

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 6 SEP 1994

APPLICATION NUMBER: 865 of 1994

APPLICANTS:

Sri. B. Shivarah and Others
To.

RESPONDENTS:

Collector of Central Excise,
Bangalore and Another

① Sri. R. U. Gowlay Advocate, No. 318,
Kurebasasamgha Building, First Main,
Gandhinagar, BANGALORE-560009.

② Sri. M. Vasudeva Rao, Addl. C.G.S.C.
High Court Bldg, BANGALORE-560001

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 17th August 94

Issued on
6/9/94

7/c

Seenuvar 6/9

1. DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A.No.865/94

WEDNESDAY THIS THE SEVENTEENTH DAY OF AUGUST 1994

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

Shri T.V. Ramanan ... Member [A]

1. B. Shivaiah,
S/o Byraiah,
Aged about 45 years,
Working as Lower Division Clerk,
Office of the Assistant
Collector of Central Excise,
Vth Division, Seshadripuram,
Bangalore.
2. M. Hanumanthappa,
Aged about 48 years,
working as Upper Division Clerk,
Office of the Collector of
Central Excise Hqrs,
Queen's Road,
Bangalore-1.
3. Akil Ahmed Khan,
S/o S. Hussain Khan,
aged about 40 years,
Working as Lower Division Clerk,
Office of the
Collector of Central Excise,
Hqrs, Queens Road,
Bangalore-1.
4. Chikkannappa,
S/o Doddaiiah,
aged about 44 years,
Working as Lower Division Clerk,
Office of the
Collector of Central Excise,
Air Cargo Complex,
Bangalore-17.
5. M. Narayana,
aged about 46 years,
Working as Lower Division Clerk,
Office of the Asstt.
Collector of Central Excise,
III Division, Infantry Road,
Bangalore-1.
6. C. Munikrishnappa,
S/o Chikkanna,
aged about 44 years,
Working as Lower Division Clerk,
Office of the
Collector of Central Excise,
Air Cargo Complex, Bangalore.



7. S.K. Seenappa,
aged about 44 years,
Working as Lower Division Clerk,
Office of the
Collector of Central Excise,
Hqrs, C.R.Buildings,
Queens Road, Bangalore.1
8. N. Yalakappa,
aged about 44 years,
Working as Lower Division Clerk,
Office of the
Collector of Central Excise,
C.R.Buildings, Queens Road,
Bangalore-1.
9. R. Daniel Satyasheela,
S/o late S.P. Rathnam,
aged about 48 years,
Working as Lower Division Clerk,
Office of the
Collector of Central Excise,
Hqrs, Queens Road,
Bangalore-1.

... Applicants

[By Advocate Shri R.U. Goulay]

v.

1. The Collector of Central
Excise and Customs,
Central Revenue Buildings,
Queen's Road,
PB No.5400,
Bangalore-560 001.

2. The Deputy Collector of
Central Excise [P&V] HQrs,
C.R.Buildings,
Queen's Road,
Bangalore-560 001.

... Respondents

[By Advocate Shri M. Vasudeva Rao ...
Addl. Central Govt. Standing Counsel]

O R D E R

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

1. After having heard Shri R.U. Goulay, for the
applicants and the learned Standing Counsel for the
department, we are little amazed that the applicants

who had a clear right of appeal, as mentioned in the impugned order, which states in ^{as} many ^{words} ~~ways~~ that the order is liable to be appealed against to the higher authority and what is more Rule 23[c] of CCS [CCA] Rules also providing for such a contingency, nonetheless the applicants have come straight to us.

2. Be that as it may we now direct the applicants to exhaust the right of appeal under law and thereafter come to us if need be. All the applicants herein will prefer such appeals within one month from the date of this order, and on receipt of the same the Appellate Authority will dispose of the same within two months thereafter. Pending disposal of such appeals which are to be preferred as indicated above the impugned ^{order} reversions will stay put and not operate. There will be no costs.

3. In the case of Akil Ahmed Khan, one of the applicants in O.A. No.865/94, ^{his} the grievance is really unwarranted since it affects only the seniority of the said Akil Ahmed Khan and he is not one of those reverted to the lower post. He should not have come to us and should have preferred an appeal to the appropriate authority. He should now file a proper appeal to the appropriate authority in the matter of refixation of seniority. With these observations O.A. No.865/94 stands disposed off finally.



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore bsv

[Signature]
MEMBER [A]

[Signature]
VICE-CHAIRMAN