

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE FIRST DAY OF DECEMBER-1987

Present : Hon'ble Justice Shri K.S. Puttaswamy

.. Vice-Chairman

Hon'ble Shri P. Srinivasan

.. Member (A)

APPLICATION NO.212/87(F)

V. Krishna Murthy,
39, Sri Pushtaram,
Income Tax Layout,
Vijayanagar Extension,
Bangalore - 560 040.

Applicant

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

v.

The Development Commissioner,
(Small Scale Industries),
Government of India,
Nirman Bhavan, 7th Floor,
Moulana Azad Road,
New Delhi-110 011. and 78 others

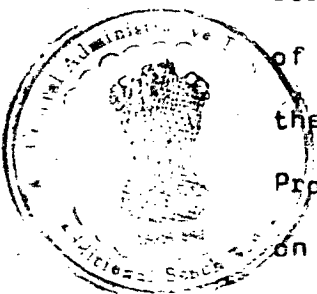
Respondent

(Shri M.Vasudeva Rao .. Advocate)
(Shri A.Keshava Bhat .. Advocate)

This application came up for hearing before this Tribunal on
20.11.1987. Hon'ble Shri-P. Srinivasan, Member (A), made the
following:

ORDER

The vexing question of intarse seniority as between promotees
and direct recruits in government service - a 'hardy annual' in
service litigation - has yet once again come before us. The field
of battle is the Small Scale Industries Development Organisation of
the Government of India. The applicant is working as Small Industries
Promotion Officer (SIPO) having been promoted to that post initially
on ad hoc basis in 1973 and subsequently on regular basis with effect
from 15.12.1978. His seniority among all SIPOs was fixed by R1 in
accordance with the principle of rotation of vacancies as between
direct recruits and promotees in the ratio of 3:1. The grievance
of the applicant is that the quota rule of recruitment from the two



P. Srinivasan

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sources had broken down and, therefore, determination of interse seniority on the basis of rotation of vacancies was not proper. He wants us to direct R1 to redraw the seniority list of SIPOs as on 1.1.1984 on the basis of continuous officiation in that post whether by promotees or by direct recruits.

2. R1 is the Development Commissioner (Small Scale Industries), Government of India, New Delhi. In his reply, R1 has submitted that the quota rule of recruitment is being consistently followed in his organisation for appointments to posts of SIPOs and, therefore, the determination of interse seniority by applying the principle of rotation of vacancies in the ratio of the quotas prescribed for each source was proper and did not amount to discrimination. R2 to 79 are direct recruits who in their reply have urged that the principle of seniority by rotation of vacancies was the appropriate principle in the present case since recruitment was made from two sources in a fixed ratio and the said quota system of recruitment had not broken down as alleged by the applicant.

3. A preliminary objection raised by R1 as well by some of the other respondents is that the application is barred by limitation. The impugned seniority list of SIPOs which sets out the position as on 1.1.1984 was circulated to all officials including the applicant and acknowledged by him on 5.12.1984. Since that seniority list represents the order against which it is directed, the present application should have been filed within a year i.e. by 5.12.1985. ^H ~~In so far as it has been~~ ~~filed within year i.e. by 5.12.1985.~~ ^{R1} In so far as it has been filed on 26.3.1987 it is badly delayed. Shri A. Keshava Bhatt appearing for 12 of the 78 respondents other than R-1, submits

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that similar seniority lists of SIPOs based on the principles of rotation of vacancies were brought out earlier in 1976 and 1978 and the applicant had not raised any objection to those lists and as such he cannot now be heard to complain against the same principle which was followed in the impugned seniority list as on 1.1.1984.

4. Dr. Nagaraja learned counsel for the applicant opposes the plea of limitation. Though the impugned seniority list as on 1.1.1984 was circulated on 5.12.1984 and the applicant had put his signature in token thereof on that date, he asked for a copy of the same on 25.8.1986 which was supplied on 22.9.1986.

