

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

RECEIVED

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 APR 1988

APPLICATION NOS. 13 to 18 /88(F)

W.P. NO.

Applicant

Shri Venkatappa & 5 Ors

To

1. Shri Venkatappa
2. Shri K.S. Ponnappan
3. Shri G. Puttagowda
4. Shri R. Lakkappa
5. Shri K. Manohar Singh
6. Shri P. Shanmugam

(Sl Nos. 1 to 6 -

C/o Shri A. Lakshminarayana
Advocate
No. 1, II Floor
SSB