

Central Administrative Tribunal
Ernakulam Bench

O.A. 9/89

DATED THE THIRTYFIRST DAY OF JANUARY
NINETEEN HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri G.. Sreedharan Nair, Judicial Member
&

Hon'ble Shri N. V. Krishnan, Administrative Member

M. Sivasankaran .. Applicant

Vs.

1. The General Manager, Southern Railway
Park Town, Madras

2. The General Manager, Personnel,
Southern Railway, Madras

3. The General Manager, Engineering
Southern Railway, Madras

4. Senior Divisional Personnel Officer,
Southern Railway, Palghat and

5. Senior Divisional Engineer, Southern
Railway, Palghat

.. Respondents

Mr. P. Santhosh Kumar

Counsel for the
applicant.

M/s. M. C. Cherian &
T. A. Rajan

Counsel for
respondents

O R D E R

(Pronounced by Hon'ble Shri G. Sreedharan Nair)

Copies of the original application as well as the
petition for condonation of delay have been served on
Advocate Mr. M. C. Cherian, Standing Counsel for the
Railways, on behalf of the respondents.

2. We have heard counsel on either side.

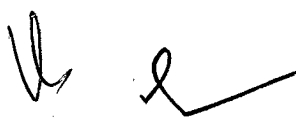
3. The main reliefs claimed in the original application
by an Inspector of Works attached to the Southern Railway
relates to regularisation of his service with effect from

26.11.1970 from which date it is stated that the applicant was officiating in the higher grade of Inspector of Works. It is also prayed that the respondents be directed to fix the pay of the applicant accordingly and to disburse the arrears. The applicant was reverted from the post of Inspector of Works Grade I in 1972, when he made a representation on 16.11.1972 copy of which is at Annexure-4. The applicant has alleged that the said representation has not been considered by the respondents and hence he had been making repeated reminders, the last of which was made on 27.5.1988 (Annexure-6). The counsel for the applicant has also submitted that the applicant is to retire on superannuation today.

4. M.P. 10/89 has been filed by the petitioner for condoning the delay if any in filing the original application. Actually the stand taken up by the counsel for the applicant is that in view of the repeated representations, there is no delay as such.

5. There is no case for the respondents that any of these representations filed by the applicant from 16.11.1972 has been considered or disposed of. The counsel for the respondents was not in a position to state any valid reason for this inaction. No doubt, it was submitted by him that the present application is not maintainable as it has been filed years after the accrual of the cause of action.

6. The counsel for the applicant submitted that despite the many reliefs claimed in the application, the



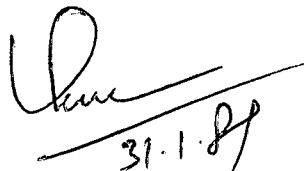
applicant will be satisfied if a direction is issued to the respondents to consider at least the last representation filed on 27.5.1988. When it is submitted that as regards the service benefit claimed by the applicant, he had been making representations, we cannot appreciate the attitude on the part of the respondents in not considering the same. The applicant had been waiting patiently and it is only on the eve of his superannuation that he has chosen to approach this Tribunal. Can this be said to be a case where the applicant has been sleeping over his rights? No doubt, we have held that the filing of repeated representations will not keep the cause of action alive. But this is a case where the applicant has confined the relief only for a consideration of his representation and not for grant of any relief as such by the Tribunal. In the circumstances, we are of the view that for the limited relief now claimed on behalf of the applicant for a direction to the respondents to consider the representation dated 27.5.1988, there is no bar of limitation.

7. We admit the original application. Since the respondents ^{are} ~~have~~ put on notice of the original application, we have heard counsel on either side with respect to the relief pressed on behalf of the applicant. We allow the same and direct the respondents to consider and dispose of the representation submitted by the applicant

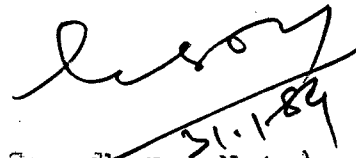
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on 25.7.1988 within a period of one month from the date of receipt of a copy of this order, which shall be sent to the respondents on priority basis.

8. The original application is disposed of as above.



(N. V. Krishnan)
Administrative Member
31.1.89



(G. Sreedharan Nair)
Judicial Member
31.1.89

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