

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 8 NOV 1993

APPLICATION NO(s) 597/93 and 628/93.

APPLICANTS: K.R.Sadanandan and K.Srivatsa RESPONDENTS: Director, Survey of India,
v/s. Southern Circle, Bangalore & Ots.

TO.

1. Dr.M.S.Nagaraja,
Advocate, No.11,
First Cross,
Second Floor,
Sujatha Complex,
Gandhinagar,
Bangalore-9.
2. The Director,
Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.
3. Sri.G.Shanthappa,
Central Govt.Stng.Counsel,
High Court Building,
Bangalore-1.
4. Sri.M.S.Anandaramu,
Advocate, No.27,
Chandrashekhar Complex,
First Floor, 1st Main Road,
Gandhinagar, Bangalore-9.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/~~STAY ORDER~~/~~INTERIM ORDER~~/, Passed by this Tribunal
in the above mentioned application(s) on First November, 1993.

N. Datta
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

8/11/93

gm*

Issued
gm

CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE BENCH

O.A. NO.597/93 & 628/93

DATED THIS THE FIRST DAY OF NOVEMBER 1993

Justice Shri P.K. Shyamsundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

K.R. Sadanandan,
Aged 27 years,
S/o Sri K.A. Rghavan,
Office of the Survey of India,
Party No.40, Southern Circle,
Koramangala,
Bangalore-560 034.

K. Srivatsa,
Aged 28 years,
S/o K.N.G.K. Iyengar,
Office of the Survey of India,
Party No.40, Southern Circle,
Koramangala,
Bangalore-560 034.

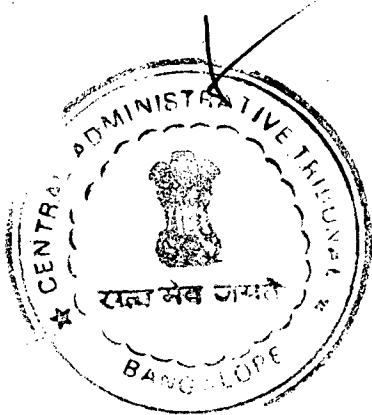
... Applicants

[By Advocate Dr. M.S. Nagaraja]

Vs.

1. The Director.
Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.
2. The Surveyor General of India,
Government of India,
Dehradun [U.P.].
3. Union of India,
Represented by Secretary
To Government,
Ministry of Science & Technology,
New Delhi.
4. Sri C.G. Naik, ,
Survey Assistant,
C/o Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.
5. N.M. Shamanna,

Survey Assistant,
C/o Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.



6. Sri B.T.Ganesh
Survey Assistant,
C/o Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.
7. Sri K.P. Kariappa,
Survey Assistant,
C/o Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.
8. Sri G. Siddabasava,
Survey Assistant,
C/o Survey of India,
Southern Circle,
Koramangala,
Bangalore-560 034.

... Respondents

[By Sri G. Shanthappa for R-1 to 3
& Shri M.S. Anandaramu for R-5 to 8]

ORDER

Justice P.K. Shyamsundar, Vice-Chairman:

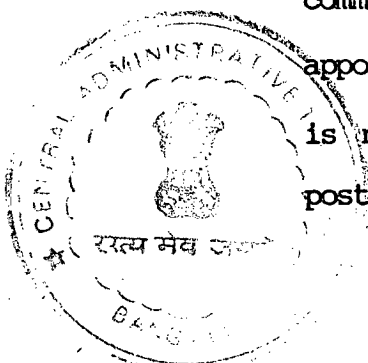
1. We have heard both sides in this application which is set for consideration on admission. Since the pleadings are complete and we have heard arguments on merits, propose to dispose of this application on merits after directing its admission.
2. The grievance herein is that the two applicants herein being senior to respondents 4 to 8 in the seniority list in the cadre of Group C Division I Staff in the Survey of India, Bangalore, their claims for appointment as Camp Officers which would fetch them an additional salary of Rs.100 has been arbitrarily bypassed while conferring an advantage to those who were admittedly juniors in the gradation list. This it is urged amounts to invidious discrimination violating Articles 14 and 16 of the Constitution. The applicants want that the Tribunal should quash the appointments made in Annexure A-1 and in their place the applicants

should be appointed or their appointment as Camp Officers be considered.

3. In all probability some effective result would have followed had it only been possible to consider this matter a little earlier but the time taken to serve the respondents, etc., has virtually rendered the application wholly infructuous.

4. We notice that the appointment of R-4 to 8 was for a limited period of 3 months which expired in March 1993 with the exception of R-6 and 7 whose appointment is stated to have continued until further orders. While there appears to be virtually nothing in this application, a lengthy objection statement has however been filed on behalf of the department and by Shri Ananda Ramu appearing for some of the respondents. All said and done it becomes clear that in making a choice as between the applicant and respondents, the department has not followed any set principles or parameters. Although we find there is a direction by the Surveyer General's office way back in 27.6.1986 setting the guidelines of reckoning seniority in allotment of camps and sections goes on to state that "While allotting the field camps and sections to the Div. I staff the seniority cum suitability and due representations wherever necessary may be kept in view." A copy of the aforesaid guidelines was produced by the counsel for respondents and that communication is placed on record.

5. We do not quite see why the guidelines prescribed in the communication referred supra was not kept in view in making the appointment of camp officers. No reasons are forthcoming. It is not said the applicants were not suitable for manning the posts of camp officers although it is admitted they are seniors.



Under the circumstances it becomes clear that order appointing the applicants as camp officers cannot stand scrutiny at all. The question is what we should do about it. We propose to do nothing because in most of the cases the period of appointment has expired except in the cases of R-6 and 7.

6. We therefore dispose off this application by directing the department that henceforward they should take into consideration the guidelines prescribed in the communication of the Surveyor General of India referred above conveying seniority cum suitability and due representations made in that behalf should be the criteria. In all further appointments the department shall strictly follow the said guidelines. In regard to R-6 and 7 their appointments is liable to be reviewed and in reviewing their appointments as Camp Officers and further continuing as such the department will strictly go by the guidelines of the Surveyor General and in any future contingency in the matter of making appointment as Camp Officers the claims of the applicants shall be taken into consideration and their seniority not being in question if they are otherwise found suitable we need hardly say that the department should ~~make~~ appoint them. With these observations this application stands disposed off finally.

Sd-

MEMBER [A]

OSV

Sd-

VICE-CHAIRMAN

TRUE COPY

M. Chel
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

8/11/83

