

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 6 SEP 1988

APPLICATION NO.

953

/88(F)

W.P. NO.

Applicant(s)

Respondent(s)

Shri V.H. Patil

V/s

The Principal, Military School, Belgaum
& 4 Ors

To

1. Shri V.H. Patil
Assistant Master
Belgaum Military School
Belgaum
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Principal
Belgaum Military School
Belgaum
4. The Deputy Chief of the Army Staff
General Staff Branch - MT 15(a)
Dte General of Military Training
Army Headquarters
DHQ PO
New Delhi - 110 011
5. The Secretary
Ministry of Defence
South Block
New Delhi - 110 011
6. Smt V. Saroja
Master (Gazetted)
Bangalore Military School
Bangalore
7. Shri Brijendar Singh
Master (Gazetted)
Dholpur Military School
Dholpur
Rajasthan
8. Shri M. Vasudeva Rao
Central Govt. Sng 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 29-8-88.

Encl : As above

de
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 29TH DAY OF AUGUST, 1988

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

APPLICATION NO. 953/88

Shri V.H. Patil,
aged 55 years,
S/o Shri H.L. Patil,
working as Asst. Master,
Belgaum Military School,
Belgaum.

.... Applicant.

(Dr. M.S. Nagaraja, Advocate)

v.

1. The Principal,
Belgaum Military School,
Belgaum.
2. The Vice Chief of the Army Staff,
MG 15-A, New Delhi.
3. Union of India,
rep. by its Secretary
to Govt, M/o Defence,
New Delhi.
4. Smt. V. Saroja,
Master (Gazetted),
Bangalore Military School,
Bangalore.
5. Shri Brijendar Singh
Master (Gazetted),
Dholpur Military School,
Dholpur.

.... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

These applications having come up for hearing to-day,

Vice-Chairman made the following:

ORDER

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



1

2. Shri V.H. Patil, the applicant before us, joined service in the military school, Belgaum, on 16.7.1964 as an Assistant Master. He has been stagnating in that cadre ever since then.

3. On the basis of a judgment rendered by this Tribunal on 25.2.1987 in A.No. 280 and 1271 (R. SATYANARAYANA vs. UNION OF INDIA & OTHERS), the applicant claims that his case for promotion should be considered as on 27.5.1975 and all consequential and monetary benefits flowing from the same should be extended to him.

4. In their reply, respondents 1 and 3 have resisted this application, inter alia on the ground that the application is barred by time. Respondents 4 and 5 who have been duly served, have remained absent and are unrepresented.

5. Dr. M.S. Nagaraja, learned counsel for the applicant, contends that the case of his client was in all fours with SATYANARAYANA's case, and therefore we should grant him the very reliefs granted to Satyanarayana also.

6. Shri M. Vasudeva Rao, learned Additional Standing Counsel, appearing for respondents 1 and 3, refuting the contentions of Dr. Nagaraja contends that this application is barred by time, and that on merits also, the applicant was not entitled for the reliefs sought by him.

7. We notice that the case of the applicant for promotion as on 27.5.1975 or thereafter was not considered

because of the bar in the recruitment rules, which have been struck down in SATYANARAYANA's case. After the judgment was rendered in Satyanarayana's case, the applicant made representations to the Department to extend him the benefit of the order made by us in that case. But for reasons that are not necessary to notice the authorities have not acceded to his request.

8. On a careful examination of the facts and the questions that arise for determination, we find that this case ~~is~~ in all fours with SATYANARAYANA's case.

9. Before the authorities, as also before this Tribunal, the applicant is claiming for the very benefits that have been granted to Satyanarayana. If that is so, then we fail to see as to how this application is barred by time. We are therefore of the view that this application is in time.

10. When once we find that this application is in time, and is in all fours with Satyanarayana's case, then we cannot deny the reliefs sought by the applicant at all.

11. In SATYANARAYANA's case, which was a transferred case received from the High Court of Karnataka, we have not denied the benefit of arrears to that applicant. But notwithstanding that, we are of the view that the benefit of payment of arrears should be limited for a period of three years preceding the date of presentation of this application viz., 23.6.1988 with notional fitment from such date he is found fit for promotion.



12. In the light of our above discussion, we direct respondents 1 to 3 to consider the case of the applicant for promotion to the post of Master (Gazetted) in accordance with law from the very date he became due for promotion and if he is found fit then promote him from that date however, restricting the benefit of difference in arrears for a period of 3 years only before 26.3.1988.

13. 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

29/8/88

Sd/-

MEMBER (A) 29.8.1988

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE