

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:-

APPLICATION NUMBER: 318 of 1994.

APPLICANTS:

Sri.M.A.M.Kameshwara Rao v/s.
To.

RESPONDENTS:

Secretary, Ministry of Defence,
New Delhi and Others.

1. **Sri.M.S.Anandaramu, Advocate, No.27, Chandrashekar Complex,**
FristMain Road, First Floor, Gandhinagar, Bangalore-56009.
2. **The Commander Works Engineer, Army, Dickenson Road, Bangalore-42.**
3. **Sri.M.Vasudeva Rao, Central Govt. Stng. Counsel,**
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 21st April, 1994.

gm*

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

[Signature]
13/5/94

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.318/94.

THURSDAY, THIS THE 21ST DAY OF APRIL, 1994.

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI V. RAMAKRISHNAN .. MEMBER (A)

Sri M.A.M. Kameshwara Rao,
S/o late Majety Shankar Rao,
aged about 52 years,
working as Lower Division Clerk,
Office of the Garrison Engineer
(South) (Defence Establishment),
No.1, Ulsoor Road, Bangalore-42. .. Applicant

(By Advocate Shri M.S. Anandaramu)

Vs.

1. The Union of India,
rep. by its Secretary,
Ministry of Defence,
New Delhi.
2. The Engineer in Chief,
Army Headquarters,
New Delhi.
3. The Chief Engineer,
Southern Command, Pune.
4. The Commander Works Engineer,
Army, Dickenson Road,
Bangalore-42.
5. The Chief Engineer (A.F.),
No.2, D.C. Area, M.E.S.Road,
Yeswanthapur (PD), Bangalore-22. .. Respondents

(By Advocate Shri M. Vasudeva Rao)
Central Govt. Addl. Standing Counsel

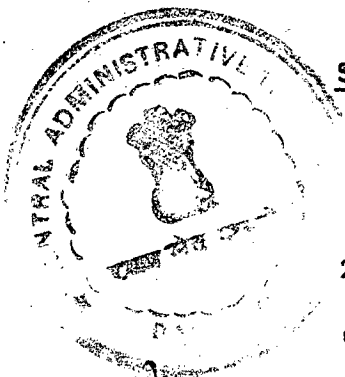
ORDER

Shri V. Ramakrishnan, Member (A):

Admit.

2. Reply filed. As the pleadings are complete, we propose to dispose off this application on merits.

...2...



3. The applicant was appointed as a Civilian School Master in lieu of combatant against the vacancy of regular combatants some time in 1963. He was given an option in 1976 to be absorbed against regular vacancies of L.D.Cs as at that time the posts of Civilian School Masters held by the applicant were declared surplus. He had accepted the offer and an order was issued as per Annexure-'A' dated 15.4.1976 posting him as L.D.C., but he was allowed to retain the higher pay scale which he had drawn as Civilian School Master. Even at present he continues to draw the higher pay scale, but function as L.D.C. The applicant's prayer is that he should be deemed to be a U.D.C. with effect from November, 1967 and his seniority in that cadre should be reckoned from that date and he should be considered for further promotion to the next higher cadre with all consequential benefits or in the alternative the respondents should be directed to absorb him in the cadre of Graduate Civilian School Master in any of the posts available. He had approached the Tribunal earlier in 1992 as in O.A. No.401/1992. But, he had withdrawn the application as he then wanted to submit one more representation to the departmental authorities seeking fixation of higher seniority on the basis of service rendered by him as a Civilian School Master. The Tribunal had allowed him to do so and directed as per order dated 27.1.1993, that if he made a representation within one month, the same should be disposed off within three months thereafter. We find that he, accordingly made a representation to the Engineer in Chief, Army Headquarters on 25.2.1993. This representation was disposed off by the department on 22.7.1993 as in Annexure-R2 where he was informed that his seniority cannot be upgraded as claimed by him, but, however, his previous service may be considered for the purpose of pension. Aggrieved by the above order, he is before us again.

4. As has been brought out earlier, on the basis of his willingness, the applicant was posted as L.D.C. in April, 1976 when the post of Civilian School Masters were declared surplus. He had accepted the post and he cannot now come to us after two decades seeking to undo what had happened then. We are also of the view that on the cause of action that had arisen in 1976, we have no jurisdiction to go into the same in ^{view} lieu of the judgment of this Tribunal in V.K. Mehra Vs. Secretary, Ministry of Information and Broadcasting, AIR 1986 (CAT) 203 (PB).

5. In the light of the foregoing, we find no merit in this application which accordingly is dismissed. No costs.



Sd- int
VK
(V. RAMAKRISHNAN)
MEMBER (A)

Sd- int
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

psp.

[Signature]
12/8/84
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
BANGALORE