

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

Dated the 11th 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.1616 of 1986.

E.Sriramulu  
S/o Late Ethirajulu,  
45 years,  
No.22/1, Sebapathy Lane,  
Bangalore-1.

.. Applicant.

(By Shri V.A.Mohan Rangam, Advocate, .. absent.  
Applicant in person).

-vs.-

1. Central Electricity Authority  
represented by its Secretary  
'Seva Bhavan', R.K.Puram,  
New Delhi-66.
2. Union of India,  
Ministry of Irrigation and  
Power, by its Member-Secretary  
Southern Regional Electricity Board,  
29/1, Race Course Road Cross,  
Bangalore-560 009.

3. Bharath Earth Movers Ltd.

Deleted vide order of the Court  
dated 1-9-1986.

.. Respondents.

(Shri M.S.Padmarajaiah, Senior Standing Counsel for  
Central Government, for respondents.)

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This

This application coming on for hearing this day, SHRI B.N. JAYASIMHA, HON'BLE VICE CHAIRMAN, made the following:

ORDER

This is an application filed by a former employee of the Southern Regional Electricity Board ('SREB', for short), seeking declaration that he is entitled to get retirement benefits for the services rendered by him during the period 4-12-1964 to 19-8-1976 in the SREB.

2. When the case was called, the applicant himself came forward to argue his case; but later he sought for adjournment on the ground that his Counsel is not well. We have declined to adjourn the case and proceeded to decide the case on the basis of the submissions made by the applicant.

3. The facts of the case are, the applicant who was appointed as a Lower Division Clerk on 4-12-1964 in the SREB continued to work there till 19-8-1976. He applied for a post in the Bharath - Earth Movers Ltd. ('BEML' for short), and upon his selection, he resigned his post in SREB. He was relieved from his duties by an office order No.86, dated 20th May, 1976 by the SREB. He thereafter joined service in the BEML. He has been making repeated representations to the respondents 1 and 2 for giving him terminal benefits for the services

rendered

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rendered by him in the SREB. Respondents, by a Letter No.21/28/74-SREB-1328, dated 10/14-2-1977, informed the applicant that he is not entitled for the benefit of retirement pension on the ground that he did not hold any substantive appointment during the time of his resignation. The applicant has been making further representations on the same matter, and through letter dated 28th October, 1985, the respondents reiterated that he is not entitled to any terminal benefits.

4. It is stated in the counter that the case of the applicant along with others for confirmation was taken up in November, 1979 i.e., 3 years after the acceptance of his resignation; that no confirmation could be given to the applicant in his absence in the Department and consequently he was not entitled to any terminal benefits.

5. We have considered the rival contentions, particularly on the point of limitation. The applicant, as already mentioned, was informed that he was not entitled to terminal benefits, in February, 1977. The applicant did not approach any appropriate Court of law, but has chosen to make repeated representations to the departmental authorities. On the question whether a final decision reached by an authority before 1-11-1982 can be examined by the Tribunal under

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the Act or not, the Principal Bench, in V.K. MEHRA  
-vs.- SECRETARY, reported in ATR 1986 CAT 203, has  
held as follows:

"2. ....

The Administrative Tribunals Act does not vest any power or authority to take cognizance of a grievance arising out of an order made prior to 1-11-1982. The petitioner requests that the delay in filing this application be condoned. But the question is not at all one of condoning the delay in filing the petition. It is a question of the Tribunal having jurisdiction to entertain a petition in respect of grievance arising prior to 1-11-1982.

3. In Regn.No.T-34/85 Capt.Lachhman Singh v. Secretary, Ministry of Personnel and Training, we held:

"The period of three years laid down under sub-section(2) of Section 21 would have to be computed with reference to any order made on such a representation and not with reference to the earlier order. ....the Tribunal would have jurisdiction under sub-section (2) of Sec.21 to entertain an application in respect of "any order" made between 1-11-1982 and 1-11-1985".

The limited power that is vested to condone the delay in filing the application within the period prescribed is under Section 21 provided the grievance is in respect of an order made within

3 years


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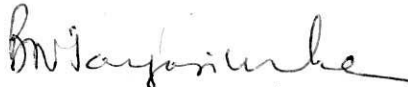
3 years of the constitution of the Tribunal. Though the present petition is filed within six months of the constitution of the Tribunal in respect of an order made prior to 1-11-1985 as contemplated by subsection (3) of Section 21, since it relates to a grievance arising out of an order dated 22-5-1981, a date more than 3 years immediately preceding the constitution of the Tribunal, this Tribunal has no jurisdiction, power or authority to entertain the petition. This petition<sup>is</sup> therefore, dismissed."

This view of the Principal Bench has been applied by the other Benches, in similar matters.

6. This application is clearly barred by limitation and hence it is liable for dismissal on that ground alone. We see no reason to consider the case on merits. The application therefore fails and it is accordingly dismissed.

No order as to costs.

  
(K.S. PUTTASWAMY)  
VICE CHAIRMAN (J) 11/8/87

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

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 19/8/87

Application No. 1616 /86( F)

W.P. No                                 

Applicant

Shri E. Sriramulu

To

V/s

The Secy, Central Electricity Authority  
& another

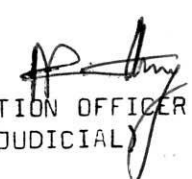
1. Shri E. Sriramulu  
No. 22/1, Sabapathy Lane  
Bangalore - 560 001
2. Shri V.A. Mohan Rangam  
Advocate  
No. 24, 9th Main, IV Block  
Jayanagar  
Bangalore - 560 011
3. The Secretary  
Central Electricity Authority  
Sewa Bhavan  
R.K. Puram  
New Delhi - 110 066

4. The Member-Secretary  
Southern Regional Electricity Board  
29/1, Race Course Road Cross  
Bangalore - 560 009
5. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN  
APPLICATION NO. 1616/86(F)

Please find enclosed herewith the copy of the Order/~~Interim Order~~  
passed by this Tribunal in the above said Application on 11-8-87.

Encl : as above.

  
SECTION OFFICER  
(JUDICIAL)

Balu\* **RECEIVED** 21/8/87  
Diary No. 1024/CR/87

Issued Date: 22/8/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

Dated the 11th 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)

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No order as to costs.



"True copy"

*AP* *19/8/87*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

*Sd* \_\_\_\_\_  
(K. S. PUTTASWAMY)  
VICE CHAIRMAN (J)

11/8/01

*Sd* \_\_\_\_\_  
(B. N. JAYASIMHA)  
VICE CHAIRMAN (A).

- True copy -

29/9/88  
19/9

D.No. 6167/87/Section IV-A  
SUPREME COURT OF INDIA  
NEW DELHI.

Dated 14th September, 1988

From: The Additional Registrar,  
Supreme Court of India.

To

The Registrar,  
Central Administrative Tribunal,  
B.D.A. Complex, Indira Nagar,  
Bangalore-560 038.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 14954/87.

Petition under Article 136 of the Constitution of India for  
Special Leave to Appeal to the Supreme Court from the Judgment  
& Order dated 11-3-87 of the High Court of  
Central Administrative Tribunal, at Bangalore in Application  
No. 1616 of 1986

E. Sriramulu

....Petitioner

Vs.

Central Electricity Authority & Anr.

...Respondents

Sir,

I am to inform you that the petition above mentioned  
for Special Leave to Appeal to this Court was filed on behalf  
of the Petitioner above-named from the Judgment and Order  
of the High Court noted above and that the same was/were  
dismissed by this Court on the 12th day of September,  
1988.

Yours faithfully,

  
for Addl. Registrar.

AS/

Sec- IV-A.