

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

\* \* \* \* \*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 21 APR 1988

CONTEMPT OF COURT APPLICATION NO S 18 to 22  
IN APPLICATION NOS. 1407 to 1411/86(T) /88  
W.P. NO.

Applicant

Shri A.D. Anto & 4 Ors

To

1. Shri A.D. Anto

2. Shri Ronald Aden

3. Shri John Ross

4. Shri T. Chandrasekaran

5. Shri Mahadevaiah

(Sl Nos. 1 to 5 -

C/o Shri B.S. Venkatesh  
Advocate  
128, Cubbonpet Main Road  
Bangalore - 560 002)

6. Shri B.S. Venkatesh  
Advocate  
128, Cubbonpet Main Road  
Bangalore - 560 002)

v/s

The Secy, M/o Railways, New Delhi & 2 Ors

Respondent

7. The Secretary  
Ministry of Railways  
Rail Bhavan  
New Delhi - 110 001

8. The Divisional Railway Manager  
Southern Railway  
Mysore Division  
Mysore

9. The Divisional Railway Manager  
Southern Railway  
Bangalore Division  
Bangalore City Railway Station  
Bangalore

10. Shri A.N. Venugopal  
Advocate  
Room No. 12, 2nd Floor  
SSB Mutt Building  
Tank Bund Road  
Bangalore - 560 009

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/xxx/xxxxxxBRBR  
passed by this Tribunal in the above said Contempt of Court application on 12-4-88.

Encl : As above

dc. *Shri Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH :: BANGALORE

DATED THIS THE TWELVETH DAY OF APRIL, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman  
and  
Hon'ble Shri P.Srinivasan .. Member (A)

C.C.A. No.18 TO 22 OF 1988

1. Shri A.D. Anto  
S/o. B.D. Anto  
M.R. 217, Driver  
'A' Loco Shed  
Southern Railway  
Bangalore City.
2. Sri Ronald Aden  
S/o. A.H. Aden  
M.R. 184,  
Driver 'A', Loco Shed  
Southern Railway  
Bangalore City.
3. Sri John Ross  
S/o. N. Nooh  
M.R. 537  
Driver 'A', Loco Shed  
Southern Railway  
Bangalore City.
4. Shri T. Chandrasekaran  
S/o. Thiruvengadam,  
Driver 'A', Loco Shed  
Southern Railway  
Bangalore City.
5. Shri Mahadevaiah  
S/o. Sidda Mallappa  
M.R. 416, Driver 'B',  
Loco Shed, Southern Railway  
Bangalore City.

(Shri B.S. Venkatesh, Advocate)

.. Petitioners

Vs.

1. The Secretary to Government  
Ministry of Railways  
'Rail Bhavan', New Delhi.
2. The Divisional Railway Manager  
Southern Railway, Mysore Division  
Mysore.
3. The Divisional Railway Manager  
Southern Railway, Bangalore  
Division, Bangalore City Railway  
Station, Bangalore.

(Shri A.N. Venugopal, Advocate)

.. Contemnors



This application having come up for hearing today, Vice Chairman made the following:

ORDER

In these applications made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971 ('the Acts') the petitioners have moved us to punish the contemnors for non-implementation of the directions issued in their favour by this Tribunal on 3.7.1987 in Application Nos. 1407 to 1411 of 1986 (Annexure-A).

2. In Application Nos. 1407 to 1411 of 1986, which were transferred applications received from the High Court of Karnataka, the petitioners were aggrieved by the rankings assigned to them in the relevant seniority list prepared by the Department.

3. On an examination of the cases pleaded by both sides, a Division Bench of this Tribunal, disposed of them with the following directions:

"We direct respondents 3 and 4 or such other authorities who are now competent to examine and decide the individual grievance/s of the applicants and pass appropriate orders thereon with all such expedition as is possible in the circumstances of the cases and in any event, within a period of four months from the date of receipt of this order".

The petitioners claim that the contemnors have not complied with these directions.



4. In their reply, the contemnors had asserted that they had complied with the directions of this Tribunal in letter and spirit in that the Divisional Railway Manager, Southern Railway, Mysore Division, Mysore - Contemnor No.2 who was respondent-3 in the original applications had examined the individual cases of the petitioners and had passed his separate orders on 17.3.1988 (Annexure R1 to R5) and had communicated them to the petitioners. The contemnors have prayed for condoning the delay in complying with the directions of this Tribunal.

5. We have heard Shri B.S. Venkatesh, learned counsel for the petitioners and Shri A.N. Venugopal, learned counsel for the contemnors.

6. We find that in implementing the orders, there is some delay. In their reply, the contemnors have explained the circumstances in which there was a delay. We are satisfied with the explanation offered by the contemnors for the delay. We, therefore, condone the same.

7. We have carefully examined the directions of this Tribunal and the orders made by contemnor no.2. Without any doubt in compliance with the directions of this Tribunal, contemnor no.2 had made his orders and had also communicated them to the petitioners. With that there is compliance with the directions of this Tribunal.



8. In contempt of court proceedings, we cannot examine the validity of the orders made by contemnor no.2. If any of the petitioners are aggrieved by those orders their remedy is only to challenge them in separate proceedings.

9. On the foregoing, we hold that these contempt of court proceedings are liable to be dropped. We, therefore, drop these contempt of court proceedings against the contemnors. But, this does not prevent the petitioners from challenging the orders made against them in separate proceedings on all such grounds as are available to them. No costs.



mr.

Sd/-  
VICE CHAIRMAN  
12/4/88

Sd/-  
MEMBER (A)

TRUE COPY

*B. Venkatesh*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

9/5  
A' 31  
REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\* \* \* \* \*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 17-7-87

Application Nos. 1407 to 1411/86(T)

W.P. Nos. 4460 to 4464/84

Applicant

Shri A.D. Anto & 4 Ors

To

1. Shri A.D. Anto  
M.R. 217  
Driver 'A', Loco Shed  
Southern Railway  
Bangalore City
2. Shri Ronald Aden  
M.R. 184  
Driver 'A', Loco Shed  
Southern Railway  
Bangalore City
3. Shri John Ross  
M.R. 357, Driver 'A'  
Loco Shed, Southern Railway  
Bangalore City
4. Shri T. Chandrasekaran  
Driver 'A', Loco Shed  
Southern Railway  
Bangalore City
5. Shri Mahadevaiah  
M.R. 416, Driver 'B'  
Loco Shed, Southern Railway  
Bangalore City
6. Shri M.S. Anandaramu  
Advocate  
128, Cubbonpet Main Road  
Bangalore - 560 002

Respondents

v/s The Secy, M/o Railways & 43 Ors

7. The Secretary  
Ministry of Railways  
Rail Bhavan  
New Delhi - 110 001
8. The General Manager  
Southern Railway  
Park Town, Madras - 3
9. The Divisional Railway Manager  
Southern Railway  
Mysore Division  
Mysore
10. The Divisional Railway Manager  
Southern Railway  
Bangalore Division  
Bangalore City Railway Station  
Bangalore
11. Shri B.E. Petric  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore City
12. Shri A.D. Kodandapani  
Driver 'A' (Special)  
Southern Railway  
Bangalore Division  
Bangalore
13. Shri Ramaiah  
Driver 'A' (Special)  
Southern Railway  
Bangalore Division  
Bangalore

14. Shri N. Krishnamurthy  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore City
15. Shri A. Juwan  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore City
16. Shri G.N. Pope  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore City
17. Shri E. Hussey  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore City
18. Shri D.R. Rajashokaran  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore
19. Shri G. Dharmaraj  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore
20. Shri M.D. Nanjaraja Urs  
Driver 'A'  
Southern Railway  
Bangalore Division  
Bangalore
21. Shri Janakiram  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore
22. Shri Y.C. Anantharamaiah  
Driver 'A', Southern Railway  
Bangalore Division  
Bangalore City
23. Shri Adrian Poply  
Driver 'A'
24. Shri N.R. Sheriff  
Driver 'A'
- (Sl Nos. 23 & 24 - Southern Railway  
Mysore Division, Mysore )
25. Shri M. Nagarajan  
Driver 'A'
26. Shri R. Govindaraj  
Driver 'A'
27. Shri R. Subramanyam  
Driver 'A'
28. Shri S. Singaram  
Driver 'A'
29. Shri Thomas Arokyswamy  
Driver 'A'
30. Shri Oswald Mc Nerny  
Driver 'A'
31. Shri Mohammed Basha  
Driver 'A'
32. Shri Mohammed Nazeemulla  
Driver 'A'
33. Shri Hafeezulla Khan  
Driver 'A'
- (Sl Nos. 25 to 33 - Southern Railway,  
Bangalore Division, Bangalore City)
34. Shri P. Mangapathi Rao  
Driver 'A'
35. Shri Mohammed Sheriff  
Driver 'A'
- (Sl Nos. 34 & 35 - Southern Railway,  
Mysore Division, Mysore )
36. Shri P. Jagannatha Sharma  
Driver 'A'
37. Shri A.K. Zama  
Driver 'A'
38. Shri A.K. Peetha Gounder  
Driver 'A'
39. Shri T.R. Gopalakrishnan Nair  
Driver 'A'
- (Sl Nos 36 to 39 - Southern Railway,  
Bangalore Division, Bangalore )
40. Shri H. Hanumanthan  
Driver 'A'  
Southern Railway  
Mysore Division  
Arasikere

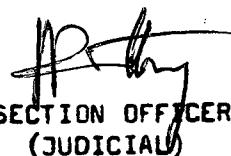
- 3 -

41. Shri M. Venkatasubbaiah  
Driver 'A'
42. Shri V.K. Bhaskar Rao  
Driver 'A'
- (Sl Nos. 41 & 42 - Southern Railway,  
Bangalore Division, Bangalore City)
43. G. Chandran  
Driver 'A'
44. Shri Syed Babavuddin  
Driver 'A'
45. Shri J.S. Gundu Rao  
Driver 'A'
- (Sl Nos. 43 to 45 - Southern Railway,  
Mysore Division, Mysore )
46. Shri K.M. Subramanyam  
Driver 'A'  
Southern Railway, YPR,  
Yeshvantpur  
Bangalore Division  
Bangalore
47. Shri S.M. Rudrappa  
Driver 'A'
48. Shri T. Gopinathan Nair  
Driver 'A'
49. Shri P.N. Mathulla  
Driver 'A'
50. Shri M. Shivaraj  
Driver 'A'
- (Sl Nos. 47 to 50 - Southern Railway,  
Bangalore Division, Bangalore)
51. Shri A.N. Venugopal  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001
52. Shri S.M. Babu  
State Govt. Pleader  
Karnataka Administrative Tribunal  
Indiranagar  
Bangalore - 560 038

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Subject :- SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of the Order passed by this Tribunal  
in the above said Application on 3-7-87

  
SECTION OFFICER  
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 3RD DAY OF JULY, 1987

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

APPLICATION NOS. 1407 TO 1411/86

1. Sri A.D. Anto,  
S/o B.D. Anto,  
aged 56 years,  
M.R. 217,  
Driver 'A', Loco Shed,  
Southern Railway,  
Bangalore City. .... Applicant in  
A. No.1407/86.
2. Sri Ronald Aden,  
S/o A.H. Aden,  
aged 52 years,  
M.R. 184, Driver 'A'  
Loco Shed, Southern  
Railway, Bangalore City. .... Applicant in  
A. No.1408/86.
3. Sri John Ross,  
S/o N. Noot, aged 52 years,  
M.R. 357, Driver 'A',  
Loco Shed, Southern Railway, .... Applicant in  
A. No.1409/86.
4. Sri. T. Chandrasekaran,  
S/o. Thiruvengadam,  
aged 51 years, Driver 'A',  
Loco Shed, Southern Railway, .... Applicant in  
A. No.1410/86.
5. Sri Mahadeviah,  
S/o Sidda Mallappa,  
aged 49 years,  
M.R. 416, Driver 'B',  
Loco shed, Southern Railway, .... Applicant in  
A. No.1411/86.

(Shri M.S. Anandaramu, Advocate)  
v.

1. The Union of India represented  
by the Secretary to the Govt.  
of India, Ministry of Railways,  
Rail Bhavan, New Delhi.

2. The General Manager,  
Southern Railway,  
Park Town, Madras.
3. The Divisional Railway  
Manager, Southern Railway,  
Mysore Division, Mysore.
4. The Divisional Railway  
Manager, Southern Railway,  
Bangalore Division,  
Bangalore City Railway Station,  
Bangalore.
5. Sri B.E. Petric, Major  
Driver 'A', Southern Railway,  
Bangalore Division,  
Bangalore City.
6. Sri A.D. Kodandapani,  
Major, Driver 'A' (Special)
7. Sri Ramaiah, Major,  
Driver 'A' (Special)
8. Sri N. Krishnamurthy,  
Driver 'A'
9. Sri A. Juwan, Major,  
Driver 'A'
10. Sri G.N. Pope, Major,  
Driver 'A'
11. Sri E. Hussey, Major,  
Driver 'A'
12. Sri D.R. Rajeshekaran,  
Major, Driver 'A'
13. Sri G. Dharmaraj,  
Major, Driver 'A'
14. Sri M.D. Nanjaraje Urs,  
Major, Driver 'A'
15. Sri Janakiram,  
Major, 'A' Driver,
16. Sri Y.C. Anantharamaiah,  
Major, Driver 'A'

( Respondents from Sl. No.6 to  
16 are working at Southern  
Railway, Bangalore Division,  
Bangalore).



17. Sri Adrian Poply, Major,  
Driver 'A'

18. Sri N.R. Sheriff, Major,  
Driver 'A'

(Respondents at Sl.No.17 & 18  
are working at Southern Railway  
Mysore Division, Mysore).

19. Sri. M. Nagarajan,  
Major, Driver 'A'

20. Sri R. Govindaraj,  
Major, Driver 'A'

21. Sri R. Subramanyam,  
Major, Driver 'A'

22. Sri S. Singaram,  
Major, Driver 'A'

23. Sri Thomas Arokyaswamy,  
Major, Driver 'A'

24. Sri Oswald Mc Nerny,  
Major, Driver 'A'

25. Sri Mohammed Basha,  
Major, Driver 'A'

26. Sri Mohammed Nazemulla,  
Major, Driver 'A'

27. Sri Hafeezulla Khan,  
Major, Driver 'A'

( Respondents from Sl.No.19  
to 27 are working at  
Southern Railway, Bangalore  
Division, Bangalore)

28. Sri P. Mangapathi Rao,  
Major, Driver 'A'

29. Sri Mohammed Sheriff,  
Major, Driver 'A'

( Respondents from Sl. No.28  
and 29 are working at  
Southern Railway, Mysore  
Division, Mysore).

30. Sri P. Jagannatha Sharma,  
Major, Driver 'A'
31. Sri A.K. Zama,  
Major, Driver 'A'
32. Sri A.K. Peetha Gounder,  
Major, Driver 'A'
33. Sri T.R. Gopalakrishnan Nair,  
Major, Driver 'A'

( Respondents from Sl. No.30 to 33  
are working at Southern Railway,  
Bangalore Division, Bangalore)

34. Sri. H. Hanumanthan,  
Major, Driver 'A'  
Southern Railway,  
Mysore Division,  
Arasikere.
35. Sri M. Venkatasubbaiah,  
Major, Driver 'A'
36. Sri V.K. Bhaskar Rao,  
Major Driver 'A'

( Respondents from Sl. No.34 to 36  
are working at Southern Railway,  
Bangalore Division, Bangalore).

37. Sri G. Chandran,  
Major, Driver 'A'
38. Sri Syed Babavuddin,  
Major, Driver 'A'
39. Sri J.S. Gundu Rao,  
Major, Driver 'A'

( Respondents from Sl. No.37 to 39  
are working at Mysore Division,  
Mysore).

40. Sri K.M. Subramanyam,  
Major, Driver 'A'
41. Sri S.M. Rudrappa,  
Major, Driver 'A'
42. Sri T. Gopinathan Nair,  
Major, Driver 'A'



43. Sri P.N. Mathulla,  
Major, Driver 'A'

44. Sri M. Shivaraj,  
Major, Driver 'A'

..... Common Respondents,

( Respondents from Sl. No.40  
to 44 are working at Southern  
Railway, Bangalore Division,  
Bangalore).

( Shri A.N. Venugopal Advocate for R 1 to 4  
Shri S.M. Babu, Advocate for R 8, 16, 21, 26  
28, 34, 36 & 44. Notice on other respon-  
dents dispensed with)

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

O R D E R

These are the transferred applications and are  
received from the High Court of Karnataka under Section  
29 of the Administrative Tribunals Act, 1985 ('Act').

2. Prior to 19.12.1962, the posts of Drivers 'C'  
grade in the then scale of Rs.150-240, were being filled  
by promoting senior-most qualified Shunters 'A' and 'B'  
grades in each division reckoning seniority on the basis  
of the date of entry either as Shunter 'A' or 'B'. On  
19.12.1962 (Annexure-A), the General Manager, Southern  
Railway ('GM') substantially modified this principle  
for promotions, the validity of which was challenged by  
one Mir Mahdi Hussain and others, in Writ Petition 1335/71  
and connected cases, before the High Court of Judicature,  
Madras on 2.12.1974, Ramanujam, J. allowed those Writ  
Petitions and quashed the said order of the GM. The  
said judgement of Ramanujam, J. has since been reported  
in 1975 S.L.J. at page 502.



3. On the basis of the said judgment, of Ramanujam, J. there were various proceedings before the High Court of Karnataka. One of them was, Writ Petition Nos. 3510 to 3525 of 1974 by Janakiram and others, which were disposed of by Malimath, J. (as His Lordship then was) on 26.2.1975 (Annexure-D). Another was Writ Petition No.2528 of 1978, which was disposed of on 24.8.1978 by one of us (Puttaswamy, J.). Both these orders, substantially followed the order made by Ramanujam, J. In Mir Mahdi Hussain's case, and directed the Railway Administration of the area to not to implement the order dated 19.12.1962 of the GM.

4. The order made by one of us (Puttaswamy, J.) in Writ Petition 2528/78, was challenged by one S. Mahadevaiah and the Railway Administration, in Writ Appeals 348 and 493/78 before a Division Bench of the High Court. Along with these appeals, writ petitions 4701 and 4702/78 involving the very questions, were heard and decided by a Division Bench of the High Court consisting of Chandrashekhar, C.J., and Bopanna, J. on 31.10.1980, which made certain modifications in the order made by one of us (Puttaswamy, J.) in Writ Petition 2528 of 1978. we will hereafter refer to this case as "Mahadevaiah's Case".

5. In pursuance of the decision in Mahadevaiah's case the Divisional Personnel Officer, Mysore Division (DPO), on 22.9.1981, has drawn up a provisional seniority list



of Drivers 'C' grade as on 15.9.1981 of the then Mysore Division assigning rank Nos. 45,63,101, 142, 159 to the applicants in Application Nos. 1407 to 1411/86 respectively. Aggrieved by the rankings assigned to them and respondent Nos. 5 to 42, the applicants approached the High Court in Writ Petitions 4460 to 4464/84 under Article 226 of the Constitution, challenging the same on diverse grounds, which on transfer, have been registered as Application Nos. 1407 to 1411 of 1986.

6. The applicants have urged that the principles or criteria evolved by the DPO was opposed to the directions of the High Court in Mahadevaiah's case.

