

## CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

\*\*\*\*\*

## FORM OF INDEX AS PER CAT (DESTRUCTION OF RECORDS) RULES 1990

LIST OF PAPERS IN CA/RA/CP/TA NO..... *744/94*

Sl.No.	Items	Description of papers
1.	Orders Sheets	KEPT
2.	All Orders/Judgements of the Tribunal passed in the case	-- do --
3.	Judgements and order received from the Supreme Court in the case.	<u>no</u>
4.	All applications including MAs/Plaints/Memorandum/Appeals together with annexures and all other documents whether original or copies filed with them.	KEPT
5.	Counter/written statement and reply affidavits	-- do --
6.	All depositions of witnesses taken by way of affidavit	-- do --
7.	All documents or certified copies received by the court and marked as exhibits. reports and examination of commissioners	-- do --
8.	Notices	<i>Destroyed</i>
9.	Letters filed by the counsel and other correspondence vakaltnama/memo of appearance	-- do --
10.	All other papers not already specified.	-- do --

\*PVK

*Waliullah*

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

[SMB]

ORDER SHEET

Application No. .... 744 .... of 1994

Applicant

Umanath Suvarna

Advocate for Applicant

Sh MS Anandaramu

Respondent

UOI by Secy, M/O Finance, N.Oli & ors

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
08.04.94	<p>This application is filed u/s 19 of the Act. The applicant prays to:</p> <p>Direct the respdts to step up the pay of the applnt on par with 5th &amp; 6th respdts and grant all consequential benefits.</p> <p><u>INTERIM PRAYER:</u> Nil.</p> <p>As directed, this appln is regd &amp; posted before the Bench for prlg &amp; admn on 12.04.94.</p> <p>IPO removed.</p> <p><i>Suvarna</i></p>	<p><u>PKS(Vc)/TVA(ms)</u></p> <p><u>12-4-94</u></p> <p>Admit.</p> <p>Call on 5-7-94</p> <p><u>m (a)</u> <u>b</u> <u>V.C.</u></p>

Date	Office Notes	Orders of Tribunal
28.4.94	<p>Notice issued to R-1 to S.</p> <p>Notice not issued to R-6 for want of process fee.</p>	
<u>Q</u> 28/4/94		
9.5.94	<p>R-2 &amp; 4 served. ACK filed.</p>	
<u>Q</u> 9/5/94	<p>Service position.</p> <p>R-2 &amp; 4 — served</p> <p>R-1, 3, 5 <del>served</del> — ACK awaited</p> <p>R-6 — Notice not issued for want of PF.</p>	
16.5.94	<p>R-1 served. ACK filed.</p>	
<u>Q</u> 16/5/94	<p>Service position.</p> <p>R-1, 2 &amp; 4 — served</p> <p>R-3 &amp; 5 — ACK awaited</p> <p>R-6 — Notice not issued for want of PF.</p>	
<u>Q</u> 16/5/94		

-3-

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

[SMB]

Application No. .... 764 of 1994

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
24-5-94 <i>De 24/5/94</i>	R-5 served. AEC filed.  <u>Service position:</u> R-1, 2, 4 & 5 - Served. R-3 - AEC awaited R-6 - Notice not issued for want of PF.	
24/5/94 <i>De 24/5/94</i>	R-3 served. AEC filed.	
3-6-94 <i>De 3/6/94</i>	<u>Service position:</u> R-1 to 5 - Served R-6 - Notice not issued for want of PF.	
3/6/94 <i>De 3/6/94</i>		

-4  
-2

Date	Office Notes	Orders of Tribunal
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8.6.94

process fee furnished  
by the advocate for the applicant.  
Notice issued to R.6.  
4 PO accounted for.

8/6/94

Service Position:

R.1 to S - served  
R.6 - ACK awaited

8/6/94

22.6.94 Shri G. Shanmappa,  
ACGSE, has filed Memo  
of appearance for R.1 to 4.

22/6/94

Service position:

R.1 to 4 - by Shri G. Shanmappa  
R.5 - served (Unrep)  
R.6 - ACK awaited.

22/6/94

22.6.94 R.6 served. ACK filed.

Service is complete

22/6/94

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

Application No. ....744..... of 1994

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
	<p><u>Service Position:</u></p> <p>R-1 to 4 - by Shri G. Shanthappa R-5 &amp; 6 - served (Unrep)</p> <p><i>Re 22/6/94</i></p>	<p>VR(MA) 5/94.</p> <p>Shri H.S. Anantha Padma-natha files <sup>files</sup> <del>Vakalatnama</del> for respondents 5 &amp; 6 and prays for 4 weeks time to file objections. Shri G. Shanthappa for respondents 1 to 4 also prays for time to file objections. Adjournment is granted.</p> <p>Call on 9.8.94.</p>
	<p><u>Service Position:</u></p> <p>R-1 to 4 by Shri G. SHANTHAPPA R-5 &amp; 6. By Shri H.S. ANANTHA PADMA- -ANARSHA.</p> <p><i>Re 6/7/94</i></p>	<p>UP M(A).</p>

6  
2

Date	Office Notes	Orders of Tribunal
<u>26.7.94</u>	<p>Sh. G. Shanthappa Addl. Central Govt. Standing Counsel has filed reply statement on 21.7.94 on behalf of the respondents. No. <del>104</del><sup>R1 to R4</sup>. <del>Therefore</del> case is not ready for hearing on <del>22/7/94</del> Reply awaited from R5 &amp; R6 represented by Shri. H.S. Ananthap- admane, Advocate <u>26.7.94</u></p>	<p>26.7.94.</p>

**In the Central Administrative Tribunal**  
**Bangalore Bench**  
**Bangalore**

Application No. .... 744/94 ..... of 199

**ORDER SHEET (contd)**

Date	Office Notes	Orders of Tribunal
	<p style="text-align: center;"><u>14.9.94</u></p> <p>Ady to 30/9/94. at the      request of counsel for      applicant</p> <p style="text-align: right;">PDD      A      W      CTR</p>	<p style="text-align: center;"><u>(PRS) re 1(CR)MA</u>      30.9.1994.</p> <p>Sri <u>HS Anandappa</u>-      natha, learned Advocate      for RS&amp;RB is stated to      be not in Station today.      A representation is made on      his behalf for adjournment.      Adjourned to 6.10.1994      for hearing.</p> <p style="text-align: right;">H      MHD</p>
	<p style="text-align: center;"><u>6.10.94</u></p> <p>At the request of Sri      HSA. Ady to 17.10.94.</p> <p style="text-align: right;">PDD      A      W      CTR</p>	<p style="text-align: center;"><u>CR</u></p>

Date	Office Notes	Orders of Tribunal
	<p><u>17.10.94</u></p> <p>Adv to 20.10.94 at the requesting counsel for <u>setpr</u></p> <p>MDD S W GK</p>	
	<p><u>20.10.94</u></p> <p>At the request of counsel for applicant adv to 8/11/94</p> <p>MDD S W GK</p>	<p><u>TVR (M A)</u> 8-11-94</p> <p>This is a part-heard matter. Place this case before the appropriate Bench on 22-11-94.</p> <p>Y M(A)</p>

**In the Central Administrative Tribunal**  
**Bangalore Bench**  
**Bangalore**

Application No. .... 744 of 1994

**ORDER SHEET (contd)**

Date	Office Notes	Orders of Tribunal
		<p style="text-align: center;">PKS (VC)   TVR (MA)</p> <p style="text-align: center;">22.11.94</p> <p>Shri M.S. Anandaram, learned counsel for the applicant is not well.</p> <p>Adjourned to 20.12.94.</p> <p style="text-align: right;">6</p> <p style="text-align: right;">M(A)</p>
20.12.94	<p><u>Before</u></p> <p>PKS-VE TVR+MA)</p> <p>Shri M.S. Anandaram with Shri G. Sheentappa for R-1 to L Shri H.S. Anantapadmanab TVR-G \$6</p> <p>Application disposed of order directed</p> <p style="text-align: right;">100</p> <p style="text-align: right;">E W CP</p>	

Date	Office Notes	Orders of Tribunal
	<p>26.12.94</p> <p><u>Copies issued. 9/12 filed</u></p> <p><i>J. M.</i></p>	

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGLAORE BENCH

Dairy No. ....

REPORT ON THE SCRUTINY OF APPLICATION

Presented by: Sh. Devendraji, Adv.

Date of Presentations:

6/4/84

Applicant(s): Umaresh Shwars

[SMB]

Respondent(s): Off. of Reg. of Fr. & Lns

Nature of Grievance: ....

No of aplnts: ....

