

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 423
T. A. No.

1989

DATE OF DECISION 26.7.90

M. Siva sankaran Applicant (s)

M/s. P. Santhoshkumar Advocate for the Applicant (s)

Versus

GM, S.Rly, Madras & others Respondent (s)

M. C. Cherian Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant, who has since retired as Inspector of Works Grade-I, has filed this application seeking the following reliefs:

- i) To quash Annexure-VIII order dated 2.3.89
- ii) To issue a direction to the respondents to regularise the service of the applicant with effect from 26.11.1970 in the category of Inspector of Works
- iii) To direct the respondents to give necessary fixation of pay considering his regularisation as Inspector of Works with effect from 26.11.1970 and consequential benefits
- iv) To issue appropriate directions to the respondents to disburse the arrears of salary after regularising the applicant's service as Inspector of Works on 26.11.1970 and after giving future promotion in accordance to the seniority of the applicant and
- v) to issue such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The respondents have denied that the applicant is entitled to any reliefs as prayed for in the application.


3. We have heard the argument of counsel appearing on both sides. As a matter of fact, on an earlier occasion when the applicant approached the Tribunal in OA 9/1989, we directed the respondents to consider his representation dated 25.7.1988. Accordingly, that representation has been considered by the Respondents in the Annexure A-VIII impugned order dated 2.3.1989. That order sets out in detail the sequence of events. It is seen that the applicant was given purely an ad-hoc promotion to the post of I.O.W. while his substantive post was AIOW and the period he served is from 4.7.71 to 30.11.71 and from 1.12.1971 to 5.9.1972. It is also stated that in the selection for the post of I.O.W. which was held in 1972 he was not selected. If he had been aggrieved by that selection proceedings, he ought to have either represented or challenged the same before a court of law. This was not done. The only representation made by him was that one dated 25.7.1988 (Ann. VI). Therefore, the Respondents rejected the representation both on merits and on grounds of limitation.

4. We have also seen the representation dated 27.5.1988 (Annexure-VI) which was disposed of by the impugned order as directed by the Tribunal. That refers to only an earlier representation dated 11.9.1987. There is no reference whatsoever to any appeal or representation made in 1972 against his non-selection. In this view of the matter, we are of the view that his non-selection in 1972 became final and, therefore,

the respondents are correct in treating his representation (Ann. VI) as time barred and in not giving any relief to him as prayed for in the representation for regularisation w.e.f. 26.11.1970, which was purely on ad hoc basis.

5. The application is, therefore, dismissed. There will be no order as to costs.


(N. Dharmadan) 26.7.90.
Judicial Member


(N.V. Krishnan)
Administrative Member

26.7.1990.