Therefore, the impugned seniority list was actually communicated to him only on 22.9.1986 and counting from that date, the application is within time. Moreover, he made a representation to R1 against the seniority assigned to him in the seniority list, on 28.7.1986 to which he had received no reply till date. The Patna Bench of this Tribunal had held in *Yudhister Singh v. Union of India* 1987 (1) SLJ (CAT) 489 that limitation had to reckon only from the date when a representation was made and not from the date when the decision complained against was communicated. Dr. Nagaraja further submitted that it was only in 1986 when the decision of the Supreme Court in *Narender Chaddha's case*, AIR 1986 SC 638, was reported, that the applicant came to know the position in law viz. that length of continuous officiation should be the determining factor for regulating interse seniority between promotees and direct recruits when the quota system of recruitment broke down. Immediately thereon the applicant obtained a copy of the seniority list, submitted a representation to R1 and within a reasonable time thereafter presented this application before this Tribunal on 26.3.1987. In view of this, even if there was



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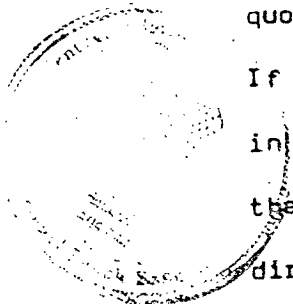
a delay, he prayed that this Tribunal should condone the same in exercise of its powers under Section 21 of the Act, particularly because the issue involved was of considerable importance.

5. After hearing both sides we are of the view that the delay, if any, in filing this application should be condoned as reasonable cause has been adduced for the delay. We, therefore, condone the delay in filing this application.

6. Turning to the merits of this application, only a few more facts need to be mentioned in addition to those already narrated. Under the relevant rules regulating appointments to posts of SPOs, 75% of the posts were to be filled by direct recruits and 25% by promotion. Failing promotion, even the promotion quota of 25% could be filled in by direct recruits. The short point urged by Dr. Nagaraja is that this system of quotas for recruitment from the two sources had not been adhered to in actual practice and, therefore, the quota system of recruitment had broken down. Relying on a series of decisions of the Supreme Court on the subject, he contended that when the quota system broke down, inter se seniority between recruits of the two sources should have been regulated in accordance with the length of their continuous officiation in that post. The applicant was promoted as SPO in 1973 on ad hoc basis. This was done because there were no posts available at that time in the quota reserved for promotees to which the applicant could have been regularly promoted. In other words the promotion of the applicant in 1973 was in excess of the quota for promotion. He continued in that post, albeit on ad hoc basis, for five years till 1978. He was regularised in a post reserved for promotion only with effect from 1978. This meant that between

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1973 and 1978 the quota rule of recruitment had not been followed and the officials like the applicant who were promoted on ad hoc basis to posts not reserved for promotees, regularly worked thereafter in those posts in violation of the quota system. The direct recruit who had been placed above the applicant in the impugned seniority list came into service in 1979. Thus, there was a gap of nearly six years between the promotion of the applicant and the appointment of the direct recruit with reference to whom the seniority of the applicant was fixed by rotation of vacancies. A delay between promotion and direct recruit^{ment} of this order clearly meant that the quota system had broken down. According to Dr. Nagaraja, the course of events in this case also suggest that even the Government had deliberately departed from the quota rule of recruitment when the applicant and others like him were promoted from time to time on an ad hoc basis without vacancies being available in the quota for promotion. Just as the 25% quota for promotion could be filled up by direct recruitment if for any reason they could not be filled up by promotion, posts in the direct recruitment quota could also be filled up by promotion if direct recruits were not available: the appointment of recruits from one source in quota vacancies relatable to the other source cannot be one sided. If that be so, when the applicant and others like him were promoted in the absence of vacancies in the promotion quota, it only meant that Government deliberately decided to fill up posts meant for direct recruits by promotion which they could do under the rules. Therefore, the promotion of the applicant to the post of SIPO in 1973, though called ad hoc promotion, should be considered a regular promotion in accordance with the rules and the applicant should be accorded seniority from the date of his ad hoc promotion.

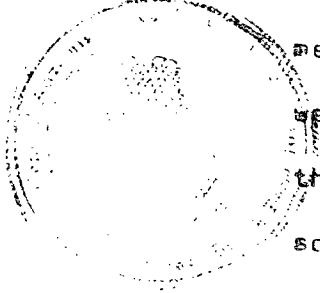


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Dr. Nagaraja also cited some decisions rendered by other Benches of this Tribunal to the effect that once an ad hoc appointee is regularised, he should be allowed to count his ad hoc service also for the purpose of determining his seniority according to the rule of continuous officiation. In any case the ad hoc appointment which continued beyond one year and in this case for five years could no longer be regarded as ad hoc, since the applicant had performed the duties of the post to which he was promoted, was paid remuneration appropriate to that post and was in all respects like a regular employee in that post from 1973, and so the period from 1973 should be taken into account for determining his seniority. Even on equitable considerations it was not proper that the applicant should be accorded a lower position of seniority to a person who joined the post five years later ignoring the service efficiently rendered by the applicant during the interval.

7. Shri M. Vasudeva Rao, learned counsel for R1 sought to refute the contentions of Dr. Nagaraja. When the applicant was promoted to the post of SIPO in 1973, the order clearly spelt out that the promotion was purely ad hoc and would not confer any right to continue in the post indefinitely or to claim seniority on the basis of "these temporary arrangements". There was some administrative delay in making regular recruitment and as a stop-gap arrangement people like the applicant were promoted to work as SIPO and continued in the post till they could be regularly appointed. The ad hoc appointment in so far as the applicant was concerned was continued till 1977



P. J. Vasudeva Rao

recruitment means a substantial compliance with the quota rule, a deviation here or a deviation there not being treated as a break down of the quota rule. If from year to year recruitment is made from different sources according to the quotas prescribed or even if recruitment to quota vacancies from one source is made after a time lag, the interval not being unreasonably long, it would still be held that there had been substantial compliance with the quota rule of recruitment. If persons are appointed from one source in excess of the quota vacancies available to that source, their appointment though irregular, could be regularised later when vacancies in their quota become available: they would be liable to be pushed down as against recruits from the other source who come in later but are regularly appointed within their quota. Persons appointed on ad hoc basis from one source as a temporary measure till regular appointments could be made to the vacancies cannot as a rule claim seniority based on their ad hoc appointment. An ad hoc appointment made outside the rules of recruitment would not confer any right on the person so appointed for seniority vis-a-vis persons regularly appointed in accordance with the Rules. Where, however, ad hoc appointments continue for long periods, say 10 or 15 years without being regularised it would shock the conscience if persons so appointed are assigned lower places of seniority to those appointed from another source after the lapse of such a long time: if that happens the courts will not hesitate to direct the Government to treat the entire period of ad hoc service of the former as regular service and to assign them seniority on the basis of their length of continuous officiation in the higher post. That was the situation in Janardhana's case AIR 1983 SC 769, in Lamba's case

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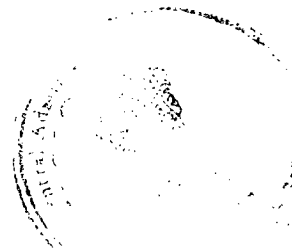
AIR 1985 SC 1019 and in Narender Chadha's case AIR 1986 SC 638.

9. Turning to the present case, we have seen that when promotions were being considered by the DPC to posts of SIPOs, care was taken to determine the number of posts available in the promotion quota and the DPC concerned recommended for promotion only that number of persons as was necessary to fill that quota. The following statement of vacancies of SIPOs filled up from 1973 to 1987 was filed on behalf of R-1.

"STATEMENT SHOWING DETAILS OF VACANCIES OF SMALL INDUSTRY PROMOTION OFFICER (EI/S) IN S.I.D.O. ARISING AND FILLED UP FROM THE RECRUITMENT YEAR 1973 TO 1987

Promotion : 25%
Direct Recruitment : 75%

Recruit- ment year	No. of va- cancies arising		No. of vacan- cies filled		Year, month of filling up of vacancies	
	Direct- Recruit- ment quota	promo- tion quota	Direct recru- itment quota	promo- tion quota	Direct recru- itment quota	promo- tion quota
1	2	3	4	5	6	7
1973	14	05	14	05	1/76,4/76	9/1975
1974	12	04	12	04	1/76,9/76 9/77,11/77	9/1975
1975	13	05	13	05	1 - 3/79	12/78
1976	20	06	20	06	1 - 4/79	12/78
1977	07	02	07	02	7/79,1-3/80	12/78, 12/79
1978	08	03	08	03	1/80,7/80 and 8/80	12/79
1979	17	06	17	06	8/80,11/80, 5/82, 8/82 10/82	12/79 2/81 3/83
1980	08	02	08	02	6 - 10/82 5 - 08/83	05/83



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who was so appointed with effect from December 1978. We hold that the quota system has not broken down and further that this is not one of those cases which shock the conscience and so the rota rule of seniority was rightly applied.

10. In the result, the application is dismissed. Parties to bear their own costs.



Sd/-
VICE CHAIRMAN

Sd/-
MEMBER (A)

bsv

True Copy
16/12/87
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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M.S. Nagaraja

**Dr. M.S. NAGARAJA, B.Sc., M.L., Ph.D.,
ADVOCATE**

thereafter R-1 ~~was~~ sent a reference to the UPSC on 7.11.1986 to nominate persons for direct recruitment to those vacancies in the direct recruitment quota arising between 1983 and 1986 and the list of such nominees is said to be awaited. Thus Government has adhered to the quota rule of recruitment even for the years 1983 to 1986 ~~was~~, since they have proceeded to fill up the direct recruit vacancies immediately after the ban on recruitment was lifted. The applicant cannot lay claim to seniority from the date of his ad hoc promotion in 1973 because that was an appointment by way of a stop-gap arrangement and had conferred no right on him. His is not a case like those of the promotees in Lamba's or Janardhana's or Chadha's case who continued to hold posts on ad hoc basis for long periods without regularisation. As soon as his turn for promotion in the quota available for promotees came in 1977, the applicant and others like him were considered by a DPC and were regularly promoted with effect from December 1978. Corresponding vacancies of 1977 of direct recruits were similarly filled up within a year thereof and the seniority of the applicant and those directly recruited to such vacancies was determined on the principle of rotation. We do not see any injustice or gross inequity in this. As we have already stated the quota system of recruitment has been adhered to in recruitments made between 1973 and 1982 and as such we find no infirmity in the application of the rotational principle of seniority to persons appointed on a regular basis during this period including the applicant



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1	2	3	4	5	6	7
1981	03	01	03	01	8/82, 2/83	05/83
1982	15	06	05	06	1/82, 9/83 4/83 1/84	05/83 08/86
1983	05	01	-	01	*	08/86
1984	06	02	-	02	-	08/86
1985	06	02	-	02	-	08/86
1986	08	02	-	02	-	06/87
	<u>141</u>	<u>47</u>	<u>107</u>	<u>47</u>		

*Note: Recruitment stopped due to ban on filling up of vacancies. Subsequently consequent on lifting of ban proposals have been sent to UPSC for filling up of 34 vacancies as on 7.11.1986 and the UPSC nominees are awaited."

We find from the above that vacancies which arose in 1973 were filled up by regular promotion only in September 1975 and by direct recruitment in the first half of 1976. Thus when the applicant was given ad hoc promotion in 1973 it was not against regular vacancies either in the quota for promotion or in the quota for direct recruitment which arose in that year because these vacancies were filled up on a regular basis later. Similarly vacancies arising in 1974 to 1982 were regularly filled up in accordance with the quota but appointment from both sources were made sometime after the vacancies had in fact arisen as illustrated by the filling up of the vacancies which arose in 1973 to which we have alluded. In this manner the vacancies that arose between 1973 and 1982 have been filled up strictly in accordance with the quota rule with a time gap as between the date of vacancy and the date of its filling up as also as between promotion and direct recruitment. After 1982, for the years 1983 to 1986, no doubt only the quota of promotion was filled up by regular appointment but not the quota for direct recruitment. The reason for this was the ban on fresh recruitment. This ban was subsequently lifted and

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LIST OF RESPONDENTS

1. The Development Commissioner
(Small Scale Industries)
Govt. of India
7th Floor, Nirman Bhavan
Moulana Azad Road
New Delhi - 110 011
2. Shri V. Mohan Pillai
Asst. Director (E. I)
Small Industries Service Institute
Kerala Varma College Road
Trichur - 680 011
(Kerala State)
3. Shri Dayananda Prasad
Asst. Director (E. I)
Small Industries Service Institute
107, Industrial Estate
Kalpi Road, Fazl Gunj
Kanpur - 282 004
(Uttar Pradesh)
4. Shri N. Srinivasa
Asst Director (E. I)
Small Industries Service Institute
Rajajinagar
Bangalore - 560 044
5. Shri E. Raman Nair
Asst. Director (E.I.)
Small Industries Service Institute
Audhi Mopari Building
Post Box No. 334
Margao - 403 601
(Goa)
6. Shri K.C. Verghese
Asst. Director (E.I.)
Small Industries Service Institute
Kerala Varma College Road
Trichur - 680 011
(Kerala State)
7. Shri Sirigiri Reddy
Asst. Director (E.I.)
Small Industries Service Institute
Balnagar Industrial Estate
Hyderabad (A.P.)
8. Shri P.C. Mohanty
Asst. Director (E.I.)
Small Industries Service Institute
Rajajinagar
Bangalore - 560 044
9. Shri B. B. Das
Asst. Director (E.I.)
Small Industries Service Institute
187-A, Attarsua
Allahabad (Uttar Pradesh)

- 10 ● Shri B.K. Gurumurthy
S.I.P.O. (E.I.)
Small Industries Service Institute
Belanagar Industrial Estate
Hyderabad (A.P.)
- 11 ● Shri Ainul Haque
S.I.P.O. (E.I.)
Small Industries Service Institute
107, Industrial Estate
Kalpi Road, Fazl Gunj
Kanpur - 282 004 (U.P.)
- 12 ● Shri R.B. Prasad
S.I.P.O. (E.I.)
Small Industries Service Institute
Industrial Estate
Patna - 800 013 (Bihar)
- 13 ● Shri S.K. Das
S.I.P.O. (E.I.)
Small Industries Service Institute
111-112, B.T. Road
Calcutta - 700 035
(West Bengal)
- 14 ● Shri P.K. Basak
S.I.P.O. (E.I.)
Small Industries Service Institute
111-112, B.T. Road
Calcutta - 700 035
(West Bengal)
- 15 ● Shri Deepak Sen Gupta
S.I.P.O. (E.I.)
Small Industries Service Institute
(Opp : Chattisgarh Club)
Civil Lines, Raipur - 492 001
(Madhya Pradesh)
- 16 ● Shri Avtar Singh
S.I.P.O. (E.I.)
Small Industries Service Institute
Industrial Area - B
Ludhiana - 141 003
(Punjab)
- 17 ● Shri T.V. Bhavadas
S.I.P.O. (E.I.)
Small Industries Service Institute
Audhi Maperi Building
Post Box No. 334
Margao - 403 601
(Goa)
- 18 ● Shri R.H. Choudhary
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Small Industries Service Institute Branch
Link Road, Lane No. 12
Silchar (Assam State)
- 19 ● Shri D. Koil Pillai
S.I.P.O. (E.I.)
Small Industries Service Institute
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Madras - 600 032 (Tamil Nadu)
- 20 ● Shri V.P. Javali
S.I.P.O. (E.I.)
Small Industries Service Institute
Rajajinagar
Bangalore - 560 044
- 21 ● Shri Shivananda Ajur
S.I.P.O. (E.I.)
Small Industries Service Institute
C-1, Industrial Estate
Gulbarga - 585 102
(Karnataka)
- 22 ● Shri C.P. Srivastava
Asst. Director (E.I.)
- 23 ● Shri N.P. Mohanty
Asst. Director (E.I.)
- 24 ● Shri M. Jayaraman
Asst. Director (E.I.)
- 25 ● Shri K. Appunni
Asst. Director (E.I.)
- 26 ● Shri T.N. Singh
Asst. Director (E.I.)
- 27 ● Shri D.P. Rao
Asst. Director (E.I.)
- 28 ● Shri Kailash Chandra Sharma
Asst. Director (E.I.)
- 29 ● Shri R.K. Rohatgi
Asst. Director (E.I.)
- 30 ● Shri K.N. Datta
Asst. Director (E.I.)

