

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 24-11-87

REVIEW APPLICATION NO 116 / 87 ()
IN APPLICATION NO. 383/87(F)
W.P.No.

APPLICANT

Shri B.N. Dasarathy

To

1. Shri B.N. Dasarathy
277, Laxmivilas Agrahara
Mysore - 570 024

Vs

RESPONDENTS

The Secy, Railway Board & 2 Ors

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~XXXX~~ Review
~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 18-11-87

RECEIVED

Diary No. 1461/CR/87

Date: 26-11-87

Encl: as above.

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 18TH DAY OF NOVEMBER, 1987

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

REVIEW APPLICATION NO. 116/1987

Shri B.N. Dasarathy,
No.277, Laxmivilas Agrahara,
Mysore.

.... Applicant.


v.

1. The Secretary,
Railway Board,
Rail Bhavan,
New Delhi.
2. The General Manager,
Southern Railway,
Madras.
3. The Divisional Railway Manager,
Southern Railway,
Mysore Division,
Mysore.

.... Respondents.

This Application having come up for hearing to-day,
Shri P. Srinivasan, Hon'ble Member (A) made the following:

O R D E R



In this Review Application the applicant wants us to review our order dated 20.8.1987 in A.No.383/87. The application is purported to have been made in accordance with Section 22(3)(f) of the Administrative Tribunals Act, 1985.

2. In our order dated 20.8.1987 we had taken the view that the claim of the applicant for arrears of pay from 1.1.1947 onwards had been finally rejected by the respondents

P. S. - 42

by a letter of Respondent No.1 dated 17.8.1981 and that, therefore, the cause of action having arisen more than three years prior to establishment of this Tribunal, this Tribunal was not competent to entertain the application, muchless to condone any delay. We also noticed in the course of that order that the applicant had retired from service on 31.7.1975 and that his claim of arrears dated back to 1.1.1947 when the applicant was working with the erstwhile Mysore State Railway prior to its integration with the Indian Railways.

3. The applicant who was present in person urges that even though his claim was rejected by letter dated 17.8.1981 he was required under departmental instructions to pursue further remedies with higher authorities and therefore could not rush to court on receipt of that order. Respondent No.1 had not considered the matter in depth when passing the order of 17.8.1981 and the applicant thereafter obtained and sent to the respondents another letter from the Government of Karnataka whose predecessor, the Government of Mysore, was the cadre controlling authority when the applicant was working in the Mysore State Railway. His request supported by this letter of the Government of Karnataka had been rejected in 1986 and it is this date which should have been taken into account for determining when the cause of action arose.

4. We have considered the matter carefully. As stated earlier we have come to a deliberate conclusion in our original order that the cause of action in this case arose



P. S. K.

on 17.8.1981 after considering all relevant material
and hearing the applicant and ^{the} other side exhaustively.
If our conclusion in this regard is incorrect the remedy
for the applicant is not an application for review but
an appeal.

5. In a review we cannot sit in judgment over a
view held by us in the original order and come to a
different view. We are, therefore, convinced that this
application does not deserve to be admitted.

6. In the result the application is rejected at the
admission stage itself.

Sd/-

Vice-Chairman

18/11/81

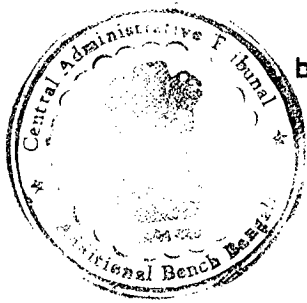
Sd/-

Member (A)

10/11/81

- True copy -

bsv/Mrv.



B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
24/11

AS

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5088 OF 1989
(In SLF 2710/88)

223885

B.N.Dasarathy

Appellant

v.

Secretary, Railway Board & Ors.

Respondents

O R D E R

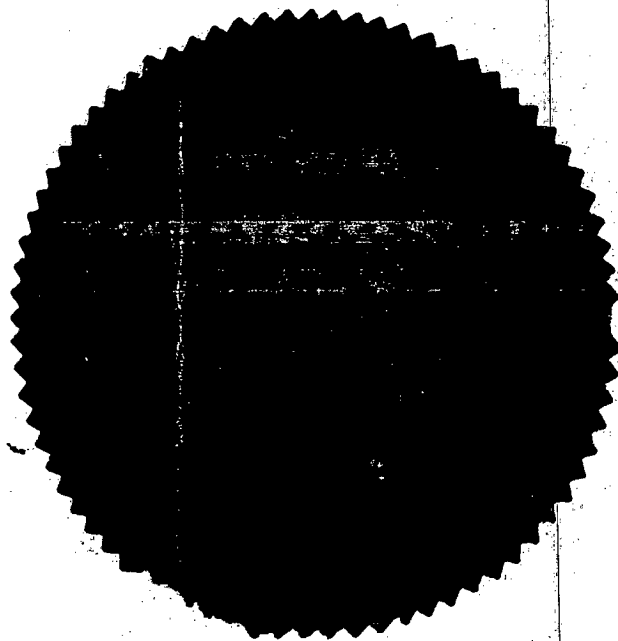
Special leave granted.

Though notice had been served on the respondents there is no appearance. The Central Administrative Tribunal dismissed the appellant's claim as barred by limitation. On the facts as placed before us, we are of the view that the order made on 13.5.1986 should have been treated as the final order against which the appellant's claim had been preferred and on that footing, the claim should have been entertained for disposal on merit. The impugned order of the Tribunal is set aside and the matter is remitted for fresh disposal. The appeal is disposed of accordingly. No costs.

Ranganath Misra
J.
(Ranganath Misra)

M.N. Venkatachaliah
J.
(M.N.Venkatachaliah)

New Delhi.
December 18, 1989.



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NP 5140

SEALED IN MY PRESENCE