

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 21 JUL 1993

RECD. CAPT APPLICATION NO(s). 9/93

Applicant(s)

R. Santhanam and anr

Respondent(s)

Secy., M/ Communications and org.

1. Sh. R. Santhanam,
Senior Accountant
MO III Section
% Deputy Director of Accounts
Postal,
Bangalore - 560001.

2. Sh. V. K. Rao,
Senior Accountant
% Deputy Director of Accounts
(Postal)
Bangalore

3. The Secretary,
Ministry of Communications,
Dept. of Posts, New Delhi.

4. The Deputy Director of Accounts
Karnataka Circle,
(Postal)
Bangalore.

5. Sh. C. Narayana,
Accounts Officer (Admn),
% Dy. Director of Accounts (Postal),
Bangalore -

6. Sh. S. Ranganath Josi,
Adv.,
36, Shankara Park,
Shankarapura,
Bangalore - 560004.

7. Sh. G. Shantappa,
Central Govt Standing
Counsel,
High Court Building,
Bangalore - 560001.

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

Please find enclosed herewith a copy of the ORDER/
~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said
application(s) on 12-07-93

Issued

9
tm

9/

N. Deo S
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

21/7/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE TWELFTH DAY OF JULY 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO. 9/93

1. R. Santhanam,
Major,
Senior Accountant M.O.III,
Section, Office of the
Deputy Director of
Accounts [Postal],
Bangalore-1.
2. V.K. Rao,
Aged about 56 years,
S/o A.K. Rao,
Working as Senior
Accountant, Office
of the Deputy Director of Accounts
[Postal], Bangalore.

... Applicants

[Shri S. Ranganath Jois ... Advocate]
v.

1. The Union of India
represented by its
Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Deputy Director of Accounts
[Postal] Karnataka,
Circle, Bangalore.
3. Sri C. Narayana,
Accounts Officer [Adm],
Office of the Deputy
Director of Accounts,
Bangalore-1.

... Respondents

[Shri G. Shanthappa . Advocate]

This application having come up for hearing before this
Tribunal today, Hon'ble Mr. V. Ramakrishnan, Member [A], made
the following:



ORDER

The controversy in this case relates to the position of the applicants in the seniority list in the cadre of Senior Accountant as at Annexure A-9. We find that when the applicants had approached this Tribunal earlier they got the relief that their pay as Senior Accountant should be fixed keeping in view the fact that it is a promotion post. We find subsequently the department had published a seniority list in 1989 showing the position of Santhana as No.9 and V.K. Rao as No.61. The applicants had objected to this list as according to them it does not take note of the fact that they have been continuously officiating as Senior Accountants for long and they have been pushed down below their juniors. We find that the department had rejected the objections of the applicants ~~solely~~ ^{that} on the ground that the Tribunal had not given any direction on the point of seniority. During the course of hearing learned counsel for the respondents informed that the representation of the applicants for refixation of their seniority will be further examined by the department and not turned down merely because there was no specific direction from the Tribunal that their seniority should be properly fixed. We direct the department should reexamine the question of seniority keeping in view all the relevant materials including the period of continuous officiation at the level of Senior Accountants and come to a proper finding and not rejected the contention of the applicants solely on the ground that there was no specific direction to that effect ^{earlier}. Reconsideration of the issue on the basis of the representation of the applicants should be complied with within three months. No costs.

TRUE COPY

R. Guru S
21/3/93
Tribunal Secretary
Tribunal Building
Chennai 600 006

Sd/-
MEMBER [A]

Sd/-
VICE-CHAIRMAN

B-618

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

CONTEMPT PETITION NO. 44/1993 in CA 9/93 ✓

TUESDAY THE TWENTY FIFTH DAY OF JANUARY, 1994

Present: Shri V.Ramakrishnan, Member (A)

Shri A.N.Vujjanaradhy, Member (J)

Sri R.Santhanam, Major,
Senior Accountant M.O.III,
Section, Office of the
Deputy Director of Accounts,
(Postal), Bangalore-560 001.

Sri V.K.Rao, Major,
S/o Sri M.K.Rao,
Senior Accountant,
Office of the Deputy Director
of Accounts, (Postal),
Bangalore.

...Complainants

By Advocate Shri S.Ranganatha Jois.

Versus

1. Sri R.Rajagopal,
Accounts Officer (Admn),
O/o the Dy. Director of
Accounts (Postal)
G.P.O. Complex,
Bangalore-560 001.

2. Sri K.S.Venugopal,
The Deputy Director of Accounts,
(Postal), Karnataka Circle,
Bangalore-560 001.

...Respondents

By Advocate Shri M.Vasudeva Rao, C.G.S.C.

O R D E R

Shri V.Ramakrishnan, Member (A)

The Contempt Petition, which is before us, alleges that the department has not implemented the directions of this Tribunal in OA 9/93 disposed off on 12th July, 1993. We have heard Shri S.Ranganatha Jois for the complainants after Shri M.V.Rao has taken notice for the respondents.

2. The direction in OA 9/93 to the department was that they should re-examine the seniority keeping in view all the relevant materials including the period of continuous officiation at the level of Senior Accountants and come to a proper finding and not reject the contention of the applicants solely on the grounds that there was no specific direction from the Tribunal to the effect earlier on the point of seniority.

3. We find that the department has issued a detailed order dated 20.10.93 as at Annexure A2 where, after re-examining the matter, they had come to a certain finding. Shri Ranganatha Jois for the complainants contends that this order is not in the nature of compliance with the direction of this Tribunal on the ground that it has not given the benefit of continuous officiation at the level of non-functional Senior Accountants. We are afraid, we cannot agree with this contention. There

✓

was no direction by this Tribunal that the applicants should automatically be given the benefit of continuous officiation in the non-functional selection grade for the purpose of seniority. All that the Tribunal had directed was that the department should take into account all the relevant materials including the period of continuous officiation and come to a proper decision. The department has taken a decision as reflected in the order dated 20.10.93 as at Annexure A2. If the applicants are not satisfied with the decision of the department, it is not open to them to challenge it on the ground that the department had committed contempt and not complied with the directions of this Tribunal, when they had clearly carried out the order dated 12th July, 93. We, therefore, hold that there is no merit in the Contempt Petition.

4. With this observation, the contempt petition is dismissed and the alleged contemners are discharged.
No costs.

Sd-
27/11
(A.N.VUJJANARADHYA)
MEMBER (J)

Sd-
28/11
(V. RAMAKRISHNAN)
MEMBER (A)

TRUE COPY.

Gaja

Se. Registrar
SECTION OFFICER 9/2/94
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE