

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

9 FEB 1989

APPLICATION NO (S) 109 & 492 /88(F)

W.P. NO (S) _____

Applicant (s)

Shri M.R. Radhakrishna
To

v/s

The Divisional Personnel Officer, Southern Railway,
Mysore & 3 Ors

1. Shri M.R. Radhakrishna
Compound Gangmata
Office of the Inspector of Works
Southern Railway
Arsikere - 573 103
Hassan District
2. Shri M.C. Narasimhan
Advocate
6th Cross, 4th Main
Malleswaram
Bangalore - 560 003
3. The Divisional Personnel Officer
Southern Railway
Mysore Division
Mysore
4. The Senior Divisional Engineer
Southern Railway
Mysore Division
Mysore

5. The Divisional Railway Manager
Southern Railway
Mysore Division
Mysore

6. The General Manager
Southern Railway
Park Town
Madras - 600 003

7. Shri K.V. Lakshmanachar
Railway Advocate
No. 4, 5th Block
Briand Square Police Quarters
Mysore Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 31-1-89.

g/sd
K. M. 2-89
Encl : As above

Parvathi
DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 31ST DAY OF JANUARY, 1989.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.

And

Hon'ble Mr.L.H.A.Rego, .. Member(A)

APPLICATIONS NUMBERS 109 AND 492 OF 1988

M.R.Radhakrishna,
Compound Gangmate,
Under Inspector of Works,
Southern Railway,
Arsikere, Hassan District. .. Applicant.

(By Sri M.C.Narasimhan,Advocate)

v.

1. Divisional Personnel Officer,
Southern Railway
Mysore Division, Mysore.
2. Senior Divisional Engineer/s
Southern Railway,
Mysore Division, Mysore.
3. Divisional Railway Manager,
Southern Railway,
Mysore Division, Mysore.
4. General Manager,
Southern Railway, Park Town,
Madras-3. .. Respondents.

(By Sri K.V.Lakshmanachar,Advocate)

These applications coming on for hearing this day, Hon'ble Vice-Chairman made the following:

O R D E R

These are applications under Section 19 of the Administrative Tribunals Act,1985 ('the Act').

2. Sri M.R.Radhakrishna, the common applicant before us joined service on 9-12-1957 as Gangman in the them time-scale of pay of Rs.30- $\frac{1}{2}$ -35 on a temporary basis in which capacity he continued to serve at Mysore till 6-10-1972.

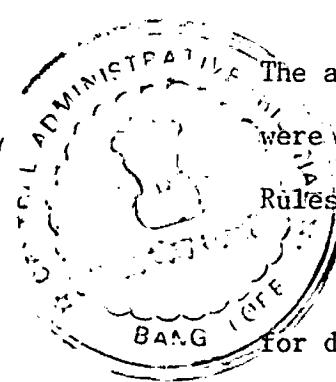
3. On 6-10-1972, the applicant was transferred from Mysore to Birur, pursuant to which he was relieved at Mysore on 7-10-1972 with instructions to report for duty at Birur. But, as it happens in

some cases, the applicant did not report for duty at Birur availing of the joining time admissible to him thereto under the Rules and started agitating for its cancellation and his retention at Mysore which was not acceded to by the Railway Administration. On this, there were various developments and proceedings, one of which was Writ Petition No.106 of 1974 filed by the applicant before the High Court of Karnataka. On the basis of an interim order made in this case, the applicant reported for duty at Arsikere on 5-4-1974 and has been working ever since then at that place.

4. On the applicant not reporting for duty at Birur, the Divisional Personnel Officer, Mysore ('DPO') and the Disciplinary Authority by his Memorandum No.Y/P 227/VII/MRR/73 dated 5-3-1973 ('Charge Memo') commenced disciplinary proceedings against the applicant under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 on the charge appended to that memorandum which reads thus:

"That the said Sri M.R.Radhakrishna, who was previously functioning as a Caretaker of Holiday Home at Mysore has committed serious misconduct in that he failed to carry out transfer to work as a Compound Gangman under IOW/RRB as ordered in DS/P/MYS office order No.P3/W/16/72 of 6-10-1972 and is absenting himself from duty from 7-10-72 and onwards, though he was relieved of his duties as IOW/MYS on the forenoon on 7-10-1972 with direction to report for duty to IOW/RRB.