20

- 31 ●. Shri M.P. Bhatnagar
Asst. Director (E.I.)
- 32 ●. Shri B.C. Mallick
Asst. Director (E.I.)
- 33 ●. Shri R.K. Singh
Asst. Director (E.I.)
- 34 ●. Shri K. Ahmad
S.I.P.O. (E.I.)
- 35 ●. Shri K. Pandey
Asst. Director (E.I.)
- 36 ●. Shri S. Mohan
S.I.P.O. (E.I.)
- 37 ●. Shri M. Swaroop
S.I.P.O. (E.I.)
- 38 ●. Shri A.R. Mansuri
S.I.P.O. (E.I.)
- 39 ●. Shri G.R. Subramaniam
Asst. Director (E.I.)
- 40 ●. Shri A.K. Kalia
S.I.P.O. (E.I.)
- 41 ●. Shri U.S. Pippal
Asst. Director (E.I.)
- 42 ●. Shri R.R. Bharati
S.I.P.O. (E.I.)
- 43 ●. Shri P.S. Shukla
S.I.P.O. (E.I.)
- 44 ●. Shri K.R. Gupta
S.I.P.O. (E.I.)
- 45 ●. Shri D.P. Gupta
S.I.P.O. (E.I.)
- 46 ●. Shri B.K. Sinha
S.I.P.O. (E.I.)
- 47 ●. Shri Arunobha Maitra
S.I.P.O. (E.I.)
- 48 ●. Shri S.M. Lal
S.I.P.O. (E.I.)
- 49 ●. Shri T.M. Sinha
S.I.P.O. (E.I.)
- 50 ●. Shri N. Sonawal
S.I.P.O. (E.I.)
- 51 ●. Shri M. Lohay
S.I.P.O. (E.I.)
- 52 ●. Shri Bruthyunjaya Singh
S.I.P.O. (E.I.)
- 53 ●. Shri M.Y. Raje
S.I.P.O. (E.I.)
- 54 ●. Shri J.P. Vijay
S.I.P.O. (E.I.)
- 55 ●. Shri A.E. John Boakoo
S.I.P.O. (E.I.)
- 56 ●. Shri G.S. Piplani
S.I.P.O. (E.I.)
- 57 ●. Shri R.P. Chandran
S.I.P.O. (E.I.)
- 58 ●. Shri S.P. Jayal
S.I.P.O. (E.I.)
- 59 ●. Shri S.R. Pandey
S.I.P.O. (E.I.)
- 60 ●. Shri Onkarnath
S.I.P.O. (E.I.)
- 61 ●. Shri F.U. Khan
S.I.P.O. (E.I.)
- 62 ●. Shri S.S. Bhandary
S.I.P.O. (E.I.)
- 63 ●. Shri V.K. Kulothreetha
S.I.P.O. (E.I.)
- 64 ●. Shri R.S. Thekaran
S.I.P.O. (E.I.)
- 65 ●. Shri P.K. Srivastava
S.I.P.O. (E.I.)
- 66 ●. Shri Vijay Bodake
S.I.P.O. (E.I.)
- 67 ●. Shri J.K. Katyaj
S.I.P.O. (E.I.)
- 68 ●. Shri I.S. Saini
S.I.P.O. (E.I.)
- 69 ●. Shri P.K. Agarwal
S.I.P.O. (E.I.)
- 70 ●. Shri B.L. Yedav
S.I.P.O. (E.I.)
- 71 ●. Shri Manilal B. Lodhaya
S.I.P.O. (E.I.)

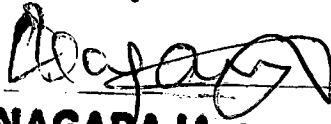
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- 72 ●. Shri O.P. Sharma
S.I.P.O. (E.I.)
- 73 ●. Shri Lachmandas
S.I.P.O. (E.I.)
- 74 ●. Shri R.S. Pathak
S.I.P.O. (E.I.)
- 75 ●. Shri Rajesh Thakur
S.I.P.O. (E.I.)
- 76 ●. Shri Sunil Sarveshi
S.I.P.O. (E.I.)
- 77 ●. Shri N.N.P. Singh
S.I.P.O. (E.I.)
- 78 ●. Shri A.S. Goshal
S.I.P.O. (E.I.)
- 79 ●. Smt P.R. Khurana
S.I.P.O. (E.I.)

22 79
(Sl Nos. ● to ● - C/o

Development Commissioner's Office
(Small Scale Industries)
(Govt. of India)
Nirman Bhavan - 7th Floor
Maulana Azad Road
New Delhi - 110 011)

1 COPY



Dr. M.S. NAGARAJA, B.Sc., M.L., Ph.D.,
ADVOCATE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 12TH DAY OF JANUARY, 1988

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

REVIEW APPLICATION NO. 2/1988

Shri V. Krishnamurthy,
Aged 49 years,
s/o late Vittal Murthy Achar,
residing at No.39, Income Tax Layout,
Vijayanagar, Bangalore-40.

.... Applicant.

(Dr. M.S. Nagaraja, Advocate)

v.

