

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 17-08-1987

APPLICATION NO 1922 /86(F)

~~XXXXXX~~

Applicant

K.Krishnaiah

Vs.

U.O.I, Rly. Deptt. ND. & ers.

To

1. Sri K.Krishnaiah,
No.3976, St.Anne's Street,
Gandhinagar, Mysore.
2. The Union of India by its
Secretary, Railway Department,
New Delhi.
3. Chief Personnel Officer,
Souther Railways, Madras.
4. Senior Divisional Personnel
Officer, Southern Railwa-ys,
Mysore.
5. Shri M.V.Seshadri, Advoca-te,
No.10, Parkalmutt Buildings,
Tank Bund Road, B'lore-560 009.
6. Shri K.V.Laxmanachar,
Advocate for Respondents,
No.4, 5th Block,
Bijand Square Police Qrs.,
Mysore Road,
Bangalore- 560 002.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXX~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 13-8-1987.

Encl : as above

B.V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

RECEIVED 14/8/87
Diary No. 1011/CR/87
Date: 22-8-87

9/c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

Dated the 13th day of August, 1987.

Present

THE HON'BLE MR. JUSTICE K.S. PUTTASWAMY .. VICE CHAIRMAN

And

SHRI B.N. JAYASIMHA, Hon'ble VICE CHAIRMAN(A)

Application No.1922 of 1986(F).

K.Krishnaiah S/o late G.Manchaiah
59 years, No.3976, St.Anne's Street,
Gandhinagar, Mysore.

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Applicant

(Sri M.V.Seshadri, Advocate for applicant)

-vs.-

1. The Union of India
by its Secretary, Railway Deptt.
New Delhi.

2. Chief Personnel Officer,
Southern Railways, Madras.

3. Senior Divisional Personnel-
Officer, Southern Railways,
Mysore.

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Respondents.

(By Sri K.V.Laxmanachar, Adv.for respondents)

The application coming on for hearing this day,
the VICE CHAIRMAN(A), SHRI B.N.JAYASIMHA, made the
following:

O r d e r



8/10/87

O_r_d_e_r

This is an application filed by a Chief - Commercial Clerk, Grade-II, who retired from service on 31-8-1985. He has filed this application seeking the following reliefs:

- "(a) for a direction to the respondents to treat the applicant as on duty during the periods commencing from 10-1-1975 to 6-1-1976 and from 24-4-1982 to 1-8-1983 respectively and to pay all the benefits that have accrued to the applicant as though he was on-duty, including arrears of salary, increments, leave-salary and other benefits.
- (b) to quash the orders of 3rd respondent in Annexure-D directing withholding a sum of Rs.15,600/-(appx) from the Provident Fund and gratuity of the applicant.
- (c) directing the respondents to fix the salary of the applicant, with effect from 21-10-1979 in the cadre of 700-900 and to pay him arrears of salary, increments, and such other allowances and other benefits that are permissible in law.
- (d) direct the respondents to pay the leave salary 55 days which he ~~was~~ earned during the period of suspension, since his services have been regularised during those days.

(e)



(e) to direct the respondent No.3, to expunge the confidential report that has been made against the applicant, from the records."

2. The learned Counsel for the applicant, Shri M.V. Seshadri, argued firstly on the claim of the applicant for the payment of full salary and allowances for the period he was kept under suspension from 10-1-1975 to 6-1-1976 and from 20-4-1982 to 1-8-1983. The applicant was reinstated on both the occasions without any disciplinary action being initiated against him. No order has been passed for regulating payment of his salary for the period he was kept under suspension. The applicant is therefore entitled for the salary for the above period.

3. The second and the principal challenge made by him is in regard to the withholding/recovery of Rs.15,579-55p from out of the applicant's D.C.R.G. Shri Seshadri contends that withholding/recovery of this amount ^{is} illegal as the same has been done without any notice to the applicant and without initiating any disciplinary proceedings.

4. This application was filed on 13-11-1986. On 5-12-1986, the applicant filed an I.A. for condonation of delay in filing the application and the main reason given is that he was making representations to the departmental authorities from time to time, and the

same

same has not been replied to. He was awaiting reply from the department for his above representations and therefore the delay in filing this application.

5. The respondents have opposed the application for condonation of delay and also the contentions raised by the applicant in support of the reliefs asked for in the main application.

6. Shri M.V.Seshadri urges that the facts and circumstances urged in the I.A. justifies condonation of delay in presenting the application. Shri K.V. Laxmanachar, standing Counsel for Railways, opposes the same, stating that repeated representations do not entitle the applicant for condonation of delay. The applicant had not approached the appropriate Court when the cause of action arose.

7. As seen from the facts of the case, the events giving rise to ^{the} cause of action occurred long ago and the applicant had not approached any Court of law for redressal of his grievances at the appropriate time. Even in regard to the withholding/recovery of Rs.15,579-55, the application is beyond the period prescribed under the Administrative Tribunals Act, 1985. The reasons given by the applicant in his application for condonation of delay do not warrant condonation of the delay and the application is liable to be dismissed on this ground alone.



8. We have also examined the case on merits.

The applicant gave a consent letter for withholding/ recovering the amounts found due by him, as per the statement at Annexure-4 to the Reply. No mention of this is made by the applicant in his application. In the rejoinder, however, he says that the above letter of consent has been taken from him under duress. We do not see any justification for accepting this contention of the applicant as this is obviously an afterthought, in view of the fact that he had made no mention of his giving the consent letter under any coercion; *in this application.*

9. The other claims viz., salary for suspension period etc., are hopelessly barred by limitation.

10. In the result, the application fails and is accordingly dismissed. There will be no order as to costs.

81 -
(K.S. PUTTASWAMY)
VICE CHAIRMAN(J). 13/5/01

82 -
(B.N. JAYASIMHA)
VICE CHAIRMAN(A)

True copy
B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

GOVERNMENT OF INDIA
MINISTRY OF TRANSPORT (PARTIAL)
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)
(RAILWAY BOARD)

No.E(G) 87 -LL3-16/(298)

New Delhi, d

To.

The Registrar, Central Administrative Tribunal,

Bangalore Bench (Commercial Complex),
Indiranagar, Bangalore, 560 038

Sub:

Appn No. 1922/86
K. Krishnaraj vs - 100/2008.

Sir,

I am directed to refer to your summons/orders dated 13/8/87 on the subject mentioned above and to state that the General Manager, S. Railway is the competent authority to deal with this matter. The summons/orders in question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

DA: Nil.

for Secretary, Railway Board.

No. E(G) 87 -LL3-16/(298)

New Delhi, dated 25/8 1987

Copy together with the summons/orders received from the Tribunal/Court are forwarded in original to the General Manager Southern

Railway for further necessary action.

The next date of hearing is

DA/As above.

Desk Officer, Establishment
Railway Board

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