

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00621/2017

DATED THIS THE 14TH DAY OF AUGUST, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI C.V. SANKAR, MEMBER(A)

Krishnappa. V,
S/o Venkatappa,
Aged about 56 years,
Working as Khalasi,
Under Deputy Chief Engineer
Construction North
Bangalore Cantonment,
Bengaluru.560 045.

.....Applicant

(By Shri N.R. Naik & Associates)

vs.

1.Union of India,
Rep. By its Divisional Railway Manager,
Bangalore Division,
South Western Railway,
Bangalore.560 001.

2.The Divisional Personnel Officer,
Bangalore Division,
South Western Railway,
Bangalore.560 001.

3.The Divisional Engineer,
Construction Bangalore Cantonment,
South Western Railway,
Bangalore Cantonment,
Bangalore.560 001.

4.The Deputy Chief Engineer
Construction North B.N.C.
South Western Railway,
Bangalore Cantonment,
Bangalore.560 001.

...Respondents

(By Shri N. Amaresh, Sr. Panel Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a very small compass. Apparently, due to some laxity on the part of the respondents, seniority list of the applicant and others could not be finalized.

2. Learned counsel for the respondents would say that none of the juniors to the applicant have been promoted earlier, above him. That may be so. But the Hon'ble Apex Court time and again held that career advancement is also almost a fundamental right. Applicant had perfect right for promotion. Therefore, we will remit the matter back to the respondents to re-modulate the issue and grant appropriate benefits within the next 3 months.

3. OA allowed. No order as to costs.

(C.V. SANKAR)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

vmr

Annexures referred to by the Applicant in OA.No.621/2017

Annexure A-1: Copy of the Office order issued by 2nd respondent dated 6.4.1987.

Annexure A-2: Copy of Memorandum issued by 3rd respondent dated 14.8.1999.

Annexure A-3: Copy of Legal notice dated 11.12.2012.

Annexure A-4: Copy of Legal notice dated 15.12.2012.

Annexure A-5: Copy of representation dated 10.12.2012.

Annexure A-6: Copy of Provident Fund slip dated 21.8.2000.

Annexure A-7: Copy of salary slip for the month of November 2005.

Annexure A-8: Copy of salary slip for the month of May 2015.

Annexure A-9: Copy of Objection filed by Respondents authorities in OA.789/2016.

Annexure A-10: Copy of Judgment in OA.789/2016 dated 12.7.2016.

Annexure A-11: Copy of Office order dated 19.9.2011.

Annexure A-12: Copy of Legal notice dated 09.12.2016.

Annexures referred to by the Respondents in the Reply

Annexure R1: Copy of Office Order dated 13.7.2000.

Annexure R2: Copy of letter dated 2.4.2018.

...