

Central Administrative Tribunal  
Ernakulam Bench

Date of decision: 14.02.1990

Present

Hon'ble Shri NV Krishnan, Administrative Member

And

Hon'ble Shri N. Dharmadan, Judicial Member

OA 55/89

K.M. Zachariah, Nellimala House,  
Kanjettukara Post, (via) Ayroor,  
Pathanamthitta.

: Applicant  
(in person)

1. Chairman,  
Railway Board, New Delhi.

2. The General Manager,  
Southern Railway,  
Madras.

3. The Chief Engineer (Construction),  
Southern Railway,  
18 Miller Road, Bangalore,  
Karnataka.

: Respondents

4. The Executive Engineer (Construction),  
Southern Railway,  
Sakleshpur, Now at Mangalore,  
Karnataka.

M/s MC Cherian, Saramma Cherian & : Counsel for  
TA Rajan respondents

O R D E R

(Shri NV Krishnan, Administrative Member)

The case came up for admission before the Bench today. The matter has been heard earlier also. It is seen that the applicant claims that he was in service under the Railways for 24 years and while employed as Casual Labourer Workmate, he states, he was retrenched on 18.12.80. The relief sought by him is to issue a direction to the respondents to grant him pension from 18.12.80 onwards along with back wages for 24 years of service rendered by him from 16.2.57 to 18.12.80.

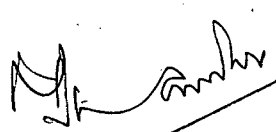
2. The applicant had earlier filed MP 50/89 for condonation of delay in filing this application as the cause of action arose on 18.12.80. As it did not state all facts properly, he was asked to file a revised MP. He has, therefore, filed MP 113/90 for the same purpose.


3. It is seen from the facts mentioned in the MP that the applicant had been sending representations to various authorities after 1980. He states that the representations dealt with his claim for pension.

4. We are of the view that mere filing of a series of representations will not either give the applicant more time to file an application before the Tribunal or be a sufficient reason to condone the delay that has occurred in filing this application. We notice further that the applicant is not new to litigation. When he was not given gratuity, he claimed it successfully through the Controlling Authority (Assistant Labour Commissioner, Bangalore). There is evidence to show that in this connection there were proceedings in the Karnataka High Court also. That being the case, we are of the view that atleast when the Administrative Tribunals Act came into force in 1985, he should have filed this application in time under the provisions of that Act. This application is filed very much beyond

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the period of limitation for which no explanation is given. Hence, the MP is rejected. Consequently, the DA is also rejected.

  
(N. Dharmadan)  
Judicial Member

  
(N.V. Krishnan)  
Administrative Member

14th day of February, 1990.

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision: 2-4-90

Present

Hon'ble Shri NV Krishnan, Administrative Member  
and  
Hon'ble Shri N Dharmadan, Judicial Member

, RA No.41/90 in OA No.55/89

KM Zachariah : Applicant

Vs.

1 The Chairman, Railway Board  
New Delhi & 3 others. : Respondents

KM Zachariah : Applicant in person


M/s MC Cherian, Saramma Charian  
and TA Rajan : Counsel of Respondent

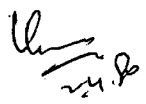
O R D E R

Shri NV Krishnan, Administrative Member.

The applicant seeks to review of the original order in OA 55/89 on 14.2.90 by which the application was dismissed as the same was filed beyond the period of limitation. We have carefully considered the review petition and heard the applicant in person. No new ~~more~~ grounds have been adduced by him to persuade us to review the decision rendered in the OA.

2 In view of this, we see no merits in the review application and is accordingly dismissed.

  
(N Dharmadan)  
Judicial Member  
2.4.90

  
(NV Krishnan)  
Administrative Member  
2.4.90