

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 22 JUN 1988

APPLICATION NO. 617 / 88(T)

W.P. NO. 15519 / 82

Applicant(s)

Shri M.D. Mahadev  
To

Respondent(s)

V/s The Secy, Dept. of Personnel & Admn Reforms,  
New Delhi & 4 Ors

1. Shri M.D. Mahadev  
C/o Shri M. Narayana Swamy  
Advocate  
844 (Upstairs), V Block  
Rajajinagar  
Bangalore - 560 010

2. Shri M. Narayana Swamy  
Advocate  
844 (Upstairs), V Block  
Rajajinagar  
Bangalore - 560 010

3. The Secretary  
Department of Personnel &  
Administrative Reforms  
North Block  
New Delhi - 110 001

4. The Chief Secretary  
DPAR Services  
Vidhana Soudha  
Bangalore - 560 001

5. Shri S. <sup>Shyama</sup> ~~Siva~~ Sundar  
Principal Conservator of  
Forests  
Aranya Bhavan  
Bangalore - 560 003

6. Shri D.K. Deshmukh  
Chief Conservator of Forests (Retd)  
Brahmapuri  
Gulbarga District  
Gulbarga

7. Shri N.S. Adkoli  
Conservator of Forests (Retd)  
Joint Managing Director  
Karnataka Pulp Woods Ltd.,  
Near Gandhi Bhavan  
Kumara Park West  
Bangalore - 560 001

8. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

9. Shri S.M. Babu  
State Govt. Advocate  
C/o Advocate General (KAT Unit)  
Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

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 17-6-88.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 17TH DAY OF JUNE, 1988

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

APPLICATION NO. 617/1988

Shri M.D. Mahadev,  
s/o M.D. Devanna,  
aged about 55 years,  
Conservator of Forests,  
Karnataka State Forest  
Industries Corporation Ltd.,  
Bangalore.

... Applicant.

(Shri M. Narayana Swamy, Advocate)

v.

1. The Union of India  
by its Secretary,  
Dept. of Personnel &  
Administrative Reforms,  
Cabinet Secretariat,  
New Delhi.
2. The State of Karnataka  
by its Chief Secretary,  
D.P.A.R. Services,  
Vidhana Soudha,  
Bangalore.
3. Shri S. Shyamasundar,  
Chief Conservator of Forests  
(General), Aranya Bhavan,  
18th Cross, Malleswaram,  
Bangalore.
4. Shri D.K. Deshmukh,  
Addl. Chief Conservator  
of Forests, Working Plans  
Circle, Aranya Bhavan  
Malleswaram, Bangalore.



5. Shri N.S. Adkoli,  
Conservator of Forests (Retd),  
609, 100 feet Road,  
15th Cross, I Phase,  
Sarakki Layout,  
Bangalore.

.... Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.  
for Respondent No.1)

(Shri S.M. Babu, for Respondent No.2)

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

O R D E R

This is a transferred application and is received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985.

2. The applicant, who started his career as a Sub-Assistant Conservator of Forests (SACF) as early as on 21.4.1956 in the then erstwhile State of Mysore, stood allotted to the new State of Mysore, since called as Karnataka, from 1.11.1956 under the States' Re-organisation Act, 1956 (SRC Act). In due course, he was confirmed in that post and was selected to ~~the~~ initial recruitment of the Indian Forest Service (IFS) constituted from 1.10.1966,

3. On 11.5.1981, Government of India, had made an order allotting 1960 as the year of allotment to the applicant and other earlier years to respondents 3 to 5. The applicant claims that he should have also been allotted the very year allotted to respondents 3 to 5. On this basis, the applicant has claimed for all other consequential and monetary benefits from 1.10.1960.

4. In resisting this application, respondents 2 and 5 have filed their replies.

5. Shri M. Narayanaswamy, learned Counsel for the applicant, strenuously contends that on the facts and circumstances stated in the application, his client



was entitled for the very year of allotment allotted to respondents 3 to 5 and his service conditions regulated on that basis from 1.10.1960.

6. Shri M.S. Padmarajaiah, learned Senior Standing Counsel for the Central Government, appearing for respondent No.1, and Shri S.M. Babu, learned High Court Advocate, appearing for respondent No.2, contend that in the absence of a challenge to the inter-se seniority list (ISS List) prepared as on 1.11.1956 under the SRC Act, the claim of the applicant for an earlier year of allotment was without any merit.

7. In this application, the applicant has not challenged the ranking assigned to him in the ISS list prepared as on 1.11.1956. The ranking assigned to the applicant in that list, is the very basis on which all other seniority lists are prepared by Government of Karnataka.

8. In the absence of a challenge to the ISS list, the applicant cannot legitimately claim that he is senior to respondents 3 to 5 and that his year of allotment to IFS should be the same as granted to respondents 3 to 5. On this short ground, the claim of the applicant for an earlier year of allotment in IFS cannot be granted.

9. Even otherwise, the claim of the applicant, who has retired from service on 31.8.1983 on attaining the age of superannuation, is a stale claim. We see no justification whatsoever to examine this stale claim, that too after the applicant had retired from service as early as on 31.3.1983.



10. On any view of the matter, this is a fit case in which this Tribunal should not interfere with the order of the Government of India.

11. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-  
VICE-CHAIRMAN *[Signature]*  
(17-6-1988) *[Initials]*

Sd/-  
MEMBER (A) *[Signature]* 17.6.1988

TRUE COPY



oms/Mrv.

*[Signature]*  
DEPUTY REGISTRAR (JD) *[Initials]*  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE