

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 327
T. A. No.

1991

DATE OF DECISION 5.7.91

K. R. Manu & V. Sareerangan Achari Applicant (s)

Mr. T. Ravikumar Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
General Manager, Southern Rly, Madras and others

Smt. Sumathi Dandapani 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 two applicants Shri K. R. Manu and Sri V. Sareerangan Achari have been reverted and transferred as Jr. Clerk to the office of the Trivandrum by the impugned Annexure-E and E-1 orders dated 28.10.88 and 10.11.88 respectively. They have joined this new post. By the Annexure-H order they have been assigned bottom seniority. Hence their grievance. They have prayed that the impugned orders be quashed and directions issued to the respondents to post them as senior clerks in the scale of Rs. 1200-2040 providing them their due position in similar inter-divisional

transfers effect (sic) on account of administrative grounds giving effect to Annexure-B. The applicants state that they filed a joint representation (Annexure-G) on 14.12.88 seeking the aforesaid reliefs from the General Manager, Southern Railway, the first respondent. As no relief was granted, they persisted sending representations and the last representation is dated 24.4.89, Annexure-J from the first applicant.

2. Today when the case came for consideration, the learned counsel for the respondents submitted that the application is time barred and mere repeated representations will not keep the applicant's right alive. While this submission is correct, the respondents should have disposed of the representation dated 14.12.88 within a reasonable time say, within six months. Not having discharged their obligation, it is unfair to invoke the plea of limitation to defeat the right of the applicants. No other ground is urged in support of the plea of limitation. Our sympathies are with the applicants who have found it necessary to approach this Tribunal, merely to get a direction to have the representation disposed of. In this view of the matter, we condone the delay and allow the M.P. 390/91 seeking condonation of delay.

3. We feel that the interest of justice will be met if we direct the first respondent to dispose of the representation dated 14.12.88 made by the applicants

within a period of two months from the date of receipt
of a copy of this order. Accordingly, we do so.

4. The application is disposed of with the above
directions. There will be no order as to costs.

M. Dharmadan
5.7.91

(N. DHARMADAN)
JUDICIAL MEMBER

Chu
5/7/91

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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