

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (SODA)
Indiranagar
Bangalore - 560 038

Dated : 23 DEC 1988

REVIEW APPLICATION NOS. 111 to 129/88

IN APPLICATION NOS. 144 to 147, 149 to 159 & 161 to 164/88(F)

Applicants

Shri N. Raghavendra & 18 Ors

v/s

The Secretary, M/o Communications, New Delhi
& 4 Ors

Respondents

To

1. Shri N. Raghavendra
Assistant Engineer
Rural South
Bangalore Telecom
Bangalore - 560 020
2. Shri K. Ramaiah
Assistant Engineer
CC II, City Exchange
Bangalore - 560 027
3. Shri Abdur Rasheed
Assistant Director
Office of the General Manager
Telecommunications
Bangalore - 560 009
4. Shri K.S. Nagaraja
Assistant Engineer
Telephone Exchange
Mysore
5. Shri R. Narayana Rao
Assistant Engineer
Rural, North Telecom Dist
Bangalore
6. Shri K.S. Putturaya
Assistant Director
Office of the General Manager
Telecommunications
Bangalore - 560 009
7. Shri Narayanaswamy
Directory Officer
City Telephone Exchange Building
Bangalore
8. Shri U.S. Nagaraju
Assistant Engineer (Cables)
Lakshmi pura
Mysore
9. Shri K. Shivaswamy
Assistant Engineer
Telephone Exchange
Shimoga
10. Shri D.N. Rangaswamy
Assistant Engineer
Fault Control (Coaxial)
Telecom Building
Bangalore
11. Shri B.S. Jayashankaraswamy
S.D.O. Telephones
C.K.G. Division
Mudigere
Karnataka
12. Shri G. Padmanabha Hande
S.D.O. (Phones)
Udupi (Dakshina Kannada)

.....2

*Issued
K. IV/Com
28-12-88*

QC

13. Shri M.G. Nanjundaswamy
Assistant Engineer
Office of the General Manager
Telephones
Bangalore Telecom District
Bangalore - 560 009

14. Shri D.S. Nagendra
S.D.O. (Phones)
Shimoga

15. Shri Venugopala
C/o Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
Ist Main, Gandhinagar
Bangalore - 560 009

16. Shri R.R. Joshi
S.D.O. (Telegraphs)
Ranabennur
Dharwad District

17. Shri M.N. Krishna Murthy
Assistant Engineer (Trunks)
Telephone Exchange
Mysore

18. Shri B. Anantheramu
Assistant Engineer (I)
Office of the General Manager
Telephones
Bangalore - 560 009

19. Shri M.R. Hanumantha Rao
Assistant Director
Office of the General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009

20. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
Ist Main, Gandhinagar
Bangalore - 560 009

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal in
the above said Review applications on 12-12-88.

Encl : As above

PK
SECTION OFFICER
(JUDICIAL)

*o/c
Deliverance of copies
for the Bench*

*sent to Mr. M. S. Nagaraja
12-12-88*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 12TH DAY OF DECEMBER, 1988

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

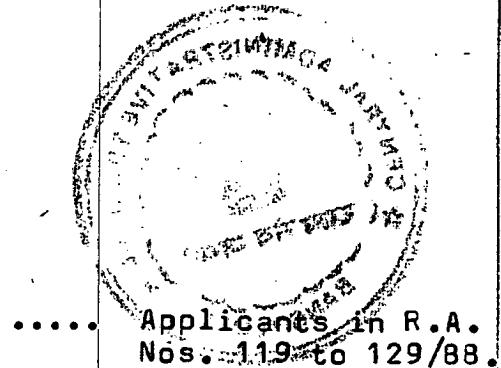
REVIEW APPLICATION NOS. 111 TO 129/1988

1. Shri N. Raghavendra,
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Rural South,
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7. Shri Narayanaswamy,
Directory Officer,
City Telephone Exchange Buldg.,
Bangalore.
8. Shri U.S. Nagaraju,
Asst. Engineer,
Lakshmiipura,
Mysore.

... Applicants in R.A.
Nos. 111 to 118/88.



9. Shri K. Shivaswamy,
Asst. Engineer,
Telephone Exchange,
Shimoga.
10. Shri D.N. Rangaswamy,
Asst. Engineer,
Fault Control (Coaxial),
Telecom Building,
Bangalore.
11. Shri B.S. Jayashankarswamy,
S.D.O. Telephones,
C.K.G. Division,
Mudigere,
Karnataka.
12. Shri G. Padmanabha Hande,
S.D.O.(Phones),
Udupi.
13. Shri MG. Nanjundaswamy,
Asst. Engineer,
O/o the General Manager,
Telephone, BG TD
Bangalore.
14. Shri D.S. Nagendra,
SDO (Phones),
Shimoga.
15. Shri Venugopala,
Aged 49 years,
Asst. Engineer,
M.W. Mangalore.
16. Shri R.R. Joshi,
SDO (Telegraphs),
Ranibennur,
Dharwad District.
17. Shri M.N. Krishna Murthy,
Asst. Engineer (Trunks),
Telephone Exchange,
Mysore.
18. Shri B. Anantharamu,
Asst. Engineer, (I),
O/o the General Manager,
Telephones,
Bangalore.
19. Shri M.R. Hanumantha Rao,
Asst. Director,
O/o the General Manager,
Telecom, Karnataka Circle,
Bangalore.



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

1. Secretary of Ministry of Communications,
Sanchar Bhavan,
New Delhi.
2. The Chairman,
Telecommunication,
Sanchar Bhavan,
New Delhi.
3. The Director General,
Dept. of Telecommunications,
Sanchar Bhavan,
New Delhi.
4. Shri P.N. Lal,
Staff No.1735,
Asst. Engineer,
Prasad Nagar, C.T.O.,
New Delhi.
5. Shri Brij Mohan,
C/o District Manager,
Telephones,
Lucknow (UP)

.... Respondents.

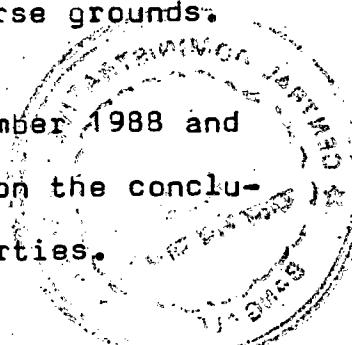
These applications having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In these applications made under Section 22 (3)(f) of the Administrative Tribunals Act, 1985 (Act), the applicants have sought for a review of our order made on 29.9.1988, dismissing their Application Nos. 144 to 165 of 88, in which they were primarily aggrieved by the higher seniority accorded to respondents 4 & 5 on diverse grounds.

2. We heard them on 27,28 & 29th September 1988 and dictated our order in the open court immediately on the conclusion of arguments in the presence of the parties.

3. The applicants have sought for a review primarily on the ground that as early as 6.9.1988 (Annexure-R1), the Hon'ble Chairman of this Tribunal, in exercise of the



powers conferred on him by Section 25 of the Act, had stayed disposal of the applications before this and other benches and their disposal was in contravention of the same and manifest and therefore justifies a review under the Act. Dr. M.S. Nagaraja learned counsel for the applicants has urged this very ground as justifying a review under the Act.

4. Unfortunately for the applicants and this Bench, the stay order granted by the Hon'ble Chairman on 6.9.1988 was despatched by the office of the Principal Bench only on 6.10.1988 and was received by this Bench only on 10.10.1988 which fact has also been appraised by the Registrar of this Bench to the Principal Bench on 13.10.1988.

5. When we heard A.Nos. 144 to 165 of 1988 and decided them the stay order granted by the Hon'ble Chairman, had not been communicated to this Bench and the parties also did not apprise us the same to postpone their hearing. On these facts as ruled by the Supreme Court in **MULRAJ v. MURTHY RAGHUNATH MAHARAJ (A.I.R. 1967 S.C. 1386)** the order of stay granted by the Hon'ble Chairman came into effect from 10.10.1988 and not before that date. On this it follows that what was done by us earlier was perfectly legal and valid and the grounds urged by the applicants does not constitute a sufficient ground for review.

6. In the light of our discussions we hold these applications are liable to be rejected. We, therefore,



reject these applications at the admission stage without
notices to the respondents.



Sd/-
VICE-CHAIRMAN 12/12/88

Sd/-
MEMBER (A) 12/12/88

TRUE COPY

AP Singh 23/12/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

By RPAD.

Ref : A. Nos. 144 to 165 /88(F)

23 Dec 88

To

Shri Anil Srivastava,
Section Officer, Judl-I,
Central Administrative Tribunal,
Faridkot House, Copernicus Marg,
New Delhi-110001.

Subject:- RP 1718/88 in OA 515/87 (Jabalpur Bench) -
K.K. Bajaj Vs Union of India & Ors.

Sir,

I am directed to refer to your letter No. Nil dated 20.12.88 on the above subject.

In this connection, please refer to this Registry letter of even number dated 13.10.88, in which it was intimated that A. Nos. 144 to 165/88 of this Bench were disposed of long before the stay order of the Hon'ble Chairman was received here. Postal acknowledgement was received from your Registry for the same. Copy of this Registry letter dated 13.10.88 (with enclosure) and a copy of the postal acknowledgement are enclosed for ready reference.

Review Applications were also filed in this Registry in the Applications mentioned above. Copy of the order dated 12.12.88 in RA Nos. 111 to 129/88 (in A. Nos. 144 to 147, 149 to 159, 161 to 164/88) is also enclosed.

In view of the position explained above, notices are not being issued to the parties regarding transfer of the case. If you still require the records, the same shall be sent on hearing from you.

Please acknowledge receipt.

Yours faithfully,


(N. RAMAMURTHY)
Section Officer (Judl. II)

Encle : As stated.

✓ Copy to file of RA Nos. 111 to 129/88.

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

N.RAMA MURTHY,
Section Officer (J.II),

D.O.A. Nos. 144 to 165/88(F)

Copy
By RPAD

IMMEDIATE

11nd Floor,
Commercial Complex (BDA),
Indira Nagar,
Bangalore-560 038.

13.10.88

Dear Shri. Anil Srivastava,

Please refer to your letter No.4254(S) dated 16.9.88 enclosing a copy of Order dt. 6.9.88, passed by the Hon'ble Chairman in M.P.No.1718/88 in D.A.575/87 of Jabalpur Bench - K.K.Bajaj vs. UOI & ors.

Your letter dt. 16.9.88 was received in this Registry only on 10th Oct '88, A.Nos.144to 165/88 indicated at Sl. No.17 in Annexure 'A' to the M.P. enclosed with your letter were disposed of by the Bangalore Bench on 29th Sep '88; i.e. long before the stay order was received. Order dt. 29th Sep '88, of 8'lers Bench has been communicated to all concerned. A copy of the Order is enclosed herewith for reference. These facts may kindly be brought to the notice of the Hon'ble Chairman.

Please acknowledge receipt.

By Order.

Yours Sincerely,

R
O/C (N.RAMAMURTHY)

Encl: As above

Shri Anil Srivastava,
Section Officer, Judl. I,
Central Administrative Tribunal,
Principal Bench,
Faridkot House,
Copernicus Marg,
New Delhi 110 001.

*Smt. K.
P. Srivastava
C.A.T.*

*Deen
Marty
S m/a*

*Received
15/10/88*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 12TH DAY OF DECEMBER, 1988

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

REVIEW APPLICATION NOS. 111 TO 129/1988

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Bangalore.

..... Applicants in R.A.
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(Shri Dr. M.S. Nagaraja, Advocate)

1. Secretary of Ministry of Communications, Sanchar Bhavan, New Delhi.
2. The Chairman, Telecommunication, Sanchar Bhavan, New Delhi.
3. The Director General, Dept. of Telecommunications, Sanchar Bhavan, New Delhi.
4. Shri P.N. Lal, Staff No.1735, Asst. Engineer, Prasad Nagar, C.T.O., New Delhi.
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VICE-CHAIRMAN 12/12/88

Sd/-

MEMBER (A) 12/12/88

TRUE COPY

bsg/Mrv.

R. Bhat 23/12/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

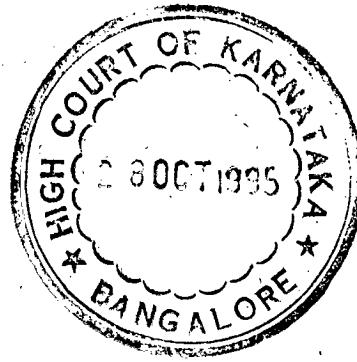


Section IVA
SUPREME COURT OF INDIA
NEW DELHI.
DATED: - 25/09/95

19/11/95

From:-
The Registrar,
Supreme Court of India,
NEW DELHI.

To
The Registrar,
High Court of
Central Administrative Tribunal
at Bangalore



PETITIONS FOR SPECIAL LEAVE TO APPEAL CIVIL Nos. 4890-91 /90

(Petitions under Article 136(1) of the constitution of India) from
the Judgment and Order dated 12/12/88

of the High court of Judicature at Central Administrative Tribunal

in R.A. Nos. 111 to 129/88

V. RAGHAVENDRA & ANR.

... PETITIONER(S)

SECY. TO GOVT. OF INDIA & ORS.

... RESPONDENT(S)

Sir,

I am directed to inform you that the petitions above mentioned
filed in the Supreme Court were dismissed as withdrawn
by the Court on 24/08/95.

Yours faithfully,

For Registrar

Enter in SLP Register

R.A. Register, add to file & note

No need to file W.R. 1430 of Reg. 93
as the Hon. Members who passed the order
are no longer with CAT.

21/11/95

So (J.T.) (Signature)

COPY TO
RESPONDENT-IN-PERSON (Adv)
MR. RAJESH (Adv)

50-311

14/11/95
for RAJESH
S. B.