No of Resptns: .... 6

OA No. 746/94

CLARIFICATION

Subject: Stoppage of P.O. & P.C. (No. )

Department: Revenue (No. )

1. Is the application in the proper form?  
(Three complete sets in paper books  
form in two compilations)

ny

2. Whether name, description and address  
of all the parties been furnished in  
cause title?

ny

3. (a) Has the application been duly  
signed and verified?

ny

(b) Have the copies been duly signed?

ny

(b) Have sufficient no of copies of  
the application been filed?

ny

4. Whether all the necessary parties are  
impleaded?

ny

5. Whether English translation of docu-  
ments in a language other than English  
or Hindi been filed?

✓

6. Is the application in time?

ny

7. Has the Vakalathnama/Memo of Appearance/  
authorisation been filed?

ny

8. Is the application maintainable?

12/1

9. Is the application accompanied by IPO/DD for Rs.50/-?

13

10. Has the impugned orders original/duly attested legible copy been filed?

14/1 for directions

11. Have legible copies of the annexures duly attested been filed?

15/1

12. Has the index of documents been filed and pagination done properly?

16/1

13. Has the applicant exhausted all available remedies?

17/1

14. Has the declaration as required by been made?

18/1

15. Have required number of envelopes (file size) bearing full address of the respondents been filed?

19/1

16. (a) Whether the reliefs sought for arise out of single cause of action?

Ans: Unlikely

(b) Whether any interim relief is prayed for?

17. In case a MA for condonation of delay is filed, is it supported by an affidavit of the applicant?

18. Whether this case can be heard by Single Member Bench?

Yes

19. Any other point?

~~Opposed MA or not opposed.~~

20. Result of the scrutiny with initial of the Scrutiny Clerk.

May be listed before the Bench is sitting as admiss.

12/1/86

Section Officer

Deputy Registrar

Registrar

C.

8/4/84

DR(F)

8/4/84

Atty 8/4/84

JII

8 sets filed by Sri Devendran Adw  
 May be posted on 12.4.94 to  
 Central Administrative Tribunal 674/KY  
 In The High Court of Karnataka at Bangalore

PRESENTATION FORM

Sri Rao

O A No. .... 744 of 1994

Serial No. ....

D. K

District

Advocate :

**K. SUBBA RAO**, B.A. (Hons) LL.B.  
 ADVOCATE  
 Chandrasekhar Complex  
 No. 27, 1st Main Road,  
 1 Floor, Gandhinagar,  
 BANGALORE - 560 009.



Between

Uma Maithi, Suvarna

and 11, O.T & O.S

SI No.	Description of Paper Present	Court Fee affixed on the paper
1	INDEX ON THE MEMO OF APPEAL/PETITION/APPLICATION	50/-00
2	ON VAKALATH	3/-00
3	ON CERTIFIED COPIES	
4	ON PROCESS FEE	
5	ON COPY APPLICATION	
6	ON MEMO	
7	.....	
8	.....	
9	.....	
10	.....	
11	.....	
	TOTAL	53/-00

Number of Copies Furnished :

Other side Served

Appellant  
Petitioner

Advocate for

Respondent *App. Clerk*

Received Papers with and  
Court-fee labels as above

Presented

Advocate's Clerk  
Bangalore.

Date ..... 6/4/94 ..... 19

Receiving Clerk



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

A.No. 744/1994.

Between

SRI. UMANATH SUVARNA

APPLICANT

AND

THE U.C.I. & OTHERS

RESPONDENTS.

I N D E X.

Sl.No.	Particulars	Pages.
1.	Application filed u/s 19 of the A.T. Act, 1985.	1 - 11
2.	<u>ANNEXURES:</u>	
A1	Copy of the order No.C.No.II/3/13/ 88 E.1 dt. 22.7.1988	12 - 13
A2	Copy of the order No.C.No.II/ 11.6/87.A1 dated 15.5.1990	14
A3.	Copy of the letter No.C.No.II/34/ 20/89 A.1 dated 18.5.1989	15 - 17
A4.	Copy of the select list dated 21.3.1985.	18 - 20
A5.	Copy of the order No.C.No.II/3/ 23/93.E1 dt. 4.8.1993.	21

contd...

*M. L. Laxmi*

2.

A6. Copy of the order No.C.No.II/3/  
92/93 A.1 dt. 13.10.1993

22

A7. Copy of the order No. C.No.II/3/  
27/93 E.1 dt. 20.10.1993

23

A8. Copy of the representation dated  
1.2.1994.

24

3. Vakalath

Bangalore,

4.4.1994

*Venu*  
Advocate for Applicant.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE.

A.No.

744/1994.

Between

UMANATH SUVARNA  
s/o Annappa Mendon,  
aged about 39 years,  
working as Sukhani, office  
of the Additional Collector  
of Customs, New Customs House,  
Payambur, Mangalore-575010.

: APPLICANT.

and

1. The Union of India  
rep. by its Secretary,  
Ministry of Finance,  
New Delhi.

sd.

2. The Director of Preventive  
Operations, Customs and  
Central Excise, 4th Floor,  
Lok Nayak Bhavan, New Delhi.

sd.

3. The Collector of Central  
Excise and Customs,  
Central Revenue Buildings,  
Queens Road, Bangalore-1.

sd.

4. The Additional Collector  
of Customs, New Customs  
House, Panambur,  
Mangalore-575 010.

sd.

5. Sri.P.Y. ~~Kharvi~~ Kharvi,  
s/o Yadav Kharvi, aged  
about 40 years,

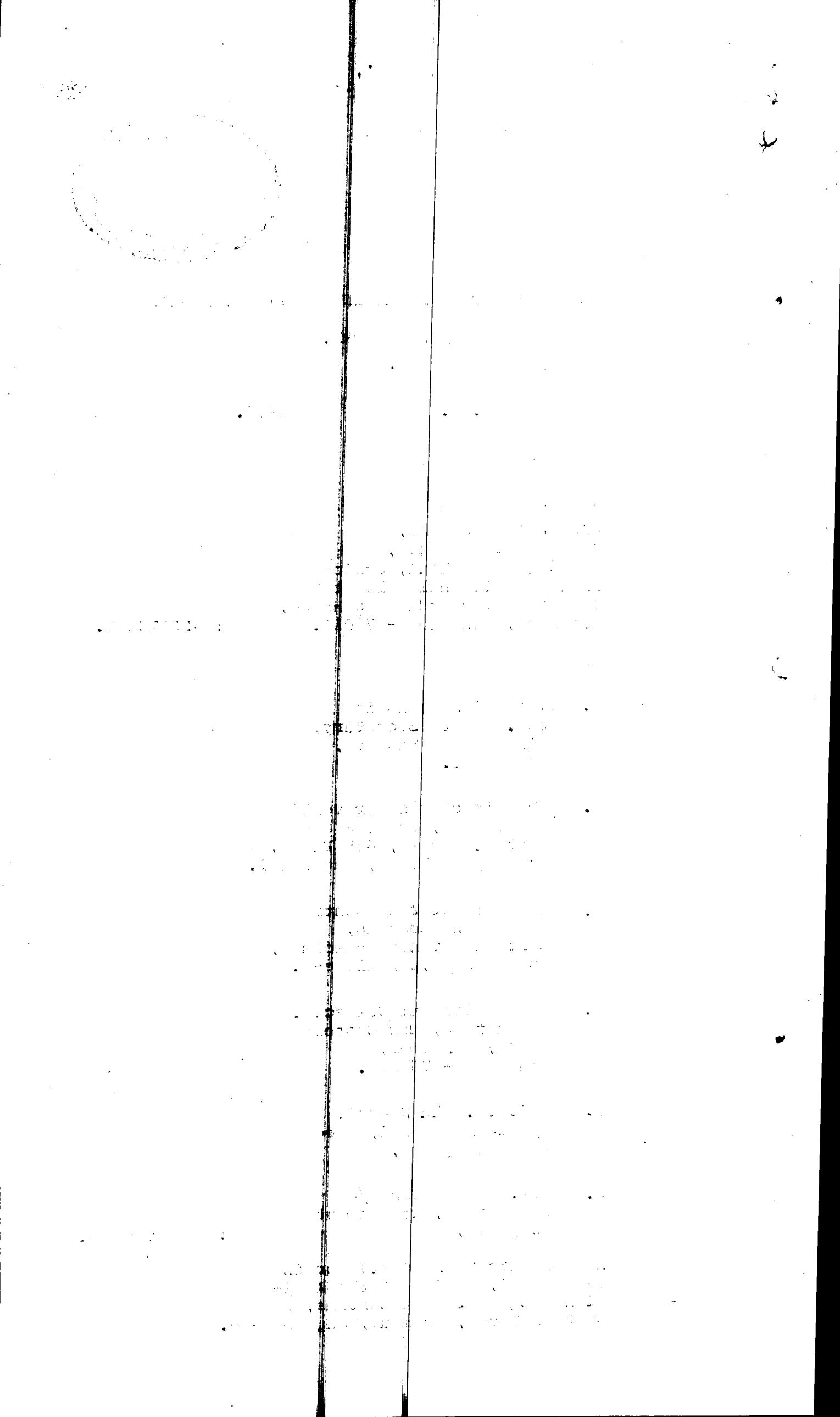
sd.

6. Sri.Gopu Mogera s/o  
Rama Nayak, aged about  
41 years,

: RESPONDENTS.

Respondents 5 and 6 are working  
as Sukhani, office of the Addi-  
tional Collector of Customs, New  
Customs House, Panambur, Mangalore-10.

*Um*



2.

APPLICATION FILED u/s 19 OF THE  
A.T. ACT 1985.

DETAILS OF THE APPLICATION.

I. PARTICULARS OF THE APPLICANT.

i) to v) : As mentioned in the  
cause title.

21) Address for service: Sril K. Subbarao,  
vice of notices. B.A. (Hons) LL.B.  
Sri. M.S. Anandaramu  
M.A. LL.B.  
Sri. M. Narayana Bhat,  
B.A. LL.B.  
Advocates, No. 27,  
Chandrashekhar Complex,  
I floor, I Main,  
Gandhinagar, Bangalore-9.

2. PARTICULARS OF THE RESPONDENTS:

i) to vi) : As mentioned in the  
cause title.

3. PARTICULARS OF THE ORDER AGAINST  
WHICH APPLICATION IS MADE: & SUBJECT  
IN BRIEF:

No order has been challenged in  
this application, but, for a direction to  
the respondents from 1 to 4 to step-up the  
pay and other emoluments of the applicant  
on par with the respondents 5 and 6 res-  
pectively.

4. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the sub-  
ject matter of the order against which he  
wants redressal is within the jurisdiction  
of this Hon'ble Tribunal.



3.

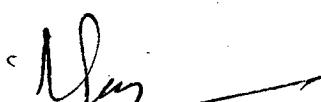
5. LIMITATION:

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administration Tribunals Act 1985.

6. FACTS OF THE CASE:

6.1 It is, submitted that the applicant initially joined service as Seaman with effect from 7.2.1977. The respondents 5 and 6, have also entered service as Seamans subsequently to the applicant i.e., on 12.12.1977 and 8.12.1977 respectively. Somewhere in the year 1982, the services of the applicant came to be transferred from Mangalore to Karwar. Again vide order No.C.No.II/3/13/88 E.1 dated 22.7.1988 issued by the fourth respondent, the applicant was transferred from Customs Division, Karwar to Mangalore and a copy of the same is produced as ANNEXURE: A1. Pursuant to the said orders of transfer, the applicant reported for duty at his new place of posting and even to this day, he continued to work there.

6.2 Even though, the applicant as well as the respondents 5 and 6, were appointed in the year 1977 itself, their services came to be confirmed with effect from 1.4.1988 by an order bearing reference No. C.No.II/11/6/87.A1 dated 15.5.1990 and a copy of



the same is produced as ANNEXURE: A2 issued by the third respondent. As could be seen from the said enclosure, the applicant's name is figured at Sl.No.3 whereas the respondents 5 and 6, are shown at Sl.Nos. 5 and 4 respectively. The applicant as well as the respondents 5 and 6, were confirmed in the grade of Seaman. At this stage, it is relevant to mention here that the third respondent has prepared and published a seniority list of Group-C and D, Marine staff as on 1.1.1989 vide his letter No.C.No.II/34/20/89 A.1 dated 18.5.1989 and a true copy of the same is produced as ANNEXURE: A3. As could be seen from the seniority list prepared by the third respondent, the applicant ranked at Sl.No.3 in the Seaman Grade-I and his date of entry into service is shown as 7.12.1977. Whereas, the 5th respondent is placed at Sl.No.5 and his date of entry is shown as 12.12.1977. Likewise, the 6th respondent's name is figured at Sl.No.4 and he entered service on 8.12.1987 as per the date shown in the seniority list. Therefore, it is manifestly very clear that the applicant is senior to respondents 5 and 6.

6.3 At this stage, it is relevant



5.

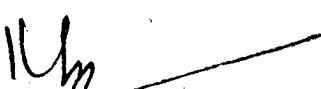
in  
to mention here that/the year 1985, the res-  
pondents have selected number of personnel  
to various posts for recruitment of CAC-Crew  
including the applicant as well as the 5th  
and 6th respondents. A true copy of the  
select list dated 21.3.1985 is produced as

ANNEXURE: A4. In the said list, the appli-  
cant is shown at Sl.No.6, whereas the 5th and  
6th respondents are shown at Sl.Nos. 5 and 8  
respectively even though the 5th and 6th  
respondents who studied upto SSLC and 7  
standard respectively are ineligible to be  
selected, they were also shown as selected  
along with the applicant who passed SSLC.  
However, for the best reasons known to the  
respondents 1 to 4 the said select list was  
given effect to.

6.4 Thereafter, vide order No.

C.No.II/3/23/93.E1 dated 4.8.1993 issued by  
the fourth respondent, the applicant along  
with others including the 5th and 6th res-  
pondents was directed to appear before the  
DPC., to consider <sup>their</sup> ~~his~~ case for further pro-  
motion and a true copy of the said letter  
dated 4.8.1993 is produced as ANNEXURE: A5.

Pursuant to the meeting held at DPC., the  
applicant as well as the 5th and 6th respon-  
dents have been promoted to the cadre of  
Sukhani. A true copy of the order No.C.No.  
II/3/92/93 A.1 dated 13.10.1993 issued by



6.

the third respondent is produced as  
ANNEXURE: A6. As could be seen from  
the said list, the applicant is shown above  
the 5th and 6th respondents and it is fur-  
ther made clear vide joining report bear-  
ing reference No.C.No.II/3/27/93 E.1  
dated 20.10.1993 and a true copy of the  
same is produced as ANNEXURE: A7.

6.5 In view of the facts mentioned  
above, it is manifestly very clear that  
even in the lower grade as well as in the  
promotional grade the applicant stood  
senior to the respondents 5 and 6, while  
fixing the pay on the promotional grade,  
the respondents 1 to 4 had shown discri-  
minatory attitude towards the applicant.  
Consequent on his promotion, the applicant's  
pay was fixed at Rs.1200/- per month whereas  
the pay of the 5th and 6th respondents was  
fixed at Rs.1440/- against the well settled  
principle of no junior should draw higher  
pay than his senior. Being aggrieved by  
the impugned action of the respondents 1 to  
4, the applicant submitted a representation  
dated 1.2.1994 and brought to the notice  
of the respondents 1 to 4 that they have  
committed irregularity in fixing the pay  
and other emoluments of the applicant on  
his promotion and further requested them



7.

to step up his pay on par with his juniors ie., 5th and 6th respondents respectively.

A true copy of the representation dated

1.2.1994 is produced as ANNEXURE: A8.

(~~Notifying to the respondents~~) But, so far the applicant had not received any communication, whatsoever from the respondents. Hence, ~~him~~ being aggrieved by the same, the applicant had left with no other option, approached this Hon'ble Tribunal by way of filing this application.

7. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he has availed off all the remedies available to him under the relevant service rules etc.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURTS:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other bench of the tribunal nor any such application, writ petition or suit is pending before any of them.

9. RELIEFS SOUGHT FOR:

WHEREFORE the applicant abovenamed most



respectfully prays that this Hon'ble Tribunal may be pleased to call for the entire records pertaining to the case of the applicant and grant him the following reliefs:-

(a) ISSUE A WRIT OF MANDAMUS or any other appropriate writ, order or direction, directing the respondents to step-up the pay of the applicant on par with 5th and 6th respondents respectively raising his pay from Rs. 1200/- <sup>to</sup> 1440/- with effect from 19.10.1993 with all other consequential benefits; and

(b) GRANT SUCH OTHER RELIEF or reliefs as this Hon'ble Tribunal deems fit to grant under the circumstances of the case to meet the ends of justice.

#### GROUND.

i. Having regard to the facts narrated above, it is manifestly very clear that right from his initial appointment, the applicant is stood senior to respondents 5 and 6 respectively. Once the applicant is senior in all respects fixing his pay



lower than that of his junior amounts to violation of well settled principle that no junior shall be allowed to draw salary higher than his senior. However, this principle is having its own exceptions. A junior shall be allowed to draw higher salary than his senior in the case like that the senior has suffered any penalty, reducing his pay and withholding of any increments etc. On the other hand, if any special pay or additional increments have been granted, to the junior for having acquired an additional qualifications or for having passed any departmental examinations, if any. Except these, grounds, no junior shall be allowed to draw higher salary than the senior.

ii. It is submitted that on his promotion to the cadre of Sukhani, as a result of application of Fundamental Rules 22-C if any anomaly crept in, while fixing pay it has to be stepped up. The stepping up should be done with effect from the date of promotion or appointment of the junior.

iii. In any view of the matter, no junior shall be allowed to draw higher salary than his senior in violation of the principles of natural justice.

A handwritten signature consisting of a stylized 'M' and a horizontal line.

11.

VERIFICATION.

I, Umanath Suvarna s/o Annappa Mendon, aged about 39 years, working as Sukhani, office of the Additional Collector of Customs, new customs house, Payambur, Mangalore-575010, the applicant herein, do hereby declare and verify that what is stated above (xxxxxx) in paras 1 to 12 of this application are true to the best of my knowledge, belief and information.

I further declare that I have not suppressed any material information before this Hon'ble Tribunal.

Bangalore,

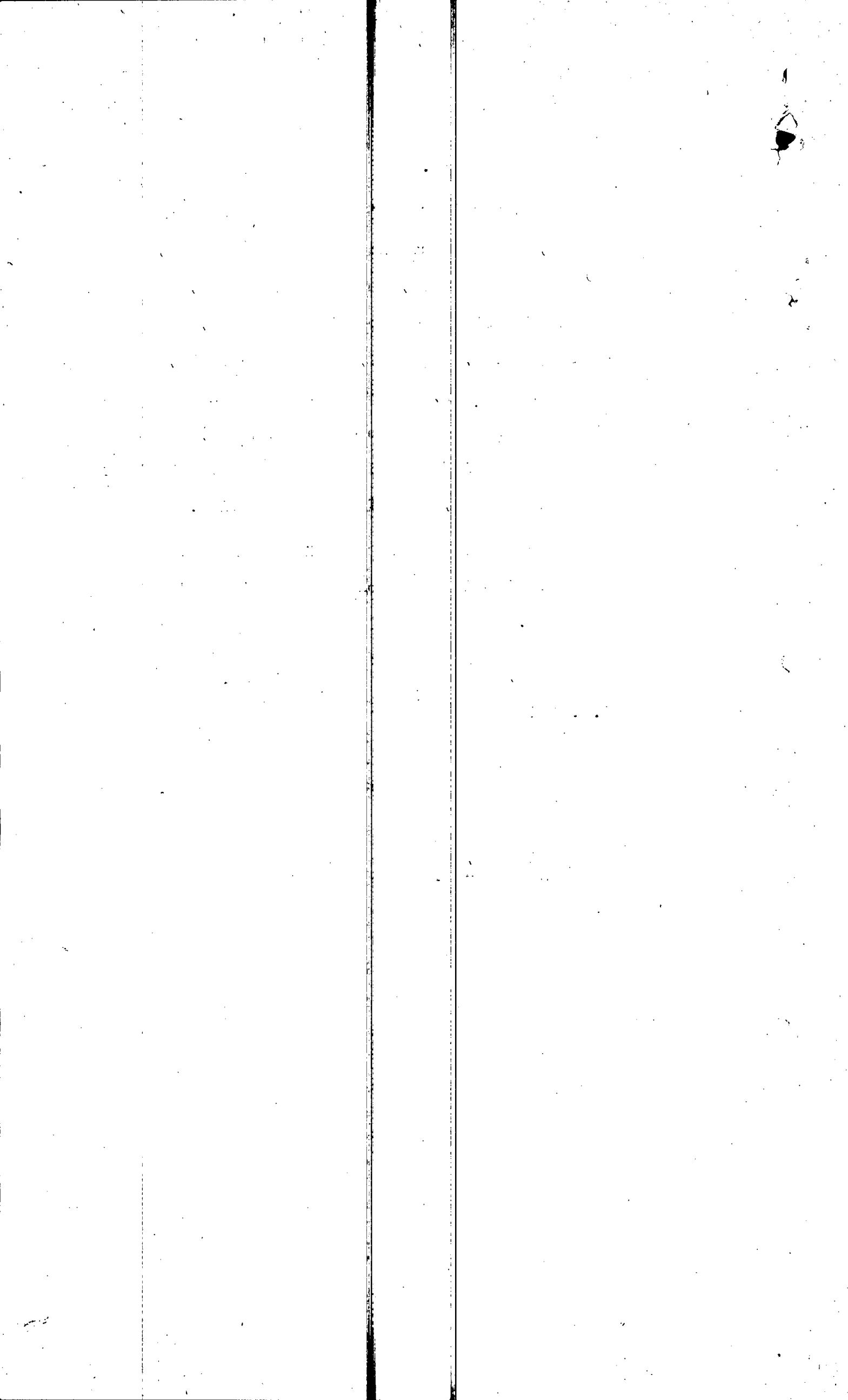
  
Applicant.

4.4.1994

  
B.V. D'Souza  
Advocate for Applicant.

To

The Registrar,  
CAT Bangalore-38.



Annexure A 1

(12)

OFFICE OF THE ADDITIONAL COLLECTOR OF CUSTOMS, P.V.S. SHDALS  
POST BOX NO. 741, KODIALBAIL, MANGALORE - 575 003.

Dated: 22-7-1988.

C.No.11/3/13/88 E.1

ORDER

Sub:- Ett - Transfers and Postings of Marine  
Staff within Additional Collector's  
Jurisdictional Control - Ordered.

The following transfers and postings of Marine Staff  
are ordered with immediate effect.

Sl. No.	Name of the Staff	From	To	Remarks.
1.	L.S.Karkera	Customs Division Karwar.	Marine Wing of Vice a Addl. Collector's vacancy. Office, M'llore.	
2.	Umanath Suvarna	SEAMAN GR-I -do-	-do-	-do-
3.	R.T.Harikantra	SEAMAN GR-II Marine Wing of Addl. Collector's Office, M'llore.	Customs Division Karwar.	-do-
4.	K.S.Kodarkar	-do-	-do-	-do-

2. The transferees are not entitled to transfer T.A and  
joining time as the transfers are ordered at their request.

3. Shri.Umanath Suvarna, Seaman Gr-I on reporting for duty  
at Additional Collector's Office, Mengalore will work under  
Skippermate in the Speedboat.

11/7/88  
(R.J.MANCHAR)  
ADDITIONAL COLLECTOR.

Umanath Suvarna. C/o. D.M. Karwar. 11/7/88

To the individuals (Through the Officers concerned)

Copy to Asst. Collector, Customs Division, Karwar (Six copies)

The transfers of marine staff have been ordered taking  
into consideration the existing vacancies against the  
present strength of Marine Establishment.

Copy submitted to The Collector of Customs/Central Excise, Bangalore.

Copy to FAO/CAO, Central Excise, Bangalore.

Copy to Asst. Collector (Preventive)/Supdt (FS) Mangalore.

Copy to S.G/Personal File/E.8

Mar\*

23  
C.No.II/3/21/88 E.1

Dated: 29.7.1988

Copy to Shri Umanath Suvarna, Seaman Grade I, Prev. Unit,  
Customs Division, Karwar.

G. SATYANARAYANA  
ADMINISTRATIVE OFFICER  
CUSTOMS DIVISION, KARWAR

THIS IS THE TRUE COPY OF THE  
DOCUMENT REFERRED TO AS  
ANNEXURE 'A' TO THE APPLICATION  
OF MR. U. SUVARNA  
B. S. N.  
ADVOCATE FOR APPLICANT

Annexure A2

(14)

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE: CENTRAL REVENUES  
BUILDING: P.B. No. 5400: QUEEN'S ROAD: BANGALORE 560 001.

C.No.II/11/6/87 A1

Dated: 15.5.1990.

Sub: Estt - Confirmation of Customs Marine  
Officers - Ordered.

\*\*\*

The following Customs Marine personnels of Karnataka  
Customs Collectorate are appointed substantively in their respective  
grade with effect from 1.4.88.

S/Shri.

1. H. Satish Kumar, Launch Mechanic (inland Driver)
2. Ramakrishna Bangera, Seaman
3. Umamah Suvarna, Seaman
4. Gopu Mogera, Seaman
5. P.Y. Kharvi, Seaman
6. G.S. Gaonkar, Seaman
7. P.A. Dias, Seaman
8. F.D. D'Souza, Seaman
9. B.M. Naik, Seaman
10. R.T. Harikantra, Seaman
11. Narayan S. Gowda, Lascar (Bhandari)
12. Padmanabha Salian, Greaser
13. M.P. Hariappa (SC), Greaser
14. K. Suresh Kharvi, Greaser
15. K. Raghunath, Greaser.

2. Such persons who were re-employed after military service  
will exercise their option referred to under Rule 10 and 19 of  
Central Civil Services (Pension) Rules, 1972 within 3 months of  
the date of issue of this order.

  
(D.S. KARANTH)  
ADDITIONAL COLLECTOR (P & V).

To

The individuals (through the officer concerned).

Copy to the Collector of Customs, Bangalore.

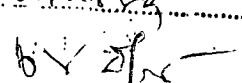
Copy to the Additional Collector of Customs, Mangalore.

Spare copies of the order are enclosed for the personal file  
of the individual concerned.

Copy to the Chief Accounts Officer, Pay & Accounts Officer, Central  
Excise, Bangalore.

Copy to the Director, Directorate of Preventive Operations,  
Customs and Central Excise, 4th Floor, Lok Nayaka Bhawan, Khan  
Market, New Delhi/the Joint Director, Hqs., Hotel Wildorf, 2nd  
Floor, Arthur Bunder Road, Colaba, BOMBAY - 400 005 for information.  
Copy to A2/A3/D3/D4/Confidential/A5 Sections in Hrs. Office, B'lore.

THIS IS THE TRUE COPY OF THE  
DOCUMENT REFERRED TO AS  
A.R. NO. 121 (1). APPLICATION  
OF S. 13(1) OF THE  
CUSTOMS & CENTRAL EXCISE ACT

  
ADVOCATE FOR AR. ELSANIA

## Appendix A 3

15

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE & CUSTOMS: CENTRAL REVENUES  
BUILDING: QUEEN'S ROAD: BANGALORE-560 001

C. No. II/34/20/89 A. 1

Dated: 18-5-1989

$T_0$

The Adm. Collector of Customs, Mangalore  
The Asst. Collector of Customs, Karwar Dist.

Sub: Estt.- Seniority list of Group 'C' & 'D' marine staff as on 1-1-89 - Issue of

The seniority list of Group 'C' and 'D' Marine staff working in the Karnataka Customs Collectorate as on 1-1-89 is enclosed, alongwith spare copies for circulation amongst the concerned staff. It may be impressed upon them that they should verify the correctness of the particulars furnished therein and discrepancies or omissions if any, be reported through proper channel within one month from the date of receipt of the seniority list.

2. The discrepancies pointed out, if any, by the concerned officers may please be scrutinised with reference to their service records before forwarding the same to this office.

3. A certificate to the effect that the seniority list has been circulated amongst all concerned staff may please be sent to this office within one month from the date of receipt of the seniority list.

( H E E R A R A D H A K R I S H N A )  
DEPUTY COLLECTOR ( P & E )

Copy to: The Director, Directorate of Preventive Operations,  
Customs & C.Ex., 4th Floor, Lok Nayak Bhawan, New Delhi-3

Copy to: The Joint Director Marine, Customs Marine Hqrs.  
Hotel Waldorf, 2nd Floor, Arthur Bunder Road, Barbay-05.

Copy to: The C.I.O / P.I.O.C.Ex., Bangalore

Copy to: A.2/A-3/Confidential/D.1/D-2/D-3/D-4 /I-4/I-5 Sections  
-qrs. Office, Bangalore

## માન્યજરીનાનીં

(16)

SENIORITY LIST OF GROUP 'C' & 'D' MARINE STAFF AS ON 1-1-1989

Sl. No.	NAME S/Shri	Date of Birth	Date of Appt. in Gt. Sr.	Date of Appt. in Conf.	Date of Pr. Gr.	Remarks
			3	4	5	

GROUP 'C' CADRES

Skippermane

1. A.Joseph	20-12-40	27-12-74	27-12-74	12-11-87	-
-------------	----------	----------	----------	----------	---

Engineer Mate

1. G.Vishwanathan	16-2-46	3-2-75	3-2-75	-	-
2. K.V.Phillip	20-8-41	30-1-76	30-1-76	12-11-87	-

Senior Deck hand

1. P.V.S.Nair	1-7-45	22-1-75	22-1-75	12-11-87	-
---------------	--------	---------	---------	----------	---

Tindal

1. L.S.arkera	4-8-51	10-9-82	10-9-82	-	-
---------------	--------	---------	---------	---	---

INLAND DRIVER (2nd Class)

1. N.Umesh	1-11-30	2-2-71	2-2-71	1-8-72	Retired
2. Leo Soares	10-9-40	9-11-77	9-11-77	-	-
3. H.Satish Kumar	19-7-54	23-4-83	23-4-83	-	-

GROUP 'D' CADRES

Seaman Grade-I

1. Felix D'Souza	3-3-33	11-11-77	11-11-77	-	-
2. Radakrishna Bangera	5-6-47	12-4-78	12-4-78	-	-
3. Umamathi Suvarna	1-8-55	7-12-77	7-12-77	-	-
4. Gopu Moguru	26-2-53	8-12-77	8-12-77	-	-
5. P.Y.Kharvi	1-6-54	12-12-77	12-12-77	x	-

Contd....2

1.	G.S. Jenkar	20-6-31	3-10-56	1-2-71	17-11-65
2.	K.P. Mallikar (SC)	2-6-7	3-10-56	1-2-71	17-11-65
3.	P.A. Dian	2-6-7	4-10-36	1-2-71	17-11-65
4.	P.K. Dabholkar	10-6-31	4-10-36	1-2-71	17-11-65
5.	S. S. Joshi	23-2-31	3-10-56	1-2-71	17-11-65
6.	S.D. Sadaya	3-6-47	11-11-77	11-11-77	11-11-77
7.	D.Ladava Vinod (SC)	20-2-31	7-11-77	7-11-77	11-11-77
8.	V.S. Kodarkar	2-6-12-31	1-11-77	15-11-77	1-6-79
9.	R.T. Harikantra	3-10-49	9-11-77	9-11-77	-
10.	K.L. Kuralidharen	2-3-21	2-12-77	2-12-77	-
11.	K.S. Kodarkar	3-12-33	6-12-77	6-12-77	-
12.	S.S. Kanchan	10-2-40	02-12-77	2-12-77	-
13.	Thimappa A. Kotiyal	1-6-43	3-12-77	5-12-77	-
14.	D.T. Harikantra	10-6-31	3-12-77	5-12-77	-
15.	V.R. Harikantra	13-6-31	2-12-77	2-12-77	-
16.	A. Babu Kaik (SC)	1-6-77	11-4-78	11-4-78	-
17.	G.C. Haldankar	26-5-78	26-6-78	26-6-78	-
18.	Ganapati C. Hajalikar	12-1-53	31-8-82	31-8-82	-
19.	U.B. Anglekar	29-9-39	1-5-82	1-9-82	-

GREASE GRADE - T

1.	Padmanabha Satian	12-3-52	15-11-77	14-11-77
2.	K.P. Hariappa (SC)	10-5-50	12-4-78	12-4-78
3.	Suresh Kharvi K.	10-8-61	10-8-82	10-8-82
4.	K.Raghunath	23-12-60	3-12-82	8-12-82

BHAVIDHARTA

1. Narayan S. Gowda 1-6-57 24-5-82 24-5-82

THIS IS THE TAIL NUMBER OF THE  
DOOR  
AND THE  
OF THE  
3 DAY ONE  
BY THE  
CANT

11  
B.Collector (P&E)

CUSTOM HOUSE  
OLD MANGALORE PORT  
MANGALORE

21st March, 1985.

No. 55/2

RECRUITMENT OF C.A.O. CREW

In accordance with C.M.H. of Letter No. 55/2/1, dated 13th February 1985 and Office Order No. 7/85 dated 15th February, '85 professional qualifying Board examined the candidates appeared for various posts, in oral, practical and operational aspects on 21st March, 1985. The following personnel are selected for the posts shown against their name.

Sl. No.	Name	Age	Post	Remarks	
				a	b
1. L.S. Karkare	34	Tindal	Employed as Tindal (R)		
2. K.S. Kodarkar	32	Tindal	Employed as Seaman GPO (R)		
3. A.R. Khan	33	Tindal	Direct Recruit		
4. M. Krishnappa	52	Sukhani	Employed as Barang (R)		
5. P.Y. Kharve	31	Sukhani	-do-	Seaman I (R)	
6. Umanath Servalna	30	Sukhani	-do-	Seaman I (R)	
7. D.T. Harikatha	35	Sukhani	-do-	Seaman II (R)	
8. Govu Mongera	32	Seaman	-do-	Seaman I (R)	
9. G.G. Haldinkar	41	Seaman	-do-	Seaman II (R)	
10. R. Bangera	28	Seaman	-do-	Seaman I (R)	
11. R.T. Harikantra	27	Seaman	-do-	Sea II (R)	
12. T. Kotian	37	Seaman		Sea II (R)	
13. S.S. Kanchan	45	Seaman		Sea II (R)	
14. P.A. Dias	54	Seaman		Sea II (R)	
15. P.D. Sousa	49	Seaman		Sea I (R)	
16. R.K. Harikantra	54	Seaman		Sea II (R)	
17. A.B. Haik	26	Seaman		Sea II (R)	
18. R.K. Kundar	26	Seaman	Direct Recruit		
19. Harish Kumar	26	Seaman	-do-		
20. Jaya Shetty	27	Seaman	-do-		
21. Balakrishna G. Ambi	26	Seaman	-do-		
22. Om Dass	26	Seaman	-do-		
23. Chandra Sekhara	28	Seaman	-do-		

Contd....2

(19)

<u>Sl.</u>	<u>b</u>	<u>6</u>	<u>4</u>	<u>2</u>
24.	Dayananda	25	Seaman	Director Recruit
25.	Sreenivas	28	Seaman	-do-
26.	B. Leposana	34	Seaman	-do-
27.	Vitobha Putran	28	Seaman	-do-
28.	Yedava Karkera	34	Seaman	-do-
29.	K. Ashoka	28	Seaman	-do-
30.	Karabari	25	Seaman	-do-
31.	Suresha	27	Seaman	-do-
32.	Kageeh	34	Seaman	-do-
33.	Gopala	34	Seaman	-do-
34.	L. Saures	43	Engine Driver	Employed as Driver II &
35.	Setich Kumar	31	Engine Driver	Employed as Driver II &
36.	A.M. Umash	52	Launch Mech.	Driver II (R)
37.	V.M. Kodarkar	34	Launch Mech.	Employed as See II (R)
38.	P.M. Albert	30	Launch Mech.	Director Recruit
39.	Uma Nath	28	Launch Mech.	Director Recruit
40.	P. Salian	33	Greaser	Employed as Greaser (R)
41.	H.P. Mariappa	33	Greaser	-do-
42.	K.S. Kharve		Greaser	-do-
43.	K. Raghunath	26	Greaser	-do-
44.	S.D. Sadaye	37	Greaser	Employed as Seaman (R)
45.	R. Kunder	34	Greaser	Director Recruit
46.	Ashok Kumar	31	Greaser	-do-
47.	Somanath	26	Greaser	-do-
48.	N.A. Amin	22	Laskar	-do-
49.	Janardana	23	Laskar	-do-
50.	Dayakare	24	Laskar	-do-
51.	P. Karkera	23	Laskar	-do-
52.	Rajkumar	23	Laskar	-do-
53.	Keshav Karkera	27	Laskar	-do-
54.	H. Dasa	30	Laskar	-do-
55.	Vijaya	27	Laskar	-do-
56.	Dinesh Kanchan	24	Lakkar	-do-
57.	Viswanatha	28	Laskar	-do-
58.	Raghurama	28	Laskar	-do-
59.	Chandrabasa	29	Laskar	-do-
60.	Krishna Kotian	29	Laskar	-do-

Contd.....3

- 3 -

a	b	c	d
61. Rajiva	30	Lackar	Direct Recruit
62. O. Poojari	34	Lackar	Direct Recruit (Bhandari)
63. Rohidas	29	Lackar	-do-
64. P. D'Souza	30	Lackar	-do-
65. Jayachandra	26	Lackar	-do-
66. Yashna	32	Lackar	-do-

21/3/1955  
 (M.K. JOSEPH)  
 SKYPPER MATE

21/3  
 (M.K. KUTTAN)  
 WORKSHOP MANAGER

21/3  
 (PADAMNATH)  
 ASST. COLLECTOR (P)

(H. TALIBUDDIN)  
 JOINT DIRECTOR MARINE

THIS IS THE TRUE COPY OF THE  
 DOCUMENT REFERRED TO AS  
 ANNEXURE A OF THE APPLICATION  
 OF SRI/SHRI U. SIVARAM

B. S. D. A.  
 ADVOCATE FOR APPLICANT

OFFICE OF THE ADDITIONAL COLLECTOR OF CUSTOMS: NEW CUSTOM HOUSE  
PANAMBUR: MANGALORE-575 010.

C.No. II/3/23/93 E.1

Dated: 4-8-1993.

Sub: Estt.-Conducting of Promotion  
DPC in various cadres in respect  
of Marine Staff - Reg.

Ref: Deputy Collector (P&V) Central Excise,  
Bangalore's ~~Instructions~~ Instructions Telex  
Instructions C.No. II/3/33/93 Con. Sec.  
dated 3.8.93.

\* \* \*

On 10-08-1993 at 10 A.M. (TUESDAY) Promotion Deputy Collector has been proposed to be convened by Deputy Collector (P&V), Bangalore in respect of various Cadres of Marine staff. Hence the following Marine staff are hereby directed to appear before Departmental Promotion Committee in the Office of the Additional Collector of Customs, Panambur, Mangalore at 10 A.M. sharp on 10-08-1993 (Tuesday).

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>
1.	P.V.S.Nair,	Sr. Deck hand
2.	Padmanabha Salian,	Greaser
3.	M.P.Hariappa,	"
4.	K.Raghunatha,	"
5.	Ramakrishna Bangera,	Seaman
6.	Unamath Suvarna,	"
7.	Gopu Hogera,	"
8.	P.Y.Kharv,	"
9.	L.J.Shashithal,	"
10.	P.Madhava Amin,	"
11.	V.S.Kodarkar,	"
12.	A.K.Muralidharan,	"
13.	S.S.Kanchan,	"
14.	Thimmappa A Kotian,	"
15.	V.R.Harikantra,	"
16.	A.Babu Naik,	"

The controlling supervisory Officer under whom the above Marine crew are working should ensure that they are relieved to attend the Interview.

  
4/8/93  
(A. SELVA RAJAN)  
ADMINISTRATIVE OFFICER

To

The Individuals through Superintendent CMP, Mangalore.

Copy to: Assistant Collector (Prev.), Mangalore,  
Copy to: Superintendent (CMP), Mangalore  
Copy to: Skipper Marine wing, Mangalore.

THIS IS THE TRUE COPY OF THE  
DOCUMENT REFERRED TO AS  
A "SUIT" IN THE MENTIONED  
OF THE  
SUIT  
ADVOCATE FOR APPLICANT

  
ADVOCATE FOR APPLICANT

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE: CENTRAL REVENUE BUILDING:  
POST BOX NO. 5400: QUEEN'S ROAD: BANGALORE-1.

C.NC.II/3/92/93 A.1

ESTABLISHMENT ORDER NO. 124/93 DATE: 13.10.1993.

Sub: Estt.- Promotion to the grade of Sukhani  
on Adhoc Basis - Ordered.

☆ ☆ ☆ ☆ ☆

The following Seamen are promoted purely on adhoc basis to  
Cofficiate as Sukhani in the scale of pay of Rs.1200-30-1440-EB-30-  
1800 plus usual allowances thereon with effect from the date they  
assume charge as Sukhani and until further orders.

s/Shri/Smt.

1. Ramakrishna Bangera, Customs, Mangalore.
2. Umanath Suvarna, Customs, Mangalore.
3. Copu Mogera, Customs, Mangalore.
4. Panduranga Y. Kharvi, Customs, Mangalore.
5. S.D. Sadaye, Customs, Karwar.
6. B. Madhava Amin, Customs, Mangalore.
7. A. Babu Nayak, Customs, Mangalore.

2. The promotees should note that this promotion is purely provisional and on adhoc basis and the period of adhoc promotion will not count towards seniority. It is also made clear that the adhoc promotion will not confer any right on the individual for regular promotion. They should also note that they are liable to be reverted to their original grade at any time.

3. They should join in the promoted post immediately.

W. G. Smith

**DEPUTY COLLECTOR (P&V)**

To

The Individuals (through the Officer concerned)  
Copy to: The Collector of Customs, Bangalore.  
Copy to: the Addl. Collector of Customs, Mangalore.  
Copy to: the Asst. Collector of Customs, Karwar.  
Copy to: C.A.O/P.A.O/A.C(H) Bangalore.

parties of the orders 350

Spare copies of the orders are enclosed for personal file of the individual concerned. The date of relief/joining of the above promotees may be intimated to A.1/A.2 Sections in Hqrs.Off. Bangalore.  
Copy to: The Directorate of Preventive Operations, New Delhi.  
Copy to: Sr.P.A to Collector of C.Ex./Customs, Bangalore.  
Copy to: A.2/A.3/Conf1./A.4/A.5/D.1/D.2/D.3/D.4/...  
Sections in Hqrs. Office, Bangalore.

C. N.C. 3/27/93 E 1

July 15. 1885.

Copy to: Shri: Umashankar Sharma

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ADVOCATE FOR APPLICANT

OFFICE OF THE ADDITIONAL COLLECTOR OF CUSTOMS: NEW CUSTOM  
HOUSE, PANAMBUR, MANGALORE- 10.

C.No. II/3/27/93 E.1

Dated: 20.10.1993.

JOINING REPORTSub: Estt.-Promotion to the grade of  
Sukhani on adhoc basis-regarding.Ref: Establishment Order No. 124/93  
dated 13.10.1993.

\* \* \*

The following Seamen have reported for duty as  
Sukhani purely on adhoc basis on the dates mentioned against  
their names consequent on their promotion vide order cited  
above.

S/Shri.	<u>Date of joining</u>
1. Umanath Suvarna	19.10.1993 P.N.
2. Gopu Mogera	20.10.1993 P.N.
3. Panduranga Y Kharvi	19.10.1993 P.N.
4. B.Madhava Amin	20.10.1993 P.N.
5. A.Babu Naik	19.10.1993 P.N.

*Shajan*  
(A. SELVA RAJAN)  
ADMINISTRATIVE OFFICER

To

Individuals

Copy to: Collector of Central Excise/Customs, Bangalore.

Copy to: CAO/PAO Central Excise, Bangalore.

Copy to: Personal files/Pay bill section/E.2 section.

\* \* \*

THIS IS THE TRUE COPY OF THE  
DOCUMENT REFERRED TO AS  
ANNEXURE A7 TO THE APPLICATION  
OF SRI U. S. SHANMUGAM

*B. Y. D.*  
ADVOCATE FOR APPLICANT

TO:

THE ADDITIONAL COLLECTOR OF CUSTOMS,  
 NEW CUSTOM HOUSE,  
PANAMBUR, MANGALORE.

Sir,

SUB: Estt. Promotion to the Grade of  
 Sukhani on Adhoc Basis - Reg.  
 \*\*\*\*\*

I may inform you that I have reported for duty as Seaman on 7.12.1977 at Mangalore and Subsequently promoted as Sukhani as per Deputy Collector (P & V)'s Establishment Order No:124/93 dated 13.10.93 in the Pay Scale of Rs.1200-30-1440-E8 30-1800.

I may also bring your kind notice that S/Shri.Gopu Mogora and Panduranga.Y.Kharvi, who have reported for duty as Seaman on 8.12.1977 and 12.12.1977 respectively and Subsequently promoted as Sukhani as per the above said Order are now drawing a basic pay of Rs.1440/-.

Though, S/Shri. Gopu Mogora and Panduranga Kharvi are Juniors to me as per seniority list they are drawing more Salary than me.

I kindly request you to inform the reasons for the above differences in the pay scale in the Cadre of Sukhani's.

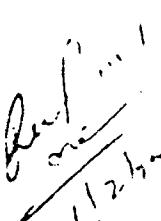
Thanking you,

Yours faithfully,

Place: Mangalore,  
 Date : 01.02.1994.

  
 (UMANATH SUVARNA)  
 Sukhani, Customs,  
 MANGALORE.

THIS IS THE TRUE COPY OF THE  
 D.O.C. NO. 1010  
 A.Y. 1993  
 OF S. U. SUVARNA  
 U. SUVARNA  
 ADVOCATE FOR APPLICANT



Central Administrative Tribunal  
In The High Court of Karnataka at Bangalore

OA No..... 744 of 1994

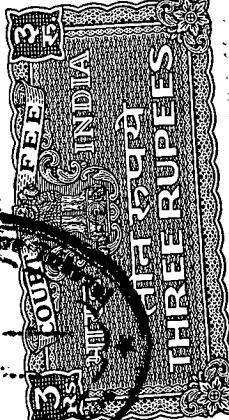
Umanath Suvarna

Appealant/s, Petitioner/s  
Plaintiff/s, Complainant/s  
Decree-Holder/s, Applicant/s/  
Caveator. 1 Party

VS

U.O.T & Sons

Defendant/s, Respondent/  
Accused, Judgement Debtor/  
Opponent/



I/We..... Umanath Suvarna

App. L. L. M.

Nos..... (1) in the above matter hereby appoint and retain

SRI K. SUBBA RAO, B.A., (Hons) LLB.,

Advocate

Chandrasekhar Complex, No. 27, 1st Main Road, 1 Floor, Gandhinagar,  
BANGALORE-560 009.

M. S. Anandkumar, D. T. Devendran

to appear, act and plead for me/us in the above matter and to conduct prosecute and defend the same and all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, appeals and or other proceedings arising therefrom and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein; or to receive any money which may be payable to me/us in the said matter.

2. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute and decree/order therein, to appeal from any decree/order therein and to appear, to act and to plead in such appeal or in any appeal preferred by any other party from any decree/order therein.

3. I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at all stages. He/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our papers and monies till such dues are paid.

Executed by me/us this 15/3/94 day of May 1994 at Bangalore

X *Subba Rao*

Signature/s

Executants are personally known to me and..... he has..... signed before me satisfied as to identity of executant's signature.

(where the executant is illiterate, blind or unacquainted with language of vakalat). Certified that the contents were explained to the executants in my presence in..... the..... language known to him/them who appeared perfectly to understand the same and has signed in my presence.

Accepted

*Murali*

Address of Service

K. SUBBA RAO, B.A. (Hon) LLB.,  
ADVOCATE  
Chandrasekhar Complex,  
No. 27, 1st Main Road,  
1 Floor, Gandhinagar,  
BANGALORE-560 009.

Advocate/s for..... App. L. L. M.  
Date..... 15/3/94

2 sets filed by Sri Shankarappa Addl. C.S.C  
Pl. add to file and take record

Smt A

21/7/94 Pg. 9-8-94

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE

APPLICATION No. 744/94

BETWEEN:

Shri. Umanath Suvarna.

.. Applicant

And:

The Collector of Customs,  
and others.

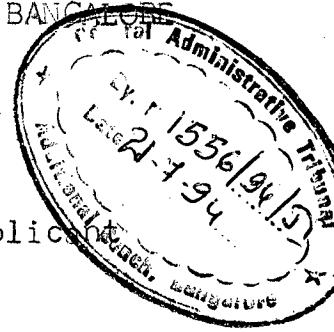
.. Respondents

REPLY STATEMENT UNDER RULE 12 OF THE  
ADMINISTRATIVE TRIBUNAL (PROCEDURAL) RULES, 1986

The Respondents submit as follows :-

1) Reply to para 6.2 & 6.3 of the Application:

The Respondents submit that the applicant and others were confirmed w.e.f. 1.4.88 vide letter C.No.II/11/6/87 A.1 dated 15.5.90. It is a fact that applicant was shown at Sl.No. 3 and the respondents at No. 5 & 6 were shown at Sl.No. 5 & 4 respectively. It is a fact that the applicant is senior to the respondents 5 & 6 in the grade of Seaman Grade I. Select list dated 21.3.85 referred by the applicant is not the final selection. It may be mentioned here that final selection list was communicated by JDM vide letter No.55/D/1 dated 15.10.85, which was further recompiled division wise, updated/amended to incorporate corrections and a fresh list was communicated vide letter No.55/D/1 dated 26.11.85. In both the above mentioned lists, the applicant is shown at Sl.No.4 whereas the respondents No.5 & 6 at Sl.No. 1 & 2 respectively. As per the schedule of Draft Recruitment Rules enclosed to the JDM&s letter dated 15.10.85, Seaman with five years service in that post subject to passing Sukhani Custom Marine Board are eligible for promotion to the grade



*Review  
Completed  
1/2*

of Sukhani. Hence educational qualification referred to by the applicant is of no relevance.

2) Reply to para 6.4 & 6.5 of the Application:

The Respondents submit that DPO vide letter F. No.MO/CON/84 Pt. dated 8.10.92 communicated the draft recruitment rules in respect of Marine cadres. According to the said rules, DPC was held and promotions were effected on adhoc basis in various cadres. The applicant and the respondents 5 & 6 were promoted as Sukhani on adhoc basis vide E.O. No.124/93 dated 13.10.93. It is a fact that the applicant is senior in the lower grade i.e. Seaman Gr. I over the respondents 5 and 6. They are holding the posts in the higher grade i.e. Sukhani on adhoc basis only. Consequent to such adhoc promotion the pay of the applicant and respondents 5 and 6 was fixed at Rs.1,200/-. It may be mentioned here that the respondents 5 & 6 viz., S/Shri. P.Y.Kharvi and Gopu Mogera were asked to perform the duties of Serang vide letter C.No. II/3/13/85 E.1 dated 8.11.85 as per the JDM Selection List communicated vide letter No.55/D/1 dated 15.10.85 wherein the respondents No. 5 & 6 were placed above the applicant as already mentioned at para 6.3. above. But they were not allowed the pay and allowances attached to the post of Serang pending issue of regular promotion orders. JDM in their letter No. 55/D/1 dated 26.11.85 had directed that the appointments should be made only after receiving Ministry's sanction for revised scale of posts and exemption from ban on recruitment. Hence appointment orders were not issued. While the matter was in correspondence with the DPO/Ministry the respondents 5 & 6 approached CAT

Bangalore vide application No. 523/92 requesting for pay and allowances attached to the post w.e.f. 8.11.85 and for regular promotion to the post. The Hon'ble CAT vide their Order dated 10.8.93 in the above application, directed the department to draw the pay and allowances attached to the post of Serang in respect of S/Shri. P.Y. Kharvi & Gopu Mogera w.e.f. 8.11.85 less what is already paid, as they were performing the duties of Serang. Hence as per CAT's directions their pay was fixed at Rs. 330/- w.e.f. 8.11.85 and Rs. 1,200/- w.e.f. 1.1.86. Hence, it is clear by the above facts that the pay of the respondents 5 & 6 were fixed higher consequent to CAT's directions to draw the pay and allowances of the post of Sukhani w.e.f. 8.11.85 and thus there is no discriminatory treatment to the applicant. The applicant has not worked in the higher cadre. Hence the question of stepping up of pay of the applicant on par with that of respondents 5 and 6 does not arise. Reply to his representation dated 1.2.94 addressed to the Respondent No.4 was given by the Respondent No.4 vide letter C.No. II/24/1/94 E.6 dated 2.3.94 rejecting his request and informing the reason for the same. Hence the applicant's contention that he has not received any communication with reference to his representation is false.

3) Reply to para 9 of the application:-

The Respondents submit that the Applicant's request to step up the pay on par with the pay of 5th and 6th respondents does not merit consideration. As could be seen from O.M. No.4/7/92 Estt(Pay I) dated 4.11.93 of DP&T, New Delhi (Annexure VII), the anomaly

should be directly as a result of application of FR 22 C. The respondent No.5 & 6 are drawing higher salary than the applicant since 8.11.85 by virtue of CAT's order as explained in para 6.5 above. Hence the question of stepping up of pay does not arise.

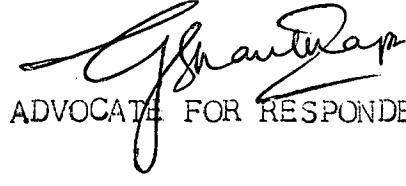
4) Reply to para grounds of the Application:-

The Respondents submit that the higher fixation of pay in respect of respondents 5 & 6 over the applicant is justified as already mentioned in para 6.5 and 9 above. They were extended the pay and allowances attached to the post of Serang w.e.f. 8.11.85 for having performed the duties of Serang as per Hon'ble CAT's ~~dire~~ orders which resulted in the higher fixation of pay. Applicant has not performed the duties for which he can be paid, hence his request for stepping up the pay on par with respondents No.5 & 6 is not acceptable.

5) Reply to para grounds (ii) & (iii) of the application:

The Respondents submit that the Respondents 5 & 6 were asked to perform the duties of higher cadre as per JDM's selection list communicated vide letter No. 55/D/1 dated 15.10.85, wherein the applicant is placed below the respondents 5 and 6. Further as already narrated in para 6.5 respondents 5 & 6 were paid pay and allowances attached to the post of Serang w.e.f. 8.11.85 as they had performed the duties of Serang, as per CAT's directions. Hence their pay came to be fixed higher than the applicant. Thus the difference in the pay of the applicant and the respondents 5 and 6. Hence as explained in para 9 above the request for stepping up of pay is not acceptable.

WHEREFORE, the Respondents pray that the Hon'ble Tribunal may be pleased to dismiss the application with costs, in the interest of justice and equity

  
ADVOCATE FOR RESPONDENTS.

  
RESPONDENTS

VERIFICATION

I, P.R.Chandrasekharan, Deputy Collector (P&V), the Respondent, do hereby verify the contents of the reply statement are true to the best of my knowledge, belief and information. I have not suppressed any material facts before this Hon'ble Tribunal.

BANGALORE;

Dt. ~~6-1994~~  
19/07/94

  
RESPONDENTS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE.

O A No. 7/4/94.

BETWEEN: UMANATH SUVARNA APPLICANT

AND: UNION OF INDIA & 5 OTHERS RESPONDENTS

Reply Statement of Respondents (5 & 6)

1. The Applicant in the above application has prayed before this Hon'ble Tribunal to direct the Respondents 1 to 4 to Step-up the pay of the Applicant on par with the 5th and 6th Respondents.
2. The grievance of the Applicant is that eventhough he is senior all through, the 5th and 6th Respondents were appointed to the grade of SERANG (SUKHANI) during the year 1985 and that he has been ignored. In addition to the above, the grievance of the Applicant is that he stands above 5th and 6th Respondents in the Promotion order No. 124/93 dated 13.10.1993 (Annexure A-6 to OA) and deserves stepping up of pay.

3. The appointment of the 5th and 6th Respondents in 1985 is on the basis of selection made by the Customs Marine Hqrs., Bombay under direct recruitment quota. In the said select list the Applicant figures at Sl. No. 4, and he was never been appointed to the grade of Sarang as per the said select list. A copy of letter NO. 55/D/1 dated 26.11.1985 is produced herewith as Annexure - PR-1. The order referred to as Annexure A-6 is the one issued under promotion quota, and further the promotion therein ordered is purely provisional and on adhoc basis. In view of the above, the 5th and 6th Respondents submit that,

- i) Stepping up of pay on par with direct recruits who have put in more number of years of service is a mis-conceived claim; and,
- ii) Stepping up of pay while on Adhoc promotion is a pre-matured claim, because, the position of the Applicant vis-a-vis 5th to 6th Respondents have not attained yet a regular status in the grade of SUKHANI.

4. WHEREFORE, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the application in the interest of justice and equity.

VERIFICATION

I Gopu Mogera aged 40 years S/o Sri.Rama Mogera, the respondent working as Sukhani In the Office of the Additional Collector of Customs, Mangalore and resident of Mangalore do hereby verify that the contents from 1 to 4 above are true and correct to the best of my knowledge, information and belief and that I and my co-respondent (P.Y. Kharvi) have not suppressed any material facts.

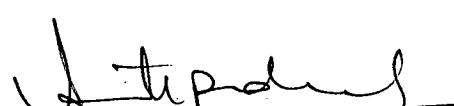
Verified this 20th day of July, 1994 at Bangalore.

Place: Bangalore.

  
(GOPU MOGERA)

Dated: 20.07.1994.

RESPONDENT

  
Signature of the Authorised  
Representative for Applicant

**H.S. ANANTHAPADMANABHA**  
**B.Sc., LL.B.** **ADVOCATE**  
**108, NH13 LAYOUT, 6<sup>th</sup> FLOOR**  
**IV BLOCK, BASAVESWARA NAGAR**  
**BANGALORE-560 079. PHONE-336155**

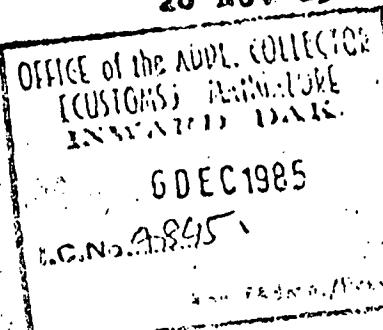
To:

The Registrar,  
Central Administrative Tribunal  
BDA Complex, Indiranagar,  
Bangalore - 560 038.

TCL & CUSTOMS D/RMA  
TEL: 240040/240818Customs Marine Headquarters  
Hotel Waldorf, 2nd floor  
Arthur Binder Road  
Colaba, Bombay 400 005

26 Nov 85

No. 55/D/1

Mr C.K. Gopalakrishnan  
Collector of Customs  
Bangalore

Six.

~~RECRUITMENT OF DEPARTMENTAL DAK ON PRIORITY  
BASED ON DANGALORE FEDERAL COLLECTORATE~~

1. Please refer to this Headquarters letter No. 55/D/1  
dated 15 Oct 85.

2. The particulars of Group 'C' and 'D' candidates  
selected as Marine Crew have been recompiled division  
wise and updated/amended to incorporate corrections  
of typographical errors. The list forwarded earlier  
may be treated as cancelled. Appointment order should  
however only be issued on receipt of Ministry's sanction  
for revised scale of post and exemption from ban on  
recruitment.

Yours faithfully,  
S. S. Iyer  
(S. S. Iyer)  
JOINT DIRECTOR MARINE

~~NOTE:- Updated/amended list of Group 'C' & 'D' candidates  
selected as Marine Crew.~~

Copy to:-

ATTESTED

H. S. ANANTHA PADMANABHA  
B.Sc., LL.B. ADVOCATE  
P.O. # 25005 BANGALORE-79.

1. Mr R.J. Nanchar  
Acting Collector of Customs  
Bangalore
2. Asstt Collector of Customs  
Karwar
3. Asstt Collector of Customs  
Bangalore
4. MST-6  
Customs Marine Workshop  
Gollanur, Bangalore



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.744/1994

TUESDAY THIS THE TWENTIETH DAY OF DEC., 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

Umanath Suvarna  
S/o Annappa Mendon,  
aged about 39 years,  
working as Sukhani,  
Office of the Additional  
Collector of Customs,  
New Customs House,  
Panambur,  
Mangalore - 575010

Applicant

( By Advocate Shri M.S. Anandaramu )

v.

1. The Union of India,  
rep. by its Secretary,  
Ministry of Finance,  
New Delhi
2. The Director of Preventive  
Operations, Customs and Central  
Excise, 4th Floor, Lok Nayak Bhavan,  
New Delhi
3. The Collector of Central Excise  
and Customs, Central Revenue  
Buildings, Queens Road,  
Bangalore - 1
4. The Additional Collector of  
Customs, New Customs House,  
Panambur,  
Mangalore - 575010
5. Shri P.Y. Kharvi,  
S/o Yadav Kharvi,  
aged about 40 years
6. Shri Gopu Mogera  
S/o Rama Nayak,  
aged about 41 years

Respondents

(Res.5 and 6 are working as )  
Sukhani, Office of the Addl.  
Collector of Customs, New Customs  
House, Panambur, Mangalore-10

( By learned Standing Counsel )

Shri G. Shanthappa for R-1 to 4

By Advocate Shri H.S. Anantapadmanabha

for R-5 and 6

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

The applicant who claims to be senior to Respondent Nos. 5 and 6 complains of non-maintenance of parity in pay. He says R-5 and R-6 although junior to him are drawing a higher pay than what he himself is drawing in the cadre of a Sukhani. We have heard the defence putforward by R-5 and R-6 but there is in fact no relief claimed against R-5 and R-6 in this application except for pointing out that R-5 and R-6 being juniors to him are in receipt of higher pay than what the applicant himself is drawing and therefore demands parity in the matter of pay. ~~same~~ R-5 and R-6 nonetheless contend that the claim of the applicant that he is senior to them and is therefore entitled to higher pay ~~same~~ is misconceived. They claim to be seniors in the cadre of Sukhani vis-a-vis the applicant. We find that in this connection a representation has been made by the applicant vide Annexure A-8 dated 1st February, 1994. We are told that on this day the aforesaid representation remains undisposed of. Therefore, it seems appropriate that the Department itself resolves this tangle by considering the said representation and pass appropriate orders thereon. We grant the Department two months for disposing of the applicant's representation at Annexure A-8 dated 1.2.1994 after an objective consideration of the contents