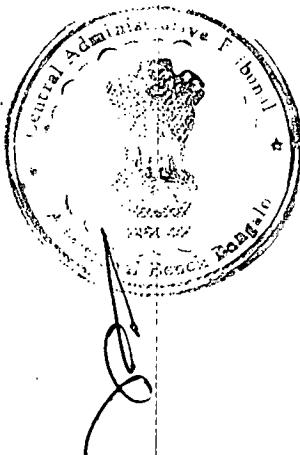
7. In their reply, respondents 1 to 4 have asserted that the impugned seniority list had been drawn up in conformity with the principles enunciated by the Division Bench in Mahadevaiah's case and the rankings legitimately due to the applicants and others had been assigned to them. Some of the other respondents who are represented by Shri S.M. Babu, learned counsel, have supported respondents 1 to 4.

8. Shri M.S. Anandaramu, learned counsel for the applicants, strenuously contends that in drawing up the provisional seniority list of Drivers 'C' grade as on 15.9.1981 the DPO had evolved his own principles or criteria contrary to the directions of the High Court in Mahadevaiah's case.

9. Shri A.N. Venugopal, learned Standing Counsel appearing for respondents 1 to 4, contends that the DPO had drawn up the seniority list in conformity with the directions of the High Court in Mahadevaiah's case.

10. In Mahadevaiah's case, the Division Bench, directed thus:

" In the result, we allow W.As. Nos. 348 and 493 of 1978 partly and modify the order of the learned single judge by deleting that portion of his order by which he quashed the circular dated 29.1.1976 (Exhibit-C) in the writ petition) and issued a mandamus to the Railway Authorities to review all the earlier promotions of 'A' Grade and 'B' Grade shunters to the posts of 'C' Grade Drivers on the basis of the Circular dated 5.9.1975. However we uphold the order of the learned single Judge in so far as he quashed the decision of the Railway Authorities to apply the ratio of 1:6 in regard to the promotions made from the posts of 'A' Grade and 'B' grade shunters to the posts of 'C' grade drivers with effect from 19.12.1962, and to refix their seniority on that basis. We allow W.Ps. Nos. 4701 and 4702 of 1978 partly and quash the decision of the Railway Authorities embodied in the Circular letter dated 27.1.1977 (Annexure-F) in so far as it directed that the promotions to the posts of 'C' Grade Drivers made



42

between 1.1.1963 and 22.7.1971 should be regulated in the ratio of 1:6 and that their seniority should be refixed on that basis. However we uphold the decision of the Railway Authorities embodied in the circular (Annexure-F in the writ petition) in so far as it directed that such promotions between 23.7.1971 and 23.6.1977 should be on the basis of the ratio of 1:1 "

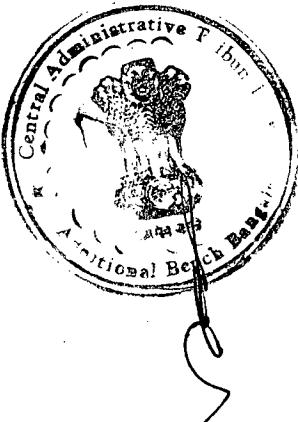
In the preamble of the impugned seniority list itself, the DPO had stated that he was drawing up the same in compliance with this order, which is also the position. The principles or criteria formulated by the DPO set out in the memorandum accompanying the Seniority List, read thus:

SUB: PROVISIONAL SENIORITY LIST  
OF DRIVERS C IN SCALE  
Rs. 330-560.

REF: THIS OFFICE LETTER NO.Y/P.  
612/V/1/Vol.VII, dated  
21.4.80.

\* \* \*

Further to this office letter cited above (wherein the provisional seniority list of Drivers.C in scale Rs.330-560 as on 1.2.80 was published), the provisional seniority list of Drivers.C in scale Rs.330-560 as on 15.9.81 is sent here with in triplicate.



The Writ petition No.4701 and 4702 read with writ appeals No.348 and 493 of 1978 have since been disposed of by High Court of Karnataka, Bangalore vide Judgement delivered on 31.10.1980. In this connection the following judgement orders have been delivered by the Hon'ble Court in regard to the principles to be followed in fixing the seniority of Driver.C, Mysore Division (including erstwhile area of the present SBC Division).

1. 1.1.63 to 22.7.71 ... Date of entry in to grade.
2. 23.7.71 to 23.6.77 ... Principle of 1:1 ratio.
3. 24.6.77 onwards ... Date of entry in to grade.

Accordingly the seniority of Drivers. C is refixed and sent herewith.

Further while fixing the seniority of Driver.C in accordance with the date of entry in to grade, the interse seniority as existing in Shunters cadre is maintained. Where-ever the promotion of staff is belated due to the following reasons their interse seniority position as existing in the Shunters cadre is maintained.

- i. Undergoing punishment without loss of seniority as on the date of his juniors were promoted.



ii. Late issue of LM. 16 certificate due to administrative reasons.

iii. Ordered in one and the same batch but relieved on different dates due to administrative reasons.

iv. Promotions ordered late due to administrative reasons.

\* Necessary remarks have been furnished to this effect against each name wherever necessary.

Wherever the promotions of staff are belated either due to declining the promotion ordered or the staff having failed in the promotional course in the first attempt and promoted passed the same in the second attempt and if in the meanwhile any junior (s) have been promoted (ie. during the period of their declining promotion or during the period from the date of failure in the first attempt and date of pass in the second attempt), their seniority have been fixed below all such juniors promoted till the date of their promotion.

Please exhibit two copies of the seniority list in a conspicuous place in your office for information and guidance of the staff working under your control. The seniority list may also be circulated and notified to each of the concerned staff and they may be asked to submit their representations, if any, regarding omissions, corrections. etc., giving material facts to substantiate their claims to reach this office on or before 25.10.1981



sd:  
DPO MYS "

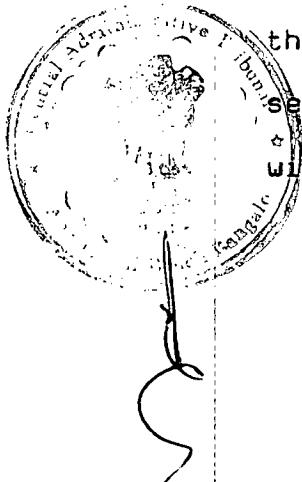
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Even here, the serious objection of the applicants is to three periods and the criteria set out against those periods.

11. An examination of the periods and the criteria vis-a-vis, the order of the High Court in Mahadevaiah's case show that the former really emanate from the latter. The three periods and the criteria adopted for each of the three periods have nexus and are only referable to Mahadevaiah's case only and are not evolved by the DPO on his own as suggested by Shri Anandaramu. At any rate, the view taken by the DPO on Mahadevaiah's case, was one of the possible views.

12. The decision in Mahadevaiah's case had become final ~~and~~ was binding on the Railway Administration. On the very terms of the order in that case, the DPO was bound to re-examine the whole question and draw up a fresh seniority list of Drivers 'C' grade as on 1.1.1963 and thereafter. In that, view no exception can be taken to the seniority list drawn up by the DPO.

13. From the records, we also find that the DPO had considered the objections filed by the applicants on this very score and had rejected them however stating that any of their special individual grievances will be separately examined and decided. We have no doubt, he will do so.



14. Shri Anandaramu prays for a direction to the DPO to examine and decide the individual grievances of the applicants within three months from this day, for which, Shri Venugopal prays for six months time. We consider it proper to grant four months time for the same.

15. In the light of our above discussions, we pass the following order and directions:

- (i) We dismiss these applications in so far as they challenge the provisional seniority list dated 22.9.1981 prepared and issued by the DPO (Annexure-H) and then made final also to the extent they relate to the three periods and the criteria adopted thereto by him for those periods also.
- (ii) We direct respondents 3 and 4 or such other authorities who are now competent to examine and decide the individual grievance/s of the applicants and pass appropriate orders thereon with all such expedition as is possible in the circumstances of the cases and in any event, within a period of four months from the date of receipt of this order.

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- 14 -

16. Applications are disposed of in the above terms. But, in the circumstances of the cases we direct the parties to bear their own costs.

Sd —

Sd —

Vice-Chairman

31/1/1987

Member (A) 13-7-1987

- True COPY -

kms/Mrv.

*R. R. Rao* 17/7/87  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE