

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH,
BANGALORE

DATED THIS THE 17TH FEBRUARY 1987.

Present : Hon'ble Justice K.S. Puttaswamy .. Vice Chairman
Hon'ble Shri P. Srinivasan .. Member (A)

Application No. 1475/86.

Sri C.S. Ramaswamy Iyengar,
Son of Sri C. Sheshachar, Hindu,
Major-aged about 57 years
residing at No. 295,
Shastri nagar,
Banashankari II Stage,
BANGALORE - 560 070.

... Applicant

(Shri L.K. Srinivasa Murthy, Advocate)

Vs.

1. The Union of India
represented by General Manager
Southern Railways,
Park Town
MADRAS.
2. Divisional Commercial Superintendent,
Divisional Office,
Personnel Branch
Southern Railways,
BANGALORE
3. Divisional Personnel Officer,
Southern Railways, SBC
BANGALORE.

.... Respondents.

(Shri M. Sreerangaiah, Advocate)

The application has come up for hearing before
this Tribunal today. The Vice-Chairman made the
following :

O R D E R

In this transferred application received from
the High Court of Karnataka under section 29 of the
Administrative Tribunals Act, 1985, the applicant has

...2....

challenged the Order Nos B/P.579/II/Coml. dated 30-10-1984 and 8-1-1985 (Annexure D and E) of the Divisional Commercial Superintendent, Bangalore ('DCS').

2. Shri L.K.Srinivas Murthy, learned Advocate who had filed vakalatnama for the applicant before the High Court and was continuing to appear for him before this Tribunal also reports the death of the applicant on 14.6.1986. He prays for grant of a reasonable time to bring the legal representatives ('LRs') of the applicant on record, and then conduct this case. Shri M.Sreerangaiah, learned standing counsel for the Railways, appearing for the respondents, opposes the request of Shri Murthy and urges for dismissal of the application on the ground that the cause of action does not survive to the LR's of the applicant.

3. The applicant had challenged the order of compulsory retirement made by the DCS in exercise of the powers conferred on him by rule 2046(h)(i) of the Indian Railway Establishment Code, retiring him from service w.e.f. 25.2.1985. Shri Murthy does not dispute that even in the normal course, the applicant would have retired from service on 28.2.1986. On this view itself, this application is liable to be dismissed. Even otherwise, the cause of action of

the applicant in relation to the orders challenged by him does not survive to the LRs of the applicant. If that is so, we see no justification to grant the request of Shri Murthy and refuse the same.

4. On the foregoing discussion, we hold that this application is liable to be dismissed. We therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

K. J. Prasad

VICE CHAIRMAN

12/2/87

P. S. Rao

MEMBER (A)

12/2/87

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