

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

LIST OF PAPERS IN CA/PA/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.	— no —
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	Destroyed
9.	Letters filed by the counsel and other correspondence vakalithnama/memo of appearance	-- do --
10.	All other papers not already specified.	-- do --

*pvk

[Signature]

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

[SMB]

ORDER SHEET

Application No. **744** of 1994

Applicant

Respondent

Umanath Suvarna

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

Advocate for Applicant

Advocate for Respondent

Sh MS Anandaramu

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 & 6th respdts and grant all consequential benefits.</p> <p><u>INTERIM PRAYER:</u> Nil.</p> <p>As directed, this appln is regd & posted before the Bench for prl.hg & admn on 12.04.94.</p> <p>IPO removed.</p>	<p><i>PKS(VC)/TUR(MA)</i></p> <p><i>12-4-94</i></p> <p><i>Admit.</i></p> <p><i>Call on 5-7-94</i></p> <p><i>Yr</i></p> <p><i>m(A)</i></p> <p><i>U.C.</i></p>

87494

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

-3-
In the Central Administrative Tribunal
Bangalore Bench
Bangalore

[SMB]

Application No. 744 of 1994

ORDER SHEET (contd)

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

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 5 - Served
R.6 - ACK awaited

8/6/94

22.6.94
Shri G. Shanthappa,
Acgse, has filed Memo
of appearance for R.1 to 4.

22/6/94

Service position:
R.1 to 4 - by Shri G. Shanthappa.
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
22/6/94	<p><u>Service position</u></p> <p>R-1 to 4 - by Shri G. Shanthappa</p> <p>R-5 & 6 - Served (Unrep)</p>	<p>VR(MA)</p> <p>5/7/94.</p> <p>Shri H-S. Anantha padma- nabha files vakalatnama for respondents 5 & 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. Adjourn- ment is granted.</p> <p>Call on 9.8.94.</p> <p>VR M(A).</p>
	<p><u>Service Position</u></p> <p>R-1 TO 4 By Shri. G. SHANTHAPPA</p> <p>R-5 & 6. By Shri. H-S. ANANTHA PADMA- -ANABHA.</p> <p>6/7/94-</p>	

Date	Office Notes	Orders of Tribunal
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26.7.94 Sh. G. Shanthappa Addl.
Central Govt. Standing Council
has filed reply statement on
21.7.94 on behalf of the respts.
No. ^{R1 to R4} ~~11/16~~. ~~Therefore~~ case is
not ready for hearing on ~~21/8/94~~
Reply awaited from R5 & R6
represented by Shri. H. S. Ananthap-
admanabha, Advocate
JK
26.7.94
26.7.94.

9.8.94
Betwe
PKS-VE
TUR-MIA
S. M. S. Anand & Co. vs
Sh. G. Shanthappa & Co.
Sri. H. S. A. Padmanabha
for K-586
Arguments heard on
14.8.94 to 23.8.94

23.8.94
Adj to 14.9.94
B20
C11
C14
C15

**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>Adj to 30/9/94. at the request of counsel for applicant.</p> <p style="text-align: right;">DPO A W CH</p>	<p style="text-align: center;"><u>(PKS) vs (Tr R) MA</u> <u>30.9.1994.</u></p> <p>Sri H.S. Ananthapadma- natha, learned Advocate for R.S. & 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 MA</p>
	<p style="text-align: center;"><u>6.10.94</u></p> <p>At the request of Sri H.S.A. adj to 17.10.94.</p> <p style="text-align: right;">DPO S W CH</p>	<p style="text-align: right;">G ve</p>

Date	Office Notes	Orders of Tribunal
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17.10.94

Adj to 20.10.94 at
the request of counsel
for resp

MOO

✓
CO
CTP

20.10.94

At the request of
counsel for applicant
adj to 8/11/94

MOO

✓
CO
CTP

TVR (MA)

8-11-94



This is a part-heard
matter. Place this case
before the appropriate Bench
on 22-11-94.

✓
MAJ

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

Application No. 744 of 199 4

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
	<p style="text-align: center;"><u>20.12.94</u> <u>Before</u> PKS-VE TUR-M(A)</p> <p>Sh. M.S. Anandaraman for R-1 to 6 for R-5 & 6</p> <p>Application disposed order dictated.</p> <p style="text-align: right;">Poo W CTV</p>	<p style="text-align: center;">PKS(VC)/TUR(MA) 22.11.94</p> <p>Shri M.S. Anandaraman, learned counsel for the applicant is not well. Adjourned to 20.12.94.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  M(A) </div> <div style="text-align: center;">  VL </div> </div>

Date	Office Notes	Orders of Tribunal
	<p><u>26.12.94</u></p> <p>Copies issued. 9/2 filed</p> <p>Em</p>	

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Dairy No.

REPORT ON THE SCRUTINY OF APPLICATION

Presented by: *Sh. Devanandan, Adv.*

Date of Presentation: *6/4/94*

Applicant(s): *Umanath Shivanna*

Respondent(s): *Cot. by Secy. of Govt. of Karnataka*

[SMB]

Nature of Grievance:

No of applnts: *1*

No of Respdts: *6*

OA No. *744*/94

CLARIFICATION

Subject: *Stepping up of Pay* (No)

Department: *Revenue* (No)

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

my

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

my

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

my

(b) Have the copies been duly signed?

my

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

my

4. Whether all the necessary parties are
impleaded?

my

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

my

6. Is the application in time?

my

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

my

8. Is the application maintainable? *Yes*
9. Is the application accompanied by IPO/DD for Rs.50/- ? *Yes*
10. Has the impugned orders original/duly attested legible copy been filed? *Yes for direction*
11. Have legible copies of the annexures duly attested been filed? *Yes*
12. Has the index of documents been filed and pagination done properly? *Yes*
13. Has the applicant exhausted all available remedies? *Yes*
14. Has the declaration as required by been made? *Yes*
15. Have required number of envelopes (file size) bearing full address of the respondents been filed? *Yes*
16. (a) Whether the reliefs sought for arise out of single cause of action? *Concurrent*
(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? *None*
20. Result of the scrutiny with initial of the Scrutiny Clerk.

Section Officer

Deputy Registrar

Registrar

P.
8/4/94

DR(f)

8/4/94

JJI

May be posted before the Bench in pt. by 3 members 12/4/94.

8/4/94

8 sets filed by Sri Suvendran Adw
May be noted on 12.4.94
Central Administrative Tribunal 6/4/94
In The High Court of Karnataka at Bangalore

PRESENTATION FORM

Sri Rao

O A No. 766 of 19-94

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.....

Umasathi Suvama

and L.O.T. 2088

Sl 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 TOTAL	
11		53-00

Number of Copies Furnished ;

Other side Served

Appellant

Petitioner

Advocate for

Respondent

Appellant

Presented

Received Papers with and
Court-fee labels as above

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.O.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...

[Signature]

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

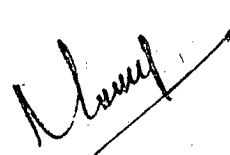
A8. Copy of the representation dated
1.2.1994.

24

3. Vakalath

Bangalore,

4.4.1994


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,
Panambur, Mangalore-575010.

: APPLICANT.

and

- sd. 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. (K.K.) Kharvi,
s/o Yadav Kharvi, aged
about 40 years,
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.



Handwritten mark or signature in the top right corner.

11/17/71

11/17/71

11/17/71

11/17/71

11/17/71

11/17/71

11/17/71

2.

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

DETAILS OF THE APPLICATION.

I. PARTICULARS OF THE APPLICANT.

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

vi) Address for service of notices: Sri K. Subbarao,
B.A. (Hons) LL.B.
Sri. M.S. Anandaramu
M.A. LL.B.
Sri. M. Narayana Bhat,
B.A. LL.B.
Advocates, No. 27,
Chandrashekar 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.

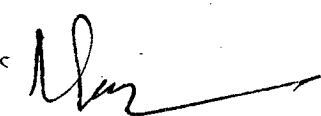
5. LIMITATION:

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



4.

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 respondents 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 applicant 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 respondents was directed to appear before the DPC., to consider ^{their} ~~his~~ case for further promotion 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 respondents 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 further made clear vide joining report bearing 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 discriminatory 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.

~~(Being annexed to the application)~~ But, so far the applicant had not received any communication, whatsoever from the respondents. Hence, ~~the~~ 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 tribuna nor any such application, writ petition or suit is pending before any of them.

9. RELIEFS SOUGHT FOR:

WHEREFORE the applicant abovenamed most



8.

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/- ^{to} 1440/- _{pm} 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.

1. 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




9.

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.



11.

VERIFICATION.

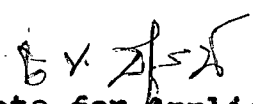
I, Umanath Suvarna s/o Annappa Mendon,
aged about 39 years, working as Sukhani, office
of the Additional Collector of Customs, new
customs house, Payambur, Mangalore-575010, the
applicant herein, do hereby declare and verify
that what is stated above (~~XXXXXXXXXX~~) in paras
1 to 12 of this application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

4.4.1994


Applicant.


Advocate for Applicant.

To

The Registrar,
CAT Bangalore-38.

Annexure A 1

12

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

C.No.11/3/15/88 E.1

ORDER

Dated: 22-7-1988.

Sub:- Estt - 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 Office, M'lore.	
2.	<u>SEAMAN GR-I</u> Umanath Suvarna	-do-	-do-	-do-
3.	<u>SEAMAN GR-II</u> R.T.Harikantra	Marine Wing of Addl. Collector's Office, M'lore.	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, Mangalore will work under Skippermate in the Speedboat.

(R.J. MANCHAR)
ADDITIONAL COLLECTOR.

Umanath Suvarna. Cus. Division. 22/7/88

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 sanctioned strength of Karwar Establishment.

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

Copy to IAO/CAO, Central Excise, Bangalore.

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

Copy to P.O./Personal File/E.8

Mar

13

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
G. SATYANARAYANA 29786
ADMINISTRATIVE OFFICER
CUSTOMS DIVISION, KARWAR

THIS IS THE TRUE COPY OF THE
DOCUMENT SUBMITTED TO AS
ADVOCATE FOR APPLICANT
OF SHIP

B. S. S.
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. Umminath Suvarna, Seaman
4. Copu Mogera, Seaman
5. P.Y.Kharvi, Seaman
6. G.S.Gaonkar, Seaman
7. P.A. Dias, Seaman
8. F.D.D'Silva, Seaman
9. B.M.Naik, Seaman
10. R.T.Harikantra, Seaman
11. Narayan S. Gowda, Lascar (Bhandari)
12. Padmanabha Sallian, 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.KARANATH)

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
Marker, New Delhi/the Joint Director, Hqs., Hotel Waldorf, 2nd
Floor, Arthur Bunder Road, Colaba, BOMBAY - 400 005 for information.

Copy to A2/A3/D3/D4/Confidential/A5 Sections in Hqs. Office, B'lore.

THIS IS THE TRUE COPY OF THE
DOCUMENT REFERRED TO AS
ANNEXURE 2: THE APPLICATION
OF S. 10(1) OF THE

ADVOCATE FOR APPLICANT

Annexure A3

15

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

C.No.11/34/20/89 A.1

Dated: 18-5-1989

To
The Addl. Collector of Customs, Mangalore
The Asst. Collector of Customs, Karwar Dt.

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, along with 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.

(HEMU. RADHAKRISHNAN)
DEPUTY COLLECTOR (P & E)

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

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

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

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

XXXXXXXXXX

(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 Pr. Gr.	Date of Conf.	Remarks
1	2	3	4	5	6	7

GROUP 'C' CADRES

Skipper Mate

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. Philip 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 RIVER (2nd Class)

1. N. Ulesh 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 -
 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. Rana Krishna Bangera 5-6-47 12-4-78 12-4-78 -
 3. Unanath Suvarna 1-8-55 7-12-77 7-12-77 -
 4. Gopu Mogera 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 2 3 4 5 6 7

SENIOR GRADE - I

1. S.S. Shankar	20-5-34	3-10-56	1-2-71	17-11-65	-
2. M.P. Mallappa (SC)	0-5-7	3-10-56	1-2-71	12-11-65	-
3. P.A. Dhar	2-5-	4-10-56	1-2-71	17-11-65	-
4. P.A. D'Souza	10-5-56	4-10-56	1-2-71	17-11-65	-
5. S.S. Naik	21-5-51	3-10-56	1-2-71	17-11-65	-
6. S.D. Sadaya	3-6-47	1-11-77	11-11-77	11-11-77	-
7. B. Madhava Rao (SC)	12-5-51	7-11-77	7-11-77	11-11-77	-
8. V.S. Kodarkar	22-12-51	1-11-77	15-11-77	1-6-79	-
9. R.T. Harikantra	5-10-49	9-11-77	9-11-77	-	-
10. A.A. Muralidharan	2-3-51	2-12-77	2-12-77	-	-
11. K.S. Kodarkar	3-12-53	6-12-77	6-12-77	-	-
12. S.S. Kanchan	10-2-40	03-12-77	2-12-77	-	-
13. Thimmappa A. Kotiyar	1-6-43	5-12-77	5-12-77	-	-
14. D.T. Harikantra	10-6-50	5-12-77	5-12-77	-	-
15. V.R. Harikantra	15-9-51	2-12-77	2-12-77	-	-
16. A. Babu Naik (SC)	1-5-77	11-4-78	11-4-78	-	-
17. G.C. Haldankar	26-5-74	26-6-78	26-6-78	-	-
18. Ganapati C. Hajalikar	1-11-53	31-8-82	31-8-82	-	-
19. U.B. Anglekar	29-7-59	1-9-82	1-9-82	-	-

GREENER GRADE - I


1. Padmanabha Salian	12-3-52	15-11-77	14-11-77	-
2. M.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	-

BHANDARI

1. Narayan S. Cowda	1-6-57	24-5-82	24-5-82	-
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THIS IS THE TRUE COPY OF THE
DOCUMENT

OFFICE
BY
CANT


P. Collector (P&E)

CUSTOM HOUSE
OLD MANGALORE PORT
MANGALORE

21st March, 1985.

No.55/D

RECRUITMENT OF C.A.C. CREW

In accordance with C.M.H. of letter No.55/D/1, dated 15th 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	c	d	e
1.	L.S. Karkera	34	Tindal	Employed as Tindal (R)
2.	K.S. Kodarkar	32	Tindal	Employed as Seaman CPO(R)
3.	A.R. Khan	33	Tindal	Direct Recruit
4.	M. Krishnappa	52	Sukhani	Employed as Sarang (R)
5.	P.Y. Kharve	31	Sukhani	-do- Seaman I (R)
6.	Umanath Servarna	30	Sukhani	-do- Seaman I (R)
7.	D.T. Harikantha	35	Sukhani	-do- Seaman II (R)
8.	Jayk Mongera	32	Seaman	-do- Seaman I (R)
9.	G.G. Haldinka r	41	Seaman	-do- Seaman II (R)
10.	R. Bangera	28	Seaman	-do- Seaman I (R)
11.	R.T. Harikanttra	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. Harikanttra	54	Seaman	Sea II (R)
17.	L.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

S	b	c	d	e
24.	Dayananda	25	Seaman	Director Recruit
25.	Sreenivas	28	Seaman	-do-
26.	B. Lakshmana	34	Seaman	-do-
27.	Vitobha Putran	28	Seaman	-do-
28.	Yadava Karkera	34	Seaman	-do-
29.	K. Ashoka	28	Seaman	-do-
30.	Karabari	25	Seaman	-do-
31.	Barucha	27	Seaman	-do-
32.	Kagosh	34	Seaman	-do-
33.	Gopala	34	Seaman	-do-
34.	L. Saures	45	Engine Driver	Employed as Driver II R
35.	Satish Kumar	31	Engine Driver	Employed as Driver II R
36.	A.M. Umash	52	Launch Mech.	Driver II (R)
37.	V.M. Kodarkar	34	Launch Mech.	Employed as Sea 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.	M.P. Mariappa	33	Greaser	-do-
42.	K.S. Kharve		Greaser	-do-
43.	K. Raghunath	26	Greaser	-do-
44.	S.D. Sadayo	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.	M.A. Amin	22	Laskar	-do-
49.	Janardana	23	Laskar	-do-
50.	Dayakara	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	Laskar	-do-
57.	Vishvanatha	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	e
61. Rajiva	30	Laskar	Direct Recruit	
62. O. Poojari	34	Laskar	Direct Recruit (Bhandari)	
63. Rohidasa	29	Laskar	-do-	
64. P. D'Souza	30	Laskar	-do-	
65. Jayachandra	26	Laskar	-do-	
66. Yonasa	32	Laskar	-do-	

21/3/55
(M.R. JOSEPH)
SKIPPER 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-4 IN THE APPLICATION
OF SRI. *V. Suvak*

B. S. 21/3
ADVOCATE FOR APPLICANT

Annexure AS (20)

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 ~~intxxx~~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 Sallian,	Greaser
3.	M.P.Hariappa,	"
4.	K.Raghunatha,	"
5.	Ramakrishna Bangera,	Seaman
6.	Unamath Suvarna,	"
7.	Gopu Mogera,	"
8.	P.Y.Kharve,	"
9.	L.J.Shashithal,	"
10.	R.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.



(A.SELVA RAJAN)
ADMINISTRATIVE OFFICER

To

The Individuals through Superintendes CMP, Mangalore.

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

THIS IS THE TRUE COPY OF THE
DOCUMENT FILED TO AS
ADVOCATE FOR APPLICANT
OF S.M.C.


ADVOCATE FOR APPLICANT

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

C.NO.II/3/92/93 A.1

ESTABLISHMENT ORDER NO.124/93 DATED: 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 officiate 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. Gopu 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.



(M.V.B. RAO)
DEPUTY COLLECTOR (P&V)

To

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

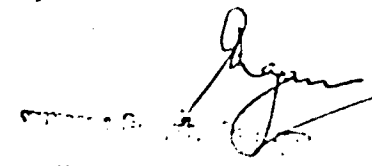
Spare copies of the orders are enclosed for personal file of the individual concerned. The date of relief/joining of the above promotees may be intimated to A.1/A.2 Sections in Hqrs. Office, Bangalore.

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/Conf./A.4/A.5/D.1/D.2/D.3/D.4/...
Sections in Hqrs. Office, Bangalore.

C.No.II/3/92/93 A.1

Dated: 15.10.93.

Copy to: Shri: Umanath Suvarna



(B. Madhava Amin)

THIS IS THE TRUE COPY OF THE
DOCUMENT
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 REPORT

Sub: 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.	Date of joining
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.

(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 APPLICATION
OF SRI. U.S. SURESH K.A.

b. y. A.P.
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 Soaman 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-EB 30-1800.

I may also bring your kind notice that S/Shri.Gopu Mogora and Panduranga.Y.Kharvi, who have reported for duty as Soaman 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 Suvarma
(UMANATH SUVARMA)
Sukhani, Customs,
MANGALORE.

THIS IS THE TRUE COPY OF THE
DOCUMENT
ADVOCATE FOR APPLICANT
U. SUVARMA
ADVOCATE FOR APPLICANT

Recd
one
11/2/94

Central Administrative Tribunal
In The High Court of Karnataka at Bangalore

O A No. 744 of 1994

Umanatha Suvanna

Appellant/s, Petitioner/s
Plaintiff/s, Complainant/s
Decree-Holder/s, Applicant/s/
Caveator. I Party

Vs

U.O.I Nos

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

I/we Umanatha Suvanna

Applicant

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. Anandaramu, D. G. 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 15th day of May 1994 at Bangalore

x *[Signature]*

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

Address of Service

Advocate/s for *Applicant*
Date *15/3/94*

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

2 Sets filed by Sri Shanthappa Adh. C. G. S. C.
Pl. add to file and note record

Smt A

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE

APPLICATION No. 744/94

BETWEEN:

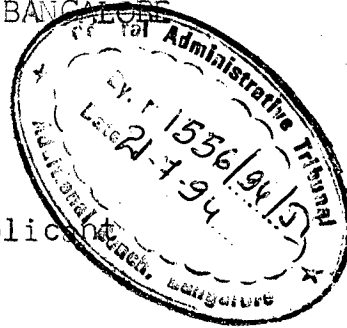
Shri. Umanath Suvarna.

.. 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 5/10/94
C. G. S. C.
21/2

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 & Gopi 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:-

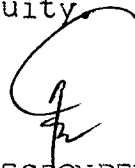
The Respondents submit that the higher fixation of pay in respect of respondents 5 & 6 over the applicant is justified as already mentioned in para 6.5 and 9 above. They were extended the pay and allowances attached to the post of Serang w.e.f. 8.11.85 for having performed the duties of Serang as per Hon'ble CAT's ~~xxx~~ 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.

<u>BETWEEN:</u>	UMANATH SUVARNA	<u>APPLICANT</u>
<u>AND:</u>	UNION OF INDIA & 5 OTHERS	<u>RESPONDENTS</u>

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.

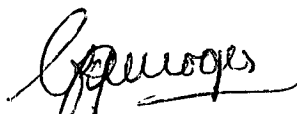
V E R I F I C A T I O N

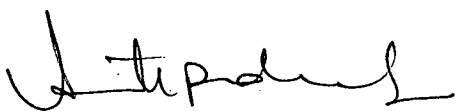
I Gopu Mogera aged 40 years S/o Sri.Rama Mogera, the respondent working as Sukhani In the Office of the Additional Collector of Customs, Mangalore and resident of Mangalore do hereby verify that the contents from 1 to 4 above are true and correct to the best of my knowledge, information and belief and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

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

Place: Bangalore.

Dated: 20.07.1994.


(GOPU MOGERA)
RESPONDENT


Signature of the Authorised
Representative for Applicant
H.S. ANANTHAPADMANABHA
B.Sc., LL.B., ADVOCATE
108, NHCS LAYOUT, III SECTOR
IV BLOCK, BASAVESWARANAGAR
BANGALORE-560 079, PHONE-336433

To:

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

ANNEXURE - PR1

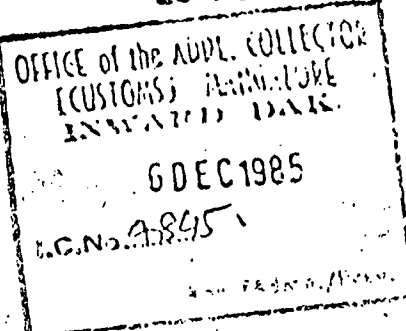
TKL: CUSTODIRM
TEL: 240040/240818

Customs Marine Headquarters
Hotel Waldorf, 2nd floor
Arthur Bunder Road
Colaba, Bombay 400 005

26 Nov 83

No. 55/D/1

Mr CK Gopalakrishnan
Collector of Customs
Mangalore



Sir,

RECRUITMENT OF DEPARTMENTAL TYPEN ON PRIORITY
BASIS FOR MANGALORE PORT TRUST COLLECTORATE

1. Please refer to this Headquarters letter No. 55/D/1
dated 15 Oct 83.

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 lists 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,

(H. S. Anantha Padmanabha)
JOINT DIRECTOR MARINE

Encl:-

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

Copy to:-

1. Mr R. J. Manohar
Asstt Collector of Customs
Mangalore

2. Asstt Collector of Customs
Karwar

3. Asstt Collector of Customs
Mangalore

4. MST-6
Customs Marine Workshop
Chellam, Calicut

ATTESTED

H. S. ANANTHA PADMANABHA
B.S.L.B.
ADVOCATE
PHONE 233005 BANGALORE-79.

ЛТБІ № 06079 С КРД Д РАЙОНА ДНУ НАВЧАЮТЬСЯ

KL 1.1831056

ATTACHED

H. S. ANANDHIA, 700 TILAKBHAI
B.S.A. H.O., / 1000 TE
PHONE: 600-65 BANGALORE-79.

13 13

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. Anantapadmanabh
for R-5 and 6

O R D E R

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 put forward 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