1. The Development Commissioner
(Small Scale Industries),
Nirman Bhavan, 7th Floor,
Moulana Azad Road,
New Delhi - 11 and 78 others.

.... Respondents.

This application having come up for hearing to-day, Vice-Chairman made the following:

ORDER

In this application made under Section 22(3)(f) of the Administrative Tribunal's Act 1985 the applicant has sought for a review of an order made by a division Bench of this Tribunal dismissing his Application No.212/87.

2. In Application No.212/1987, the applicant had claimed that his "officiating" service should also be reckoned for purpose of seniority. On a detailed examination this Tribunal had rejected the same for the reasons set out in the order.

3. Dr. M.S. Nagaraja, learned Counsel for the applicant contends that the decision rendered by the Bench was in conflict with the various rulings of the other Benches set out at para 4 of the application and the same therefore calls for a review under Section 22(3)(f) of the Act.

4. We are of the view that the order made by the Bench is in consonance with the principles enunciated by the Supreme Court.

5. We will assume that Dr. Nagaraja is right in his submission that the order is in conflict with the various rulings of other Benches detailed at para 4 of the application. But that would not constitute a ground for review under Section 22(3)(f) of the Act. We see no grounds for a review of the order in Application No.212/87.

6. In the light of our above discussions, we hold that this review application is liable to be rejected. We therefore, reject this application at the admission stage, without notices to the respondents.

MS. Prasad
Vice-Chairman 12/1/1988

[Signature]
Member (A) 12-1-88

Mr/Mrs.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 15-1-88

REVIEW APPLICATION NO 2 / 88
IN APPLICATION NO. 212/87(F)
W.P. NO. _____

Applicant

Shri V. Krishnamurthy

To

1. Shri V. Krishnamurthy
39, Income Tax Layout
Vijayanagar
Bangalore - 560 040

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

Respondent

V/s The Development Commissioner (Small Scale
Industries), New Delhi & 78 Ors

RECEIVED

Diary No. 1639/CR/88

Date: 19-1-88

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 ^{Review} application on 12-1-88.

Encl : As above

B. V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 12TH DAY OF JANUARY, 1988

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

REVIEW APPLICATION NO. 2/1988

Shri V. Krishnamurthy,
Aged 49 years,
s/o late Vittal Murthy Achar,
residing at No.39, Income Tax Layout,
Vijayanagar, Bangalore-40.

.... Applicant.

(Dr. M.S. Nagaraja, Advocate)

v.

1. The Development Commissioner
(Small Scale Industries),
Nirman Bhavan, 7th Floor,
Moulana Azad Road,
New Delhi - 11 and 78 others.

.... Respondents.

This application having come up for hearing to-day, Vice-Chairman made the following:

ORDER

In this application made under Section 22(3)(f) of the Administrative Tribunal's Act 1985 the applicant has sought for a review of an order made by a division Bench of this Tribunal dismissing his Application No.212/87.

2. In Application No.212/1987, the applicant had claimed that his "officiating" service should also be reckoned for purpose of seniority. On a detailed examination this Tribunal had rejected the same for the reasons set out in the order.

3. Dr. M.S. Nagaraja, learned Counsel for the applicant contends that the decision rendered by the Bench was in conflict with the various rulings of the other Benches set out at para 4 of the application and the same therefore calls for a review under Section 22(3)(f) of the Act.

4. We are of the view that the order made by the Bench is in consonance with the principles enunciated by the Supreme Court.

5. We will assume that Dr. Nagaraja is right in his submission that the order is in conflict with the various rulings of other Benches detailed at para 4 of the application. But that would not constitute a ground for review under Section 22(3)(f) of the Act. We see no grounds for a review of the order in Application No.212/87.

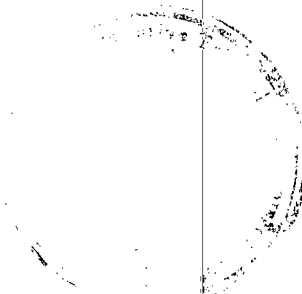
6. In the light of our above discussions, we hold that this review application is liable to be rejected. We therefore, reject this application at the admission stage, without notices to the respondents.

Sd/-
Vice-Chairman - 12/11

Sd/-
Member (A) 12/11

- True Copy -

mr/Mrv.


R. V. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE 18/11