

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 1 OCT 1993

APPLICATION NO(S) 108 of 1993

APPLICANTS: Sathyanarayana

RESPONDENTS: Secretary, Ministry of
Agriculture New Delhi and others.

TO.

1. Sri. Ranganatha Jois,
Advocate, "VAGDEVI"
36, Shankarapark, Shankarapuram,
Bangalore-560004.
2. Secretary, Ministry of Agriculture,
Kishi Bhavan, New Delhi.
3. The Director, Central Institute of Coastal
Engineering for Fishery, Palace Road, Bangalore-560052.
4. Sri. M. S. Padmarajaiah,
Central Govt. Stry Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 28-09-93.

Issued

6/10

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

11/10/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 28TH OF SEPTEMBER, 93

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice Chairman
Hon'ble Mr.V. Ramakrishnan Member (A)

APPLICATION NO.108/1993

Shri Sathayanarayana
Aged 48 years,
Working as Driller,
CICEF-64, Palace Road,
Bangalore - 52

Applicant

(Shri Ranganatha Jois - Advocate)

v.

1. The Union of India
represented by its Secretary,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi
2. The Director,
CICEF-64
Palace Road,
Bangalore - 52
3. Shri Madhumohan,
Foreman(Drilling)
CICEF-64, Palace Road,
Bangalore - 52

Respondents

(Shri M.S. Padmarajaiah - Advocate)

This application has come up today before
this Tribunal for admission. Hon'ble Justice
Mr.P.K. Shyamsundar, Vice Chairman made the
following:

ORDER

Heard both sides in this application filed
under Sec.19 of the Administrative Tribunals Act.



✓ We direct admission of this application and also propose to dispose it off on its merits now that the pleadings are all complete. We have heard fully both counsel. It is a matter of some regret that all the endeavours made by the applicant to impress upon the Department to upgrade/create one post of Foreman(Drilling) in the Organisation where he was working since 1969 as a Driller should have borne fruit only to be plucked away by somebody else. Harkening to his representation, a Study Team constituted by the Department made a recommendation at Annexure A dated 15.5.90 wherein there was a specific recommendation by the Study Team that one more post of Foreman(Drilling) should be created as that would give a chance for promoting one extra person as Foreman(Drilling). The recommendation of the Study Team was actually approved by the Ministry's order dated 12.8.91 produced at Annexure A-3. We find that one temporary post of Foreman(Drilling) was created. However, fortune did not favour the applicant who probably was more than responsible for creating there one extra post of Foreman(Drilling) under the order at Annexure A-3 referred to above. It so transpired that the next promotional post of a Foreman(Drilling) had to go to a Scheduled Caste under the roster system. The applicant being not a member of the Scheduled Caste missed the higher place. It is clearly a case of the veritable slip between the cup and the lip.

2. We find that he has again made a representation at Annexure A-1 dated 3.3.92 requesting the Department to relieve him of the hardship of working in the

same post for more than two decades by creating further promotional avenues. We are told that Government has yet to take a decision touching the aforesaid representation. From the deliberation of the facts it becomes clear that the rigorous drive launched by the applicant for advancing of his career prospect had floundered not because of his failures but because of the fortuitous scheme touching distribution of promotional posts. It is nobody's case that the applicant did not deserve or did not have the qualification for filling the post of Foreman (Drilling) probably nobody could contend that because the man had been working as a Driller for the last 24 years i.e. from 1969 to 1993. Having regard to the long experience acquired by him working in the same post, there was probably nothing beyond his ability in the matter of manning either the post of a Driller or a Foreman(Drilling). It is just and proper in the circumstances that the Department should create one more post of Foreman(Drilling) and consider the claim of the applicant on priority basis so as to ensure that he gets his just dues.

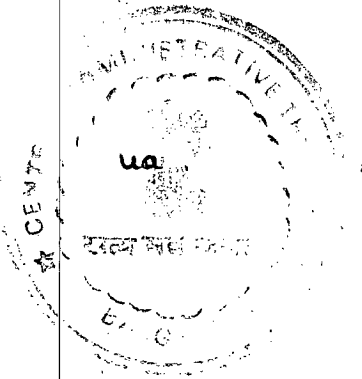
3. Under the circumstances, we conclude this order by directing the Department to dispose off the applicant's representation at Annexure A-1 and direct their attention regards creation of one more post of Foreman(Drilling) which we think should be made personal to the applicant so that he does not miss the job once again. This really being a hardship case, we think that Government should ensure that the applicant gets a boost which he probably deserves very much. No costs. Send a copy of this order to the Government



for information. The direction of the Tribunal
be complied with and implemented within three
months from the date of receipt of a copy of this
order.

Sd
MEMBER (A)

Sd
VICE CHAIRMAN



TRUE COPY

N. O. S.
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

17/7/93