

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 11 FEB 1994

APPLICATION NO(s) 668193

APPLICANTS:

K. K. Krishna Swamy & CPMG-B'lore.
TO.

1. R. D. Bilagisheeth, Advocate, NO.2628-
(40/B) 26th Main 37th Cross, 9th Block
Jagannagar - Bangalore-69

2 Sri M. S. Redmangal, Senior Counsel
for Central Govt High Court Bangalore

3 The Chief Post Master General, Karnataka
Circle, Bangalore-1.

4 The Post Master General, S. K. Region,
O/o CPMC, Bangalore-1.

5 The Director of Postal Services S.K.
Region O/o Post Master General S.K.
Region Karnataka Circle, Bangalore-1.

6.

RESPONDENTS:

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 3.2.94.

Issued
17/2/94

Ok

S. S. Subbarao
16/2
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 668 OF 1993

THURSDAY THIS THE 3RD DAY OF FEBRUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. T.V. Ramanan, ... Member (A)

K.R. Krishnaswamy,
S/o N.K. Rathnaswamy, Aged 52 years,.
Working as ASP (R) O/o Senior
Superintendent of Post Offices,
Kolar Division, Kolar,
residing at Veeranjaneyanagar,
near Water Tank, Kolar.

.. Applicant.

(By Advocate Shri R.D. Biligiraiyah)

v.

1. The Chief Postmaster General,
Karnataka Circle, Bangalore-560 001.
2. The Post Master General,
S.K. Region, O/o C.P.M.G. Bangalore-1.
3. The Director of Postal Services,
S.K. Region, O/o Post Master General,
S.K. Region, Karnataka Circle,
Bangalore-1.
4. B. Rajappa, ASP (HQ),
Udupi Division, Udupi (D.K.).

.. Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Heard. Admit.

2. This is a case in which the administration has met the claim of the applicant half way only and as such we think it appropriate to dispose of this application without even waiting for a formal reply being filed. The applicant who was entitled for consideration of his claim for promotion as Assistant Superintendent of Post Offices against a reserved vacancy

viz., scheduled caste was actually empanelled. But, it transpired actually he was a scheduled caste candidate, he was not promoted with the promotion he was aspiring for having given to somebody who was lower down in the eligibility zone. It actually went to a man occupying the 80th position in the list who ofcourse was also a scheduled caste candidate. This error having been brought to the notice of the administration by the applicant later on, they corrected it by back tracking the promotion of the applicant and making it effective from the date on which the gentleman who figured at Sl.No.80 in the list was actually promoted. But, they did not make payment of arrears due to him in the higher scale but extended such payment only from the date of his promotion.

3. We think there was no reason why the applicant should have been denied such arrears and that in fact is the only complaint made in this application. If only he had been promoted in his turn, as he should have been, having taken the higher position at Sl.No.47 and even the promotion did not take place at that time because of the admitted error committed by the administration, the benefit of that mistake was not claimable by the administration but should have actually enured to the officer. Under the circumstances we think it appropriate to direct the administration to pay him the arrears of salary due in the higher scale computing it from the date of his notional promotion (Annexure-A3) dated 31-12-1992. Arrears to be computed and paid to the applicant within 6 weeks from the date of receipt of a copy of this order, failing which it will have to be paid with interest at 12 per cent. No costs.

Se Shiva
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd-
MEMBER(A)

Sd-
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 2 MAR 1994

APPLICATION NO(s) 668 of 1993.

APPLICANTS: K.R.Krishnaswamy v/s. RESPONDENTS: Chief Post Master General,
Karnataka Circle, Bangalore & Others.

T.O.

1. Sri.R.D.Biligiraiyah, Advocate,
No.2625(40/B), 26th Main,
37th Cross, Ninth Block,
Jayanagar, Bangalore-69.
2. Sri.M.S.Padmarajaiah, Central Govt.
Stng.Counsel, High Court Bldg,
Bangalore-1.

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 23-02-1994.

*Issued
2/3/94*

olc

SC Shashikumar
for DEPUTY REGISTRAR 2/3
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.668/93

WEDNESDAY THIS THE TWENTY THIRD DAY OF FEB., 1994

Mr. Justice P.K. Shyamsundar Vice Chairman

Mr. T.V. Ramanan Member (A)

K.R. Krishnaswamy,
Working as ASP(R),
O/o Senior Superintendent of
Post Offices,
Kolar Division,
Kolar

Applicant

(By Advocate Shri R.D. Bilagirajah)

v.

1. The Chief Post Master General,
Karnataka Circle,
Bangalore - 560 001

2. The Postmaster General,
S.K. Region,
O/o C.P.M.G.,
Bangalore - 560 001

3. The Director of Postal Services,
S.K. Region,
O/o Postmaster General,
S.K. Region, Karnataka Circle,
Bangalore - 560 001

4. Shri B. Rajappa, ASP(Hqrs),
Udipi Division, Udipi(D.K.)

Respondents

(By Shri M.S. Padmajaiah)
Sr. Central Govt. Standing Counsel

ORDER

Mr. Justice P.K. Shyamsundar, Vice Chairman

It was brought to our notice by learned
Standing Counsel that on the last date of hearing

i.e. on 3.2.1994 on which date this application was disposed off, the learned Standing Counsel, it ~~is~~ ^{Albarn} found, had already filed a statement of objection on behalf of the respondents but the order stated that the application was being disposed off even without waiting for a reply being filed. The office also bears out the submission made by the learned Standing Counsel that a reply had ~~been~~ ^{been} already filed on the date of hearing. Under the circumstances, we would like to add that a reply having been already filed it cannot be treated as a case in which reply was awaited. Let a fresh para be added at the end of the order indicating the above.

A. Corrected copy be furnished to the learned Standing Counsel for information.

Sd-

(T.V. RAMANAN)
MEMBER (A)

Mr. Albaan
Sd-

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

ua

Sc. Shanthi
7/3