Thus the said Sri Radhakrishna failed to maintain devotion to duty and thereby contravened Rule 3(1)(ii) of R.S.(Conduct) Rules, 1966."


The applicant denied this charge and therefore, these proceedings were required to be concluded against him in conformity with the Rules, which had not so far been done.

5. Evidently after his relief at Mysore but before he reported for duty on 5-4-1974 at Arsikere the DPO by his Order No.Y/F 5357 VII/W.Mates dated 7-2-1973 (Annexure-A) promoted the applicant and three others with whom we are not concerned as Works Mistri in the then time-scale of pay of Rs.150-240, which was not given effect to in his case as he was not on actual duty and was given effect to along with the other three juniors, one of whom was Sri Ganga

3

Nanjunda who was his immediate junior. On the basis of that promotion Sri Ganga Nanjunda advanced in his career, rather than the applicant.

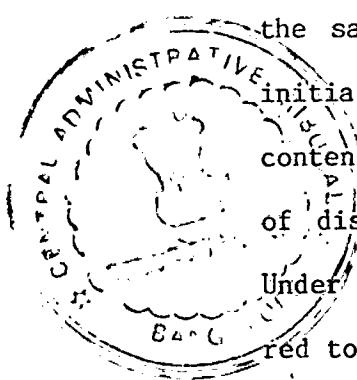
6. Be that as it may, the applicant was promoted as Compound Gangmate on 12-8-1982 and thereafter as Works Mistri on 3-5-1988 in which capacity he is now working.

7. In these applications made on 1-2-1988 the applicant had claimed two reliefs one for quashing the Memorandum dated 5-3-1973 and the other for a direction to promote him to all the higher posts to which Ganga Nanjunda had been promoted like Inspector of Works Grade-III and Inspector of Works Grade-II with all consequential benefits.

8. In resisting these applications, the respondents have filed their reply and produced their available records.

9. Sri M.C.Narasimhan, learned Advocate has appeared for the applicant. Sri K.V.Laxmanachar, learned Advocate has appeared for the respondents.

10. Sri Narasimhan contends that the disciplinary proceedings initiated against the applicant as early as on 5-3-1973 and contested by him which had not made any progress ever since then, should be deemed to have been abandoned, on which ground itself we should quash the same without reserving liberty either to continue the same or initiate fresh proceedings on that very charge. In support of his contention Sri Narasimhan strongly relies on the passage 'Abandonment of disciplinary proceedings' on page 476 of the treatise 'Services Under the State' by Justice M.Ramajois and the various rulings referred to by the learned author therein.



11. Sri Achar contends that though there has been some delay in completing the proceedings, there was no justification to interfere with the charge memo.

12. The charge levelled against the applicant in the Charge

Memo dated 5-3-1973 is one of overstaying or unauthorised absence.

13. We have earlier noticed that the applicant actually reported for duty at Arsikere as early as on 5-4-1974 and is working there ever since then.

14. In their reply (vide para 4) the respondents have stated rather cryptically that the disciplinary proceedings initiated against the applicant by the DPO on 5-3-1973 are no longer pending and his case for promotion to the next higher posts had been considered and he was promoted without reference to them. Even according to this statement, it is clear that the disciplinary proceedings initiated against the applicant on 5-3-1973 are no longer pending and have not been treated as a bar either to withhold or to deny any of the promotions legitimately due to the applicant in any event on and after 12-8-1982. On this we must hold that the disciplinary proceedings initiated against the applicant on 5-3-1973 in reality have been abandoned and are no longer pending.

15. But, in order to ascertain the true and correct position, we requested Sri Achar to produce the records connected with the disciplinary proceedings against the applicant on 5-3-1973 by the DPO. Sri Achar informs us that inspite of every effort made, those records are not traceable and cannot be produced. We are of the view that even this, in the background of all the relevant circumstances leads us to hold that the DPO had abandoned the disciplinary proceedings against the applicant even before 12-8-1982.

16. We find that the order of the High Court in Writ Petition No.106 of 1974 or any other order made by any Court or authority, did not prohibit the Railway Administration from continuing the disciplinary proceedings initiated on 5-3-1973, concluding them and making an order under the Rules. But, for inexplicable reasons that had not so far been done. On these facts that are not in dispute and staring at us, we can safely conclude that the Railway Administration

had really abandoned the disciplinary proceedings against the applicant.

17. On the foregoing discussion, we hold that Charge Memo dated 5-3-1973 is liable to be quashed without reserving liberty to the Railway administration to initiate fresh proceedings on the very same charge.

18. Sri Narasimhan next contends that on the earlier conclusions reached by us on the Memorandum dated 5-3-1973 and the order to be made thereon, the applicant should be treated as on duty without any blemish, ^{from 5-4-74} in any event/on which basis all promotions legitimately due to him on every occasion his immediate junior Ganga Nanjunda was promoted, should be extended to him with all consequential benefits.

19. Sri Achar refuting the contention of Sri Narasimhan pleads that whatever be the merit, we cannot grant the same as the very relief founded thereon had already been rejected by this Tribunal on 29-2-1988.

20. In his application presented on 1-2-1988, the applicant while challenging the Charge Memo dated 5-3-1973 sought for another relief touching on this contention which reads thus:

"That the applicant be directed to be promoted to the promotional post namely Inspector of Works Grade-II with effect from the date on which his juniors namely Sri Ganga Nanjunda was promoted as Inspector of works Grade-II and order all consequential relief such as arrears, seniority in the cadre of Inspector of works. etc."

On the examination of this and other reliefs the registry raised more than one objection, one of which impinged on the jurisdiction of this Tribunal to entertain this application touching on this very relief which prima facie showed that it arose prior to 1-11-1982.

21. On the objections raised by the office a Division Bench of this Tribunal consisting of Hon'ble Sri P.Srinivasan, Member(A) and Hon'ble Sri Ch.Ramakrishna Rao heard Sri Narasimhan on 29-2-1988 and on the objection touching this relief expressed thus:

" 3. So far as the second grievance is concerned viz. promotion with effect from 1973 it was pointed out to Shri Narasimhan that any cause of action which arose prior to 1-11-1982 did not fall within the jurisdiction of this Tribunal and so cannot be entertained by us even by condoning the delay. Shri Narasimhan thereupon submitted that he would seek relief of promotion within the period of limitation and not from 7-2-1983 and suitably amend the prayer.

4. Since two reliefs are claimed separate fee has to be paid in respect of each of them. An additional fee of Rs.50/- has to be paid. Shri Narasimhan agrees to do so. As stated earlier he also agrees to amend the second prayer in order that it may not be hit by limitation. Shri Narasimhan undertakes to do the needful viz. payment of additional fee as also amendment of the second prayer within a week."

In compliance with this order, the applicant made an application on 8-3-1988 for amendment of his original prayer (a) set out earlier in these terms:

" That the applicant be directed to be promoted to the promotional posts namely Inspector of Works, Grade-II with effect from the year 1982-83 as his Juniors have been promoted to the said post. "

On the terms of the order dated 29-2-1988 this prayer substitutes the original prayer (a) in the original application.

22. What emerges from the order of the Division Bench made on 29-2-1988 is that the non-promotion of the applicant prior to 1-11-1982 stands rejected by this Tribunal on the ground that it was outside the jurisdiction of this Tribunal. This order which has become final and binding on the applicant is also binding on us. Sri Narasimhan without rightly disputing this position, however contends that there was no bar for granting all the reliefs due to the applicant on every occasion his immediate junior Sri Ganga Nanjunda was promoted to the higher posts.

23. We cannot and do not sit in judgment on the order made by this Tribunal on 29-2-1988.

24. On the terms of the order dated 29-2-1988, the claim of the applicant on his non-promotion prior to 1-11-1982, which necessarily mean his non-promotions when his immediate junior Ganga Nanjunda was promoted stands rejected by this Tribunal. If that is so, then we cannot examine the same whatever be its merit. On this short ground, we must uphold the objection of Sri Achar and decline to examine this contention urged by Sri Narashiman on merits.

25. For the period from 7-10-1972 to 20-9-1973 the applicant appears to have instituted Criminal Miscellaneous Petition No.408 of 1973 in the Court of the City Magistrate and the Authority under the Payment of Wages Act, Mysore City Area, Mysore, claiming payment of salary and compensation. We are informed by the applicant that the same is still pending. If that is so, then we cannot even examine any claim for salaries for that period. We, therefore, refrain to examine the same in this application and leave it open.

26. In the light of our above discussion, we make the following orders and directions:

(a) We allow these applications in part, quash Memorandum No.Y/P 227/VII/MRR/73 dated 5-3-1973 issued by the DPO. We direct the respondents not to institute fresh disciplinary proceedings against the applicant on the very charge levelled against him in Memorandum dated 5-3-1973.

We dismiss these applications in all other respects.

27. 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—

VICE-CHAIRMAN

Sd—

MEMBER(A) 21-1-89

TRUE COPY

np/

Deputy Registrar (JDL)
DEPUTY REGISTRAR (JDL) 9/22
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 FEB 1989

To

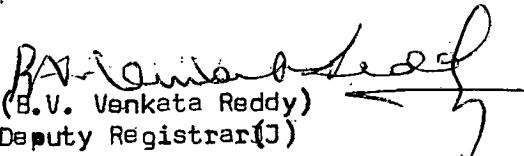
1. Shri Sanjeev Malhotra
All India Law Journal
Hakikat Nagar, Mal Road
Delhi - 110 009
2. Administrative Tribunal Reporter
Post Box No. 1518
Delhi - 110 006
3. The Editor
Administrative Tribunal Cases
C/o Eastern Book Co.,
34, Lal Bagh
Lucknow - 226 001
4. The Editor
Administrative Tribunal
Law Times
5335, Jawahar Nagar
(Kolhapur Road)
Delhi - 110 007
5. M/s All India Reporter
Congressnagar
Nagpur

Sir,

I am directed to forward herewith a copy of the undermentioned order passed by a Bench of this Tribunal comprising of Hon'ble Mr Justice K.S. Puttaswamy Vice-Chairman/~~Member~~(A) and Hon'ble Mr L.H.A. Rego Member (A) with a request for publication of the order in the journals.

Order dated 31-1-89 passed in A. Nos. 109 & 492/88(F).

Yours faithfully,


(B.V. Venkata Reddy)
Deputy Registrar(J)

9c

Received
11-2-89

Copy with enclosures forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi - 110 001.
2. The Registrar, Central Administrative Tribunal, Tamil Nadu Text Book Society Building, D.P.I. Compounds, Nungambakkam, Madras - 600 006.
3. The Registrar, Central Administrative Tribunal, C.G.O. Complex, 234/4, A.J.C. Bose Road, Nizam Palace, Calcutta - 700 020.
4. The Registrar, Central Administrative Tribunal, C.G.O. Complex(CBD), 1st Floor, Near Konkan Bhavan, New Bombay - 400 614.
5. The Registrar, Central Administrative Tribunal, 23-A, Post Bag No. 013, Thorn Hill Road, Allahabad - 211 001.
6. The Registrar, Central Administrative Tribunal, S.C.O. 102/103, Sector 34-A, Chandigarh.
7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shillong Road, Guwahati - 781 005.
8. The Registrar, Central Administrative Tribunal, Kandemukkattil Tuncle, 5th & 6th Floors, Opp. Maharaja College, M.G. Road, Ernakulam, Cochin - 682 001.
9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15, Civil Lines, Jabalpur (M.P.).
10. The Registrar, Central Administrative Tribunal, 88-A, B.M. Enterprises, Shri Krishna Nagar, Patna - 1 (Bihar).
11. The Registrar, Central Administrative Tribunal, C/o Rajasthan High Court, Jodhpur (Rajasthan).
12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.
13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sardar Patel Colony, Usmanapura, Ahmadabad (Gujarat).
14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttack - 753 009 (Orissa).

Copy with enclosures also to :

1. Court Officer (Court I)
2. Court Officer (Court II)

Sd/-
(B.V. Venkata Reddy)
Deputy Registrar (J)

QC

absued
K.M.M
14-2-89

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 31ST DAY OF JANUARY, 1989.

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On examination of this and other reliefs the registry raised more than one objection, one of which impinged on the jurisdiction of this Tribunal to entertain this application touching on this very relief which prima facie showed that it arose prior to 1-11-1982.

21. On the objections raised by the office a Division Bench of this Tribunal consisting of Hon'ble Sri P.Srinivasan, Member(A) and Hon'ble Sri Ch.Ramakrishna Rao heard Sri Narasimhan on 29-2-1988 and on the objection touching this relief expressed thus:

" 3. So far as the second grievance is concerned viz. promotion with effect from 1973 it was pointed out to Shri Narasimhan that any cause of action which arose prior to 1-11-1982 did not fall within the jurisdiction of this Tribunal and so cannot be entertained by us even by condoning the delay. Shri Narasimhan thereupon submitted that he would seek relief of promotion within the period of limitation and not from 7-2-1983 and suitably amend the prayer.

4. Since two reliefs are claimed separate fee has to be paid in respect of each of them. An additional fee of Rs.50/- has to be paid. Shri Narasimhan agrees to do so. As stated earlier he also agrees to amend the second prayer in order that it may not be hit by limitation. Shri Narasimhan undertakes to do the needful viz. payment of additional fee as also amendment of the second prayer within a week."

In compliance with this order, the applicant made an application on 8-3-1988 for amendment of his original prayer (a) set out earlier in these terms:

" That the applicant be directed to be promoted to the promotional posts namely Inspector of Works, Grade-II with effect from the year 1982-83 as his Junior's have been promoted to the said post. "

On the terms of the order dated 29-2-1988 this prayer substitutes the original prayer (a) in the original application.

22. What emerges from the order of the Division Bench made on 29-2-1988 is that the non-promotion of the applicant prior to 1-11-1982 stands rejected by this Tribunal on the ground that it was outside the jurisdiction of this Tribunal. This order which has become final and binding on the applicant is also binding on us. Sri Narasimhan without rightly disputing this position, however contends that there was no bar for granting all the reliefs due to the applicant on every occasion his immediate junior Sri Ganga Nanjunda was promoted to the higher posts.

23. We cannot and do not sit in judgment on the order made by this Tribunal on 29-2-1988.

24. On the terms of the order dated 29-2-1988, the claims of the applicant on his non-promotion prior to 1-11-1982, which necessarily mean his non-promotions when his immediate junior Ganga Nanjunda was promoted stands rejected by this Tribunal. If that is so, then we cannot examine the same whatever be its merit. On this short ground, we must uphold the objection of Sri Achar and decline to examine this contention urged by Sri Narashiman on merits.

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26. In the light of our above discussion, we make the following orders and directions:

(a) We allow these applications in part, quash Memorandum No.Y/P. 227/VII/MRR/73 dated 5-3-1973 issued by the DPO. We direct the respondents not to institute fresh disciplinary proceedings against the applicant on the very charge levelled against him in Memorandum dated 5-3-1953.

(b) We dismiss these applications in all other respects.

27. 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 —

VICE-CHAIRMAN.

21-1-1988
TRUE COPY

MEMBER(A)

np/

RA Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

7400 31st

Review Application before me, as all material facts and issues in the original application, were duly noticed and examined by me, before dismissing that application, by my Order dated 14-10-1988.

8. In the premises aforesaid, I find no merit in this Review Application and therefore dismiss the same, at the admission stage itself.



Sd/-

(L.H.A.REGO) 25-XI-88
MEMBER(A).

TRUE COPY

SECTION OFFICER

GENERAL ACTIVE SERVICE TRIBUNAL
ARMED FORCES

R. D. R. 2/12/88

this decision, the applicant has approached this Tribunal through his present Review Application, under Sec.22(3)(f) of the Administrative Tribunals Act, 1985.

6. The main contention of Sri Ranganath S.Jois, learned Counsel appearing for the review-applicant is, that this Tribunal erred in observing, that the terminal benefits were directed to be granted without admissible interest and that it failed to take into account, the patent difference between the relief sought for in Applications Nos. 418/87 and 1186/88, and therefore the bar of res judicata does not apply to his client.

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Review

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THE 25TH DAY OF NOVEMBER, 1988

Before

THE HON'BLE MR. L.H.A. REGO .. MEMBER(A)

REVIEW APPLICATION NO.109 OF 1988

Shri I.R.Prakash
S/o Late I.S.Raghavachar
45 years,
No.13, Vijayarangam Layout,
Basavanagudi, Bangalore-4. .. Applicant

(By Shri Ranganath S.Jois, Adv. for applicant)

-vs.-

1. The Director General
Telecommunication,
No.20 Samachar Bhavan,
Ashoka Road, New Delhi-1

2. The Superintending Engineer,
Postal Civil Circle,
No.176, I Main Road,
Old R.M.S. Building, I Main
Road, Seshadripuram, Bangalore-20.

.. Respondents

This Review Application coming on for
admission this day, Hon'ble Mr.L.H.A.REGO,
MEMBER(A), made the following:

✓d

Order

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 2 DEC 1988

Review APPLICATION NO. 109/88

W.P. NO. O.A.NO.1186/88

Applicant(s)

I.R.Prakash
To

1. Shri I.R.Prakash
13, Vijayarangam Lay-Out,
Basavanagudi
Bangalore 560 004.
2. Shri Ranganath S.Jois
Advocate
36, 'Vagdevi'
Shankarpuram
Bangalore 560 004
3. The Director General,
Telecommunications.
No. 20, Samachar Bhavan,
Ashoka Road,
New Delhi 110 001

Respondent(s)

Director Genl. Telecommunication, N.Delhi *Ans.*

4. The Superintending Engineer,
Postal Civil Circle,
No.176, I Main Road,
Old R.M.S. Building, I Main Road
Seshadripuram,
Bangalore 560 020.
5. Shri M.Vasudeva Rao
Central Govt. Stg Counsel,
High Court Building
Bangalore 560 001.

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/XXXX/XXXXXX
passed by this Tribunal in the above said application(s) on 25.11.88.

1/1
for *R.B. Athreya*
DEPUTY REGISTRAR
(JUDICIAL)

cl : As above

1/12/88

1/12/88
1/12/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THE 25TH DAY OF NOVEMBER, 1988

Before

THE HON'BLE MR. L.H.A. REGO .. MEMBER(A)

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Order



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4. The applicant filed a Contempt Petition(Civil) No.57/88 before this Tribunal, alleging that the order of this Tribunal in Application No.418/87, was not faithfully complied with, by the respondents. A Division Bench of this Tribunal disposed of that contempt petition on 5-8-1988, dropping the contempt proceedings, stating, that the order of this Tribunal, in Application No.418/87 was complied by the respondents, both in letter as well as in spirit.

5. Yet aggrieved, the applicant filed another application bearing No.1186 of 1988, praying for a direction to the respondents, to pay admissible interest to him, on belated payment of DCRG, arrears of pension, commuted pension and leave encashment, on the ground, that there was no direction by this Tribunal, in Application No.418 of 1987, thereon. This application was heard by me and dismissed on 13-10-1988 as being hit by the bar of res judicata. Aggrieved with



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Review

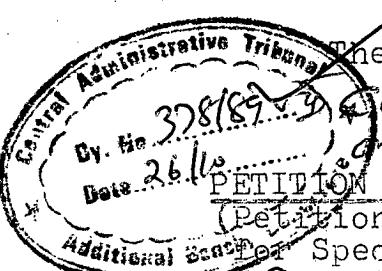
D.No. 1937/891 Sec-IV-A

SUPREME COURT OF INDIA
NEW DELHI

Dated 19-10-89

From: The Additional Registrar
Supreme Court of India.

To



The Registrar

Central Administrative Tribunal
Bangalore

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 12542/89

(Petition under Article 136 of the Constitution of India,
for Special Leave to Appeal to the Supreme Court from the
Judgment and Order dated

13-10-88 of the High

Court of Central Administrative Tribunal at
Bangalore in Appn. No. 109/88 and

Review Petition 109/88 dt. 25.11.88

G. R. PrabashPetitioner.

Versus

The Director GeneralRespondent
Telecommunication and Air

Sir,

I am to inform you that the Petition above-mentioned
for Special Leave to Appeal to this Court was/were filed on
behalf of the Petitioner above-named from the Judgment/Order
of the Central Administrative Tribunal at Bangalore
noted above and that the same was/were dismissed/disposed of
on merits

by this Court on the 17th day

of October, 1989.

Recd. the KAT

AS/10/89

Smt. R. K.

AS/1

Yours faithfully,
H. S. [Signature]
for ADDITIONAL REGISTRAR
AS/10/89

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (SDA)
Indiranagar
Bangalore - 560 038

Dated : 5 JAN 1990

To

1. Shri Sanjeev Malhotra
All India Law Journal
Hakikat Nagar, Mal Road
New Delhi - 110 009
2. The Administrative Tribunal Reporter
Post Box No. 1518
Delhi - 110 006
3. The Editor
Administrative Tribunal Cases
C/o Eastern Book Co.,
34, Lalbagh
Lucknow - 226 001
4. The Editor
Administrative Tribunal
Law Times
5335, Jawahar Nagar
(Kolhapur Road)
Delhi - 110 007
5. M/s All India Reporter
Congressnagar
Nagpur
6. The Service Law Reporter
108, Sector 27-A
Chandigarh

Sir,

I am directed to forward herewith a copy of the undermentioned order
passed by a bench of this Tribunal comprising of ~~Hon'ble Mr. Justice~~

~~Hon'ble Mr. Justice~~ Hon'ble Mr. L.H.A. Rego

Member (A) with a request for publication of the order in the Journals.

Review
Order dated 25-11-88 passed in A No. (2) 109/88

Yours faithfully,

B.V. Venkata Reddy
(B.V. Venkata Reddy)
Deputy Registrar (J)

8c

Sanjeev Malhotra
5/1/90

Copy with enclosures forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi - 110 001.
2. The Registrar, Central Administrative Tribunal, Tamil Nadu Taxt Book Society Building, D.P.I. Compounds, Nungambakkam, Madras - 600 006.
3. The Registrar, Central Administrative Tribunal, C.G.O. Complex, 234/4, AJC Bose Road, Nizam Palace, Calcutta - 700 020.
4. The Registrar, Central Administrative Tribunal, C.G.O Complex (CBD), 1st Floor, Near Konkan Bhavan, New Bombay - 400 614.
5. The Registrar, Central Administrative Tribunal, S.C.O. 102/103, Sector 34-A, Chandigarh.
6. The Registrar, Central Administrative Tribunal, 23-A, Post Box No. 013, Thorn Hill Road, Allahabad - 211 001.
7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shillong Road, Guwahati - 781 005.
8. The Registrar, Central Administrative Tribunal, Kandamkulathil Towers, 5th & 6th Floors, Opp: Maharaja College, M.G. Road, Ernakulam, Cochin - 682 001.
9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15, Civil Lines, Jabalpur (M.P.).
10. The Registrar, Central Administrative Tribunal, 88-A, B.M. Enterprises, Shri Krishna Nagar, Patna - 1 (Bihar).
11. The Registrar, Central Administrative Tribunal, C/o Rajasthan High Court, Jodhpur (Rajasthan).
12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.
13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sardar Patel Colony, Usmanapura, Ahmedabad (Gujarat).
14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttack - 753 009 (Orissa).

Copy with enclosures also to :

1. Court Officer (Court I)
2. Court Officer (Court II)

Sd/-
(B.V. Venkata Reddy)
Deputy Registrar (J)

8/2

4/1990
S.190.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE


DATED THE 25TH DAY OF NOVEMBER, 1988

Before

THE HON'BLE MR. L.H.A. REGO .. MEMBER(A)

REVIEW APPLICATION NO.109 OF 1988

Shri I.R.Prakash
S/o Late I.S.Raghavachar
45 years,
No.13, Vijayarangam Layout,
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(By Shri Ranganath S.Jois, Adv. for applicant)

-vs.-

1. The Director General
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2. The Superintending Engineer,
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No.176, I Main Road,
Old R.M.S. Building, I Main
Road, Seehadripuram, Bangalore-20.

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This Review Application coming on for
admission this day, Hon'ble Mr.L.H.A.REGO,
MEMBER(A), made the following:



Order

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This is a striking case, where the applicant has been pertinaciously harping on the same grievance, before this Tribunal four times over, leading thereby to an irresistible impression that he is perhaps carried away by the dictum, dum spiro spero - while there is life there is hope - and by the motto of Robert Bruce, "Try try again", which ~~is~~ upto a certain point is understandable, but not thereafter, as otherwise, it would only imply, that the applicant is taking undue advantage of the process of the Court, as has happened in this case.

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Review

Review Application before me, as all material facts and issues in the original application, were duly noticed and examined by me, before dismissing that application, by my Order dated 14-10-1988.

8. In the premises aforesaid, I find no merit in this Review Application and therefore dismiss the same, at the admission stage itself.

TRUE COPY

Sd-

(L.H.A. REGO/
MEMBER(A)).

By virtue of
DEPUTY REGISTRAR (JDLT STG)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA) -
Indiranagar
Bangalore - 560 038

Dated : 5 JAN 1990

To

1. Shri Sanjeev Malhotra
All India Law Journal
Hakikat Nagar, Mal Road
New Delhi - 110 009
2. Administrative Tribunal Reporter
Post Box No. 1518
Delhi - 110 006
3. The Editor
Administrative Tribunal Cases
C/o Eastern Book Co.,
34, Lal Bagh
Lucknow - 226 001
4. The Editor
Administrative Tribunal
Law Times
5335, Jawahar Nagar
(Kolhapur Road)
Delhi - 110 007
5. M/s All India Reporter
Congressnagar
Nagpur
6. The Service Law Reporter
108, Sector 27-A
Chandigarh

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I am directed to forward herewith a copy of the undermentioned Order
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~~Hon'ble Mr. Justice~~ Hon'ble Mr

L.H.A. Rego

Member (A) with a request for publication

of the Order in the Journals.

Order dated 25-11-88

Review
passed in/A.No.(*) 109/88

Yours faithfully,

B.V. Venkata Reddy
(B.V. Venkata Reddy)
Deputy Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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TRUE COPY

Sd-

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

B.V. Venkatesh Rao
DEPUTY REGISTRAR (JD)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE