

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated : 14-7-87

Application No. 93 / 87(F)

W.P. No

Applicant

Shri Keshava Rao, C.A.

V/s The Secy, M/o Railways & 4 Ors

To

1. Shri Keshava Rao, C.A.
Railway Cottage
Behind Southern Railway Systems Technical School
Bangalore - 560 023
2. Shri M.S. Ananda Ramu
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002
3. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi - 110 001
4. The General Manager
Southern Railway
Park Town, Madras - 600 003

5. The Chief Engineer
(Construction)
Southern Railway
13, Millers Road
Bangalore - 560 001
6. The Inspector of Works
Southern Railway
Bangalore City Railway
Station
Bangalore
7. The Inspector of Works
Southern Railway
Krishnarajapuram
Bangalore - 560 036
8. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings
10th Cross, Cubbonpet
Main Road, B'lore - 2

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN
APPLICATION NO. 93/87(F)

Please find enclosed herewith the copy of the Order/ ~~XXXXXX~~

passed by this Tribunal in the above said Application on 8-7-87.

Encl : as above.

fae
SECTION OFFICER
(JUDICIAL)

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Issued

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15/7/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE EIGHTH DAY OF JULY 1987

Present : Hon'ble Shri Justice K. S. Puttaswamy . Vice-Chairman

Hon'ble Shri L.H.A. Rego . Member (A)

APPLICATION NO. 93/87(F)

Sri Keshava Rao
Son of late Dr. Pandith Ananthaiah
Clerical Mate/Storemate,
Southern Railways,
R/of Railway Cottage
Behind Southern Railway Systems Technical School
Bangalore-560 023.

. Applicant

(Shri M. S. Ananda Ramu ... Advocate)

v.

Union of India,
by the Secretary to Govt.
Ministry of Transports,
Department of Railways,
'Rail Bhavan', New Delhi.

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

The Chief Engineer (Constructions)
Southern Railway,
No. 13, Millers Road,
Bangalore-560 001.

The Inspector of Works,
Southern Railway,
Bangalore City Railway Station,
Bangalore.

The Inspector of Works,
Southern Railway,
Krishnarajapuram, Bangalore-36.

. Respondents

(Shri M. Srirangiah . Advocate)

This application has come up for hearing before this
Tribunal today. Hon'ble Vice-Chairman made the following:



O R D E R

In this application made under Section 19 of the Administrative Tribunals Act, 1985 (the Act) the applicant has sought for a declaration that his termination from service from 9.12.1977 was illegal and for a direction to reinstate him to service from that date with all consequential benefits.

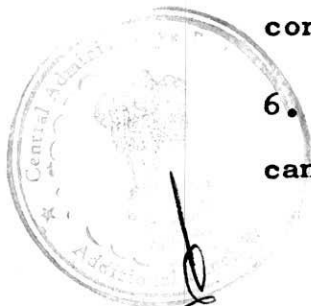
2. The applicant admits that his services were terminated from 9.12.1977 and his prayer is also consistent with the same. From this it follows that the order of termination or termination as such was made against the applicant prior to 1.11.1982.

3. In IA No.1 filed under Section 5 of the Limitation Act, of 1963 (the 1963 Act) the applicant has sought for condonation of delay, if any, in making this application.

4. Shri M.S.Anandaramu, learned counsel for the applicant prays that IA No.1 be treated as made under Section 21(3) of the Act, the delay, if any, condoned and the declarations sought by the applicant be granted as ruled by the Supreme Court in Robert D'Souza v. Executive Engineer, Southern Railway 1982 2 LJ 330.

5. Shri M. Srirangaiah, learned counsel for the respondents contends that application itself is not maintainable.

6. We have earlier noticed that termination of the applicant was made on 9.12.1977 or well before 1.11.1982.



7. In V.K. Mehra v. Secretary 1986 ATR page 202, the Principal Bench speaking through Justice K.Madhava Reddy, Hon'ble Chairman, had ruled that grievances or orders made prior to 1.11.1982 cannot be entertained by the Tribunal under Section 19 of the Act. In Application No.46/87 decided on 12.6.1987 Dr. (Smt.) Kshama Kapoor v. Union of India we have reiterated this principle and ruled that repeated representations made and orders made thereon, do not in any way affect the legal position on the maintainability of an application under Section 19 of the Act. On the ratio of the rulings in these cases we have no alternative but to hold that this application made under Section 19 of the Act is not maintainable. When once we hold that this application is not maintainable under Section 19 of the Act, the question of this Tribunal condoning the delay, if any, or examining the merits do not arise.

8. In the light of our above discussion we hold that this application is liable to be rejected. We, therefore, reject this application. But in the circumstances of the case we direct the parties to bear their own costs.



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SECTION OFFICER 14/2
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE bsv

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VICE CHAIRMAN
8/7/1987

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MEMBER (A) 8.7.1987