

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 476/2001

Friday this the 22nd day of June 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.Sreekumaran,  
Kaippilly House,  
Puduruthy P.O.,  
Vadakkancherry (Via)  
Trichur District,  
Pin - 680 623.

Applicant

(By Advocate Shri P.C.Chacko)

Vs.

1. Union of India represented by its Secretary, Ministry of Railways, New Delhi.
2. The Secretary, Railway Board, Rail Bhavan, New Delhi.
3. The Principal, Railway Staff College, Vadodara-390 004, Ahmedabad. Respondents

(By Advocate Shri Mathews J. Nedumpara)

The application having been heard on 22nd June 2001 the Tribunal on the same day delivered the following:

O R D E R

Q HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who commenced service on 26.8.1965 tendered resignation from service which was accepted in the year 1978. Alleging that he was suffering from mental illness, he made several representations. Ultimately, he was given re-appointment with effect from 29.1.1993 and he retired on superannuation on 31.8.1997. The applicant has made a representation for condonation of the break in service between

7.6.78 and 29.1.1993 which was turned down by order dated 8.11.99(A6) stating that, as per the extant rules, break in service caused due to resignation cannot be condoned. The applicant's resignation having been accepted and he has been given re-appointment as a fresh entrant, even *prima facie*, there is no basis for his claim for condonation of break between 7.6.78 and 29.1.1993. The applicant's request for condonation of break in service was rejected by order of the Railway Board dated 8.11.1999 (A6). The applicant has not challenged that order within one year. Hence, the application is barred by limitation in seeking the relief now against A-6 order. The O.A. is, therefore, rejected under Section 19 (3) of Administrative Tribunals' Act, 1985.

Dated the 22nd June 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

Annexure A-6: True copy of the letter No.B(Rep)I-97/RSC/8/181  
dated 8.11.99 issued by the 2nd respondent.

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