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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 214/92

DECIDED ON : 27.8.1992

E. P. Palaniraj

... Applicant

Vs.

Union of India & Anr.

... Respondents

CORAM : THE HON'BLE MR. T. S. OBEROI, MEMBER (J)
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Shti M. B. Joseph, Proxy Counsel, for Shri
E. X. Joseph, Counsel for the Applicant

ORDER (ORAL)

By Hon'ble Shri P. C. Jain, Member (A) :

In this O.A. under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondent No. 2, viz., the Chairman, Railway Board, "to consider with application of mind and the petition submitted by the applicant on 24.6.1991 for review and reconsideration of the penalty of compulsory retirement w.e.f. 20.1.1977 imposed by order dated 25/29.5.1986." We have heard the learned proxy counsel for the applicant. From a perusal of the petition for review and reconsideration as aforesaid, a copy of which is filed as Annexure A-1 to the O.A., the following facts emerge :

The applicant who was appointed as a Coach Relieving Clerk in September, 1950 in the erstwhile South Indian Railway was served with a memorandum of chargesheet on 18.2.1975. As the applicant denied the charges, an oral inquiry was held. On the basis of the inquiry report the penalty of removal from service was imposed by the disciplinary authority vide order dated 10.1.1977 and the applicant was removed from service w.e.f. 20.1.1977. He preferred an appeal which was disposed of by order dated 24.4.1979 by which the

appellate authority set aside the punishment of removal from service and ordered that the applicant should be treated as a fresh entrant in service on the minimum of the pay scale of Rs.260-400/-. Aggrieved by the above order, he filed a writ petition (No. 2345 of 1979) in the High Court of Madras which was dismissed by order dated 3.9.1984 by a learned Single Judge. He filed a writ appeal (No. 1121 of 1985) against aforesaid judgment and order of the learned Single Judge. A Division Bench vide order dated 19.12.1985 is said to have set aside the judgment and order of the learned Single Judge and the appellate authority was directed to reconsider the matter and issue appropriate orders. It is in view of these directions that by order dated 25.5.1986, the General Manager modified the penalty of removal from service into that of compulsory retirement from service w.e.f. 20.1.1977. Aggrieved by this order, the applicant filed O.A. No. 156/88 before the Madras Bench of the Tribunal. The O.A. was, however, dismissed. The applicant then went to the Supreme Court in SLP No.14545 of 1989 which was dismissed by the Supreme Court on 7.9.1989.

2. From the facts as briefly extracted above, it is clear beyond any doubt that the penalty of compulsory retirement from service imposed on the applicant has already become final and that too nearly three years back. Any petition for review or reconsideration of the penalty imposed in 1986 but with effect from January, 1977 cannot be said to be a part of any process of availment of departmental remedies for redressal of service grievance. It is well settled that repeated representations or memorials do not have the effect of extending limitation. In this case it is not only the question of limitation which is involved but the relief (1).

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prayed for in this O.A. is also barred by the doctrine of res judicata. For these reasons, the O.A. is not maintainable and is rejected as such.

Decm 27-8-92
(P. C. JAIN)

MEMBER (A)

Decm 27.8.92
(T. S. OBEROI)

MEMBER (J)

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