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

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 28 DEC 1988

APPLICATION NO. 792 /88(F)

W.P. NO. /

Applicant(s)
Shri S. Sachidanandan

V/s

Respondent(s)
The Divisional Personnel Officer, Southern Rly, Bangalore

To

1. Shri S. Sachidanandan
   C/o Shri M. Raghavendra Achar
   Advocate
   1074-1075, Banashankari I Stage
   Sreenivasanagar II Phase
   Bangalore - 560 050

2. Shri M. Raghavendra Achar
   Advocate
   1074-1075, Banashankari I Stage
   Sreenivasanagar II Phase
   Bangalore - 560 050

3. The Divisional Personnel Officer
   Southern Railway
   Bangalore Division
   Bangalore - 560 023

4. 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(s) on 15-12-88.

SECTION OFFICER
~~DEPUTY REGISTRAR~~
(JUDICIAL)

Encl : As above

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

Dated the 15th day of December, 1 9 8 8.

Present

THE HON'BLE MR. JUSTICE K.S.PUTTASWAMY .. VICE CHAIRMAN

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

APPLICATION NO. 792 OF 1988(F)

Sri S.Sachidanandan
S/o N.Sahavan,
age 37 years,
Commercial Clerk,
MG/PO/Southern Railway,
Bangalore City. .. Applicant.

(By Shri M.R.Achar, Advocate for Applicant)

-vs.-

The Divisional Personnel Officer,
Southern Railway, Bangalore. .. Respondent

(By Shri M.Sreerangaiah, Adv. for Respt)

This application coming on for hearing this day, Hon'ble Vice Chairman made the following:

Order

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985(Act).

2. Shri S.Sachidanandan, applicant before us, initially joined service in the Indian Railways as Fireman-C. But, on the abolition of Steam Engines, he was absorbed as a Commercial Clerk from 14-7-1982 (Annexure 'A') on the terms and conditions set out in the order of that date. In pursuance of the said order, the applicant underwent training and then appeared for a departmental examination in 1983 in which he was unsuccessful. He, however, appeared for the same examination later and was successful on 12-2-1985. On that basis, the Divisional Personnel Officer, Bangalore ('DPO'), by his Order No.D/P 563/II/Comml./Vol.II, dated 8-3-1985(Annexure 'B') had regularised the services of the applicant and two others - with whom we are not concerned.

3. The applicamt claims that his seniority should be reckoned ~~not~~ from 14-7-1982 and not from 13-2-1985, as done by the Railway Administration.

4.In

4. In his reply, the respondent has asserted that the applicant had been treated as a regular employees only from the date next to the date he passed the departmental examination i.e., 13-2-1985 and was entitled for seniority only from that date and not from any earlier date.

5. Shri M.R.Achar, learned Counsel for the applicant, contends that having regard to the terms of absorption order made on 14-7-1982, his client was entitled for seniority from that very date itself and not from 13-2-1985.

6. Shri M.Sreerangaiah, learned Counsel for respondent, contends that the applicant became a regular employee only from 13-2-1985 and he is entitled to seniority from that date only and not before.

7. On facts, there is no dispute that the applicant who was absorbed subject to his passing the departmental examination, passed the same only on 12-2-1985. On the passing of the examination, the DPO had regularised the services of the applicant from 13-2-1985. On this view, the

applicant

applicant can count his seniority only from 13-2-1985 and not from 14-7-1982.

8. We are informed by Sri Sreerangaiah, that this very procedure had been adopted in the cases of all others also. We have no reason to disbelieve the correctness of this submission of Shri Sreerangaiah. On this view, we must decline to interfere with the action of the authority.

9. As the only contention urged for the applicant fails, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-
(K.S. PUTTASWAMY) 15/12
VICE CHAIRMAN.

Sd/-
(L.H.A. REGO) 15.xii.1988
MEMBER (A).

TRUE COPY

SECTION OFFICER 28/12
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

kms:

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

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 FEB 1989

REVIEW APPLICATION NO (S) 4 /89
IN APPLICATION NO. 792/88(F)
W.P. NO (S) /

Applicant (s) Respondent (s)

Shri S. Sachidanandan V/s The Divisional Personnel Officer, Southern Railway, Bangalore
To

1. Shri S. Sachidanandan
C/o Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

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 Review Application(s) on 2-2-89.

DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

dc

Served
K.N. 7.2.89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THE SECOND DAY OF FEBRUARY, 1989.

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman

Hon'ble Shri L.H.A. Rego .. Member (A)

REVIEW APPLICATION NO.4/89

Shri S. Sachidanandan
S/o. N. Sahavan
Aged 37 years
Commercial Clerk
MG/PO/Southern Railway
Bangalore City. .. Petitioner

(Shri M.R. Achar, Advocate)

Vs.

The Divisional Personnel Officer
Southern Railway
Bangalore. .. Respondent

This application having come up for hearing before this Tribunal today, Hon'ble Vice Chairman made the following:

ORDER

In this application made under Section 22(3)(f) of the Administrative Tribunals Act, 1985 ('the Act') the applicant has sought for review of our order made on 15.12.1988 dismissing his application No.792/88(F).

2. In Application No.792/88 the applicant had claimed that his seniority should be reckoned from 14.7.1982 and not from 13.2.1985 as had been done by the Railway Administration. On an examination of this claim we upheld the decision made by the Railway Administration and dismissed the application.

CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE

.....2/-

3. Shri M.R. Achar, learned counsel for the applicant, contends that the statement made by the respondents, on the basis of which this Tribunal had dismissed the application, was factually incorrect and the same justifies a review under the Act.

4. In dismissing the application, we have given more than one reason. Our order is not based solely on the statement made by the respondents. On the other hand the order is made on an examination of the merits of the claim made by the applicant. We find that our order does not suffer from a patent error or any other justifiable ground under Section 22(3)(1) of the Act and Order 47 Rule 1 of Code of Civil Procedure.

5. In reality and in substance the applicant is asking us to re-examine our order as if we are a Court of appeal and come to a different conclusion which cannot be done in a review application.

6. On any view, this application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the respondents.

TRUE COPY

DEPUTY REGISTRAR (JUD.)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd— VICE CHAIRMAN 2/2/1989

Sd— MEMBER(A) 2.2.1989

mr.