

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 13 JUL 1988

APPLICATION NO 945 / 88 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri Peter Michael Francis

The Divisional Railway Manager, South Central
Railway, Hubli & another

To

1. Shri Peter Michael Francis
S/o Shri Michael Francis
H S K II, G.No. 17
Karigenur
Hospet
Bellary District
2. Shri M. Aswathanarayana Reddy
Advocate
No. 125, 1st Floor
Sree Raghavendra Market
Avenue Road
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
on 7-7-88.


J.W. DEPUTY REGISTRAR
(JUDICIAL)

Encl: as above.

J.C.

JKW
13 JUL 1988

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE SEVENTH DAY OF JULY, 1988

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

APPLICATION NO.945/88

Sri. Peter Michael Francis,
Son of Michael Francis,
Aged about 45 years,
C & W Fitter,
H S K, II, G.No.17,
Kariganur. Hospet,
Bellary District.

Applicant

(Shri M. Aswathnarayana.....Advocate)

1. The Divisional Railway
Manager, South Central
Railway, Hubli,
Dharwar district.

2. The Senior Divisional
Personnel Officer,
South Central Railway,
Hubli. Dharwar Dist.

Respondents

This application has come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice
K.S. Puttaswamy, Vice-Chairman, made the following :

O R D E R

In this application made under Section
19 of the Administrative Tribunals Act, 1985,
the applicant has challenged Order No. H/P.613/
IV/O&W/CI.IV dated 4.4.1988 of the Divisional Personnel
Officer, South Central Railway, Hubli (DPO)
(Annexure A-17) which reads thus:-

"Sub: Seniority of Shri P.M.Francis, C&W
F/HSK-II/KGW

Ref: Your application dated 2/5-2-1988.

Further to this Office letter No.
H/P.535/IV/C&W/HSK-II of 24.8.87 and
28.1.88, the position is as under:-

You joined KGW on 14.6.71 from UBL
on request transfer accepting bottom
seniority ie from UBL Seniority Unit to
GDG Seniority unit. Your seniority in
C&W Khalasi category per extent orders.
The provisional seniority list of C&W
Khalasi Scale Rs. 196-232(RS) published
vide this Office No. H/P.613/IV/C&W/CI.IV
dt. 31.7.76 was subsequently treated as
cancelled vide No. H/P.613/IV/C&W/CI.IV
dated 28.11.78. In view of this claiming
your position assigned in the above
cited seniority list is not correct, so
also your contention that S/Shri G.Allabux
and S. Habibulla Hussain were substitute on
1.3.71 is also not correct. They were
absorbed as temporary C&W Khalasi on
regular basis w.e.f. 1.3.71 vide H/P.564/
IV/SNG/Mech of 26.2.71/1.3.71 and 19.2.75.

Your seniority has been assigned
correctly under Sl.No.72 in the provisional
seniority list published on 1.7.82 vide
No. H/P.613/IV/C&W/CI.IV and hence the
question of revising your seniority does
not arise.

Please Note."

In this, the DPO had stated that the applicant had
come on transfer on his own request and, therefore,
he was bound to be assigned bottom seniority
at the new office.

2. In his application, the applicant had
not disputed this and had indirectly accepted
the same. In answer to our pointed query Shri
M. Aswathnarayana Reddy, learned counsel for
the applicant on obtaining instruction from
his client, who was present in court, admits

the correctness of the fact stated by the DPO in his order. But notwithstanding this Shri Reddy contends that this is a fit case in which this Tribunal should ignore the voluntary transfer of the applicant and regulate the matters as if it was a transfer in the public interest.

3. When once the applicant admits that he had joined the new office on transfer at his own request, he has to be assigned only bottom seniority and his service conditions regulated only on that basis and no other basis. From this it follows that the challenge of the applicant to the order dated 4.4.88 of the DPO and other incidental reliefs sought thereon are ill-conceived and are without any merit. We, therefore, reject this application at the admission stage without notices to the Respondents.

Sd/-

(K.S. PUTTASWAMY) *PPS*
VICE-CHAIRMAN

Sd/-

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

TRUE COPY

R J 13/7/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL ENCL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 12 SEP 1988

REVIEW APPLICATION NO. 69 /88
IN APPLICATION NO. 945/88(F)
W.P. NO.

Applicant(s)

Shri Peter Michael Francis

To

v/s

The Divisional Railway Manager, South Central
Railway, Hubli & another

1. Shri Peter Michael Francis
S/o Shri Michael Francis
C & W Fitter
H S K II, G.No. 17
South Central Railway
Kariganur
Hospect
Bellary District

2. Shri M. Ashwathanarayana Reddy
Advocate
No. 125, 1st Floor
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Avenue Road
Bangalore - 560 002

Respondent(s)

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STRA/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 1-9-88.

Halei
for DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE FIRST DAY OF SEPTEMBER, 1988

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

REVIEW APPLICATION NO. 69/1988

Shri Peter Michael Francis
Son of Michael Francis
C & W Fitter
H S K II, G.No.17
Kariganur
Hospet
Bellary District. .. Petitioner
(Shri M. Ashwathnarayana Reddy, Advocate)

Vs

1. The Divisional Railway Manager
S.C. Railway
Hubli
Dharwar Dist.
2. The Senior Divisional Personnel
Officer
S.C. Railway
Hubli
Dharwar Dist. .. Respondents

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

ORDER

Heard Shri M. Ashwathnarayana Reddy for
the applicant.



1. In this application made under Section 22(3) (f) of the Administrative Tribunals Act, 1985, the applicant has sought a review of our order dated 7.7.1988 rejecting his application No. 945/88(F) at the admission stage.

3. In A.No.945/88 the applicant had challenged an order made against him in which his claim for seniority over others had been rejected on the ground that he had come on transfer at his own request.

4. In the review application the applicant has claimed that two others viz. Habibulla Hussain and Allabaksh, who also came on transfer at their own request had not been accorded bottom seniority as in his case, which had not pleaded or urged before us. We seriously doubt the correctness of this assertion of the applicant. But we will assume that to be so and examine whether the same constitutes a sufficient ground for review.

5. We are of the view that the mistake, if any committed in the case of others, can hardly be a ground for review of our order which had upheld a correct order made against the applicant.

6. We see no merits in this application. We, therefore, reject this application at the admission stage without notices to the respondents.



mr.

Sd/-
VICE CHAIRMAN 1/9/88

Sd/-
MEMBER (A)

TRUE COPY

H. D. Rao
for DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE