyalikaval, Bangalore - 3. ...

Respondents

(Sri M.Vasudeva Rao ... Advocate)

This application has come up before the
Tribunal today, Hon'ble Sri Justice K.S.Puttaswamy,
Vice-Chairman made the following :

ORDER

This is an application made by the applicant
Under section 19 of the Administrative Tribunals Act, 1985.

2. The applicant who joined service as a
Section Officer, was later promoted as an Assistant
Engineer, and then as Executive Engineer(EE) on an ad hoc



basis. He claims that on his promotion as an EE on an ad hoc basis, he was entitled for the salary of that post and its denial, while he was in service, was impermissible.

3. In their reply, the respondents have resisted the claim of the applicant.

4. Shri G.V.Lokesh, learned counsel for the applicant, contends that the facts and circumstances of this case and the questions of law that arise for determination are concluded by the rulings of this Tribunal in S.CHANDRASEKHAR AND FOUR OTHERS vs. SECRETARY, MINISTRY OF URBAN DEVELOPMENT, C.P.W.D., NEW DELHI AND OTHERS (A.Nos. 848 to 852 of 1988, and 996 to 1001 of 1987) decided on 4.1.1988, and T.A.No.362/85 decided by the Principal Bench, which had also been upheld by the Supreme Court.

5. Shri M.Vasudeva Rao, learned Addl. CGSC, appearing for the respondents, refuting the contention of Shri Lokesh, contends that this application was barred by time. In the very nature of things, it is necessary to examine this preliminary objection of Shri Rao first.

The claim of the applicant is founded on an order made by the Government on 28.3.1988, which had accepted the principle enunciated by this Bench in CHANDRASEKHAR's case and had extended the same to others. If that is so, then this application made on 24.5.1988 is in time. I see no merit in this contention of



Shri Rao and I reject the same.

7. An examination of the facts and circumstances of this case, shows that it is similar to CHANDRASEKHAR's case, which followed the ruling of the Principal Bench in V.D.PIPLANI v. UNION OF INDIA (ATR 1987(1) CAT. 253). Shri Rao does not dispute that PIPLANI's case has also been affirmed by the Supreme Court. If that is so, then the respondents cannot deny the benefit of the order made by this Tribunal which had also been accepted by government in its order dated 28.3.1988. For the very reasons stated in those cases, the claim of the applicant calls for acceptance.

8. In the light of my above discussion, I allow this application and direct the respondents to extend the very benefits extended by this Tribunal in CHANDRASEKHAR's case, with all such expedition as is possible in the circumstances of the case, and in any event, within a period of three months from the date of receipt of this order. But in the circumstances of this case, I direct the parties to bear their own costs.

9.

Application allowed.

Sd/-

VICE CHAIRMAN

dms/an.

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL) *27/7/88*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE