

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 607 of 1995.

Thursday this the 13th day of February 1997,

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

V. Chandrashekar Pillai,
Jayabhavanam,
Peala P.O., Thattarambalam,
Mavelikkara.
Salaried Court Bearer,
Wanchinad Express,
Southern Railway, Thiruvananthapuram
Division.

.. Applicant

(By Advocate Shri K.P. Kailasanathan Pillai(rep)).

Vs.

1. The Dy. Chief Commercial Manager,
(Catering)
Southern Railway, Madras.

2. The General Manager,
Southern Railway, Madras.

3. The Divisional Railway Manager,
Southern Railway, Thiruvananthapuram. .. Respondents

(By Advocate Mrs. Sumathi Dandapani(represented))

The application having been heard on 13th February
1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was working as a Commission Vendor
in the Southern Railway, had his contract terminated on the
basis of a complaint and by A-III on the basis of a
representation, respondents decided to take him back
as a fresh entrant administering him a severe warning.
It was specifically stated in A-III that seniority of the

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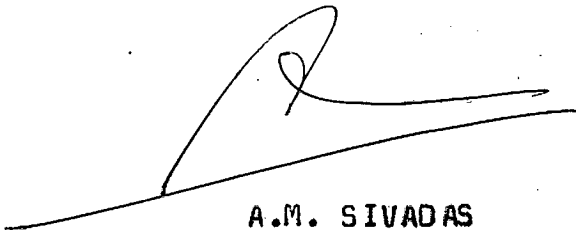
applicant will count from the date he joins duty and he will have no claim to his previous seniority. This order was passed on 4.7.85. Against that the applicant filed the O.A. 1092/94. The Tribunal considered and dismissed the application stating that:

"Application is filed nine years and twenty two days after the cause of action has arisen. Where the cause of action has arisen, is also a moot point.By reason of the delay, we do not propose to entertain this application and examine it on merits."

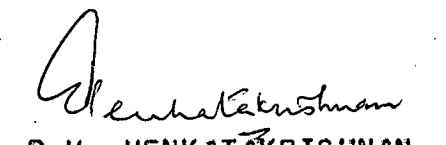
2. The present application is also for the grant of seniority retrospectively from 14.11.77. The order passed by the respondents refusing grant of seniority retrospectively had already been challenged before the Tribunal and had been dismissed on the ground of limitation. Under these circumstances, the present application cannot be entertained. We dismiss it on the ground that it is barred by limitation.

3. During the hearing it was stated by the learned counsel for respondents that applicant was placed in seniority list in position 457 on the basis of A-III. We record the submission. No costs.

Dated, the 13th February 1997.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of Annexure

Annexure A-III : True copy of the reinstatement order
of the Chief Commercial Superintendent,
Southern Railway, Madras dated 4-7-85
vide No. C.84/V/7.