

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 JAN 1989

REVIEW APPLICATION NOS 1 to 3 /89
IN APPLICATION NOS. 836, 840 & 841/87(F)
W.P. NO.

Applicant(s)

The General Manager, Wheel & Axle Plant,
Bangalore & 3 Ors
To

Respondent(s)

V/s Shri N. Gopalakrishna Pillai & 2 Ors

1. The General Manager
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064
2. The Chairman
Railway Board
Rail Bhavan
New Delhi - 110 001
3. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi - 110 001
4. The Director General
Research, Designs & Standards Organisation
(RDSO)
Indian Railways
Lucknow - 11
Uttar Pradesh
5. Shri M. Sreevanarayana
Railway Advocate
3, S.P. Building, 10th cross
Cubbonper Main Road
Bangalore - 560002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~ ^{Review} INTERIM ORDER
passed by this Tribunal in the above said application(s) on 10-1-89

Issued
K. M. L.
16-1-89
Encl : As above

BA. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

9c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 10th DAY OF JANUARY, 1989

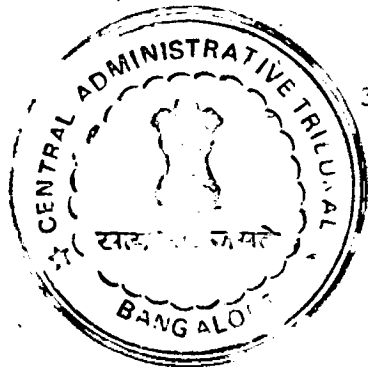
Present : Hon'ble Justice Sri K.S. Puttaswamy Vice Chairman
Hon'ble Sri P. Srinivasan Member (A)

Review Application Nos. 1 to 3/89 in
Application Nos. 836, 840 and 841/87.

1. The General Manager,
Wheel and Axle Plant,
Yelahanka,
Bangalore - 64.
 2. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi - 1.
 3. The Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi - 1.
 4. Research, Designs & Standards,
Organisation, Indian Railways,
Lucknow-11 by its Director-
General. ... Applicants
- (Sri M. Sreerangaiah ... Advocate)

vs.

1. N. Gopalakrishna Pillai,
Metallurgical Inspector,
Wheel & Axle Plant,
Yelahanka,
Bangalore - 64.
2. V. S. Gowaj,
Asst. Chemist & Metallurgist,
Wheel & Axle Plant,
Yelahanka,
Bangalore - 64.
3. S. G. Sridharachar,
Metallurgical Inspector,
Wheel & Axle Plant,
Yelahanka,
Bangalore-64. ... Respondents



These applications having come up before the Tribunal
today, Hon'ble Member (A) made the following :

P. Srinivasan

ORDER

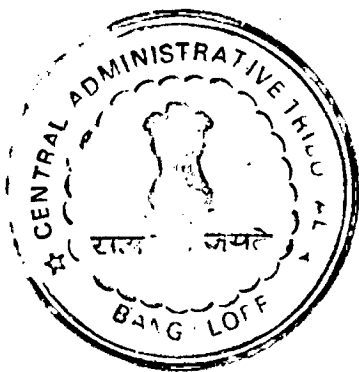
By these applications, respondents 1,2,3 & 6 in application nos. 835, 840 & 841/1987 (N.Gopalakrishna Pillai and Others) want us to review our order dated 6.12.1988 disposing of those applications. The original applicant in those applications has been impleaded here as respondent no.1. Respondents 4 & 5 in the original applications appear as respondents 2 and 3 in the present applications.

2. In our order dated 6.12.1988, disposing of the aforementioned applications, we allowed the contention of the applicant therein that his place in the seniority list of Metallurgical Supervisory Staff in the Wheel and Axle Plant, Yelahanka (WAP) should be fixed above respondents 4 and 5 therein. The said respondents 4 and 5 did not contest the claim of the applicant, while respondents 1,2, ~~3~~ ^{H did} and 6 ~~registered it~~. The contention of the latter was : that as a result of restructuring of cadres in RDSO, Lucknow, from where the applicant was drawn, having been given effect from a later date than in South Central Railway, from where respondents 4 and 5 came, the respondents 4 and 5 had been given proforma promotion to the scale of Rs.650-960 in their parent organisation from an earlier date than the applicant was in his parent organisation and that was why the said respondents were assigned places of seniority in WAP above the applicant. Dealing with this contention, we observed that it was a fortuitous

accident that restructuring was undertaken on different dates in the two parent organisations and to take that as the basis for determining the inter se seniority of the applicant and respondents 4 and 5 in WAP was irrational. In the present application, ^M~~the~~ respondents 1,2,3 & 6 in the original application have voiced an apprehension that we have in our original order held that the carrying out of the restructuring on different dates in the parent organisation^s was itself irrational. We have done no such thing. We have only said that for the purpose of determining the relative seniority^{M in WAP} of the applicant and respondents 4 and 5 in the original application, the dates on which restructuring was undertaken in RDSO and South Central Railway did not constitute a rational consideration. We have not expressed any opinion on the validity of the dates of restructuring undertaken in South Central Railway or in RDSO, as we did not consider it necessary to do so to decide the issue that arose before us in that case.

3. Sri M.Sreerangaiah submitted further that our interpretation of para 5 of the office order dated 21.2.1976 was wrong. We have referred to this in para 5 of our original order. If that contention were right, the remedy is to take up the matter in appeal to the supreme Court by special leave of that court. We do not sit in appeal against our own orders. This contention therefore, also does not justify our undertaking a review of our original order.

4. We may point out, before parting with this application, that the original order was dictated in Open Court in the presence of counsel for both the contesting parties.



4. In view of the above, all the review applications are rejected at the stage of admission itself without notice to the respondents.

Sd/-

VICE CHAIRMAN 10/1/87

Sd/-

MEMBER (A)



TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 13/1/87
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE