

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

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated :

22 MAR 1989

CONTEMPT

PETITION (CIVIL) APPLICATION NO (S) 186 & 187 /88  
IN APPLICATION NOS. 270 & 271/87(F)  
W.P. NO (S) \_\_\_\_\_

Applicant (s)

Shri Y.G. Veri & another

To

1. Shri Y.G. Veri  
Chiteguppi Chawl  
Station Road  
Hubli  
Dharwad District
2. Shri V.N. Sunkad  
Seeta Nilaya  
Ghantiker, Oni  
Hubli - 580 020  
Dharwad District
3. Shri Chandrakanth R. Goulay  
Advocate  
90/1, 2nd Block, Near Ganesh Mandir  
Post Office Road, Thyagaraja Nagar  
Bangalore - 560 028

Respondent (s)

V/s The General Manager, South Central Railway,  
Secunderabad & another

4. The General Manager  
South Central Railway  
Rail Nilaya  
Secunderabad (A.P.)
5. The Divisional Railway Manager  
South Central Railway  
Hubli  
Dharwad District
6. Shri M. Sreerangaiah  
Railway Advocate  
No. 3, S.P. Building, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER ~~BY~~ INTERIM ORDER  
C.P. (Civil)  
passed by this Tribunal in the above said application(s) on 16-3-89.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE.

DATED THIS THE SIXTEENTH DAY OF MARCH 1989.

Present: Hon'ble Shri Justice K.S.PUTTASWAMY .. VICE CHAIRMAN

Hon'ble Shri L.H.A.REGO .. MEMBER(A)

CONTEMPT PETITION NOS.186 & 187/88

1. Y.G.Yeri,  
Retd. Chief Ticket Inspector,  
Grade II, SC Railways,  
Hubli Dist.Dharwad.

2. V.N.Sunkad,  
Chief Ticket Inspector,  
Grade II, SE Railways,  
Hubli, Dist.Dharwad.

.. Applicants.

(Shri Chandrakant Goulay .. Advocate)

vs.

1. The General Manager,  
S.C.Railways,  
Secunderabad.

2. The Divisional Railway Manager,  
S.C.Railways, Hubli,  
Dist. Dharwad.

.. Respondents

(Shri M.Sreerangaiah .. Advocate)

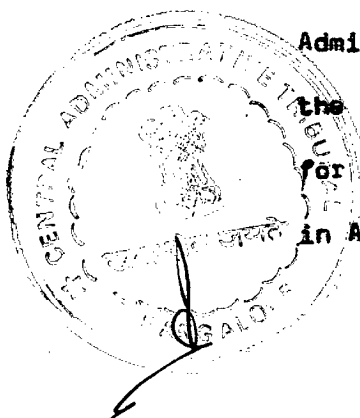
This application has come up today before this  
Tribunal for Orders. Hon'ble Vice Chairman made the following:

O R D E R

Petitioners by Sh.Chandrakandth Goulay.

Respondents by Sh.M.Sreerangaiah.

In these petitions made under section 17 of the  
Administrative Tribunals Act, 1985, and the Contempt of Court Act, 1971,  
the petitioners have moved this Tribunal to punish the respondents  
for non-implementation of the order made in their favour on 12.2.1988  
in Application Nos.270-271/1987.



2. In Application Nos.270-271/87, the petitioners had sought for a direction to promote them to the post of Chief Travelling Ticket Inspectors (CTTI) from 1.1.1984 from which date there was a restructuring of certain cadres which was contested by the respondents. On an examination of the rival contentions, a Division Bench of this Tribunal, inter alia, directed thus:

"We therefore direct the respondents to give both the applicants promotion with effect from 1.1.1984 to the pre-revised scale of Rs.700-900. However, the applicants will not be entitled to arrears of pay on account of such promotion till the dates of their retirement, but their pay and allowances on the dates of their retirement will be fixed nationally as if they were promoted from 1.1.1984 for determining their pension and other terminal benefits on retirement."

The petitioners have asserted that these directions had not been implemented by the respondents.

3. In their reply filed today, the respondents have asserted that the directions issued in favour of the petitioners had been implemented in letter and spirit. In support of their statement, the respondents have also produced the orders made by the competent authorities on 19.4.1988 and 30.9.1988.

4. On an examination of the reply filed and the orders produced along with the reply, we find that the respondents had complied with the orders made by this Tribunal in letter and in spirit. On this, these contempt of court cases are liable to be dropped. We, therefore, drop these contempt of court proceedings, But in the circumstances of the cases, we direct the parties to bear their own costs.



TRUE COPY

DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

VICE CHAIRMAN

MEMBER(A)

16.5.1988

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REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: **22 FEB 1988**

APPLICATION NO S. 270 & 271 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

Shri Y.G. Yeri & another  
To

The GM, South Central Railways, Secunderabad  
& another

1. Shri Y.G. Yeri

2. Shri V.N. Sunkad

(Sl Nos. 1 & 2 - C/o Shri R.U. Goulay  
Advocate  
90/1, 2nd Block  
Near Ganesh Mandir  
Post Office Road  
Thyagarajanagar  
Bangalore - 560 028)

3. Shri R.U. Goulay  
Advocate  
90/1, 2nd Block  
Near Ganesh Mandir  
Post Office Road  
Thyagarajanagar  
Bangalore - 560 028

4. The General Manager  
South Central Railway  
Secunderabad(Andhra Pradesh)

5. The Divisional Railway Manager  
South Central Railway  
Hubli  
Dharwad District

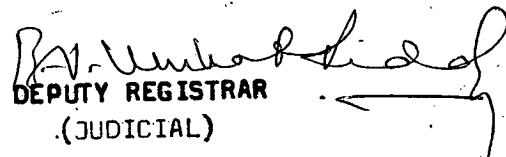
6. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

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  
on 12-2-88.

Encl: as above.

  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL — 6 —  
BANGALORE BENCH: BANGALORE

DATED THE TWELTH DAY OF FEBRUARY, 1988

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

Application Nos. 270 & 271/87

1. Y.G. Yeri,  
Retired Chief Ticket Inspector,  
Grade II, S.C. Railways,  
Hubli, Dist. Dharwar.  
2. Shri V.N. Sunkad,  
Chief Ticket Inspector,  
Grade II, S.C. Railways,  
Hubli, Dist. Dharwar. ... Applicants  
vs. (Shri R.U. Goulay, Advocate)

1. The General Manager,  
S.C. Railways,  
Secunderabad (A.P.)  
2. The Divisional Railway Manager,  
S.C. Railways, Hubli,  
Dist. Dharwar. ... Respondents  
(Shri M. Sreerangaiah, Advocate)

This application has come up before the Court today. Hon'ble Shri P. Srinivasan, Member(A), made the following

ORDER

In these applications, the applicants, who were working as Chief Ticket Inspectors Grade II in the scale of Rs 550-750 (pre-revised), complain that they should have been promoted as Chief Ticket Inspectors Grade I in the scale of Rs 700-900 (pre-revised) with effect from 1-1-1984 as per restructuring of scales ordered in General Manager, South Central Railway's circular dated 27-12-1983. The respondents' contention is that though the applicants passed the written examination for the purpose of promotion, they retired before the oral test was held so that they could not be given promotion to the higher post as a result of the restructuring.

2. Shri M. Sreerangaiah, learned counsel for the respondents, raised a preliminary objection that these applications are barred by limitation because the cause of



- 7. -  
action arose on 1-1-1984, the date from which the applicants claim promotion and that with reference to that date, these applications are badly delayed.

3. Shri R.U. Goulay, learned counsel for the applicants, opposed the contentions of Shri Sreerangaiah and submitted that these applications were in time. Even if they are considered out of time so far as the promotion of the applicants to the higher posts from 1-1-1984 is concerned, the decision not to promote them affected their pension and other terminal benefits which is a continuing grievance, and that with reference to these benefits, the application is certainly in time.

4. After considering the rival contentions, we are of the view that while Shri Sreerangaiah may be right about <sup>the</sup> ~~the~~ limitation having set in in respect of the applicant's claim for monetary benefits from promotion with effect from 1-1-1984, it certainly does not operate to deny the applicant's higher pension and terminal benefits that would have been due to them if, as claimed by them, they were entitled to be given promotion from 1-1-1984.

5. Shri Goulay submits that though orders of restructuring were passed in December 1983 and the restructuring should have been brought about by 31-3-1984 according to the letter of the General Manager, South Central Railway, dated 27-12-1983, the respondents took a long time to conduct the written and oral tests for promotion to the higher posts. The applicants took and passed the written test which was held on 20-1-1985 but this examination was cancelled by the respondents later and a fresh written test was held on 11-8-1985 by which time both the applicants had retired. The oral test was scheduled for 9-4-1986 in which naturally the applicants could not appear. For no fault of the applicants, the restructuring, which should have been

P. J. V. K.



completed by 31-3-1984 according to the letter dated 27-12-1983 of the General Manager, South Central Railway, was delayed much beyond that date and even beyond the dates of retirement of both the applicants which were in March and April 1985. When the circular letter was issued on 27-12-1983 both the applicants were in service and expected to be promoted within a short time after the prescribed procedure was completed. For no fault of theirs, the whole procedure took time and they had to retire in the meanwhile. For this reason, they should not be made to suffer.

6. Shri Sreerangaiah opposing the contention of Shri Goulay submitted that delays were inevitable in a huge organisation like the Railways and for that reason, the applicants could not be given promotion without passing the qualifying tests.

7. We have considered the rival contentions carefully. A similar matter came up before another Bench of this Tribunal in which one of us (Hon'ble Shri P. Srinivasan) was a party - application No. 657/86. While disposing of this application, this Tribunal held that when the process of promotion as a result of restructuring is delayed for no fault of the official concerned, he could not for that reason be denied the promotion to a post which had come into existence well before he retired from service. In that case, we were concerned with an order of restructuring dated 27-9-1983 and the tests for promotion in that case were held long after the circular bringing about restructuring was issued and because of the delay, the applicants therein could not take the test and qualify for promotion. We held that in the circumstances of those cases, the applicants therein should be considered



P. Srinivasan

for promotion with reference to their service records without requiring them to pass written and oral tests and if found fit, they should be given promotion from the date the restructured posts came into existence. We feel that there is no point, on the peculiar facts of these cases, in asking the respondents to consider the fitness of the applicants for promotion at this late stage long after both of them have retired. We therefore direct the respondents to give both the applicants promotion with effect from 1-1-1984 to the pre-revised scale of Rs 700-900. However, the applicants will not be entitled to arrears of pay on account of such promotion till the dates of their retirement, but their pay and allowances on the dates of their retirement will be refixed notionally as if they were promoted from 1-1-1984 for determining their pension and other terminal benefits on retirement.

8. The application is disposed of on the above terms. Parties to bear their own costs.



Sd/-  
VICE CHAIRMAN

12/2/88

TRUE COPY

Sd/-  
MEMBER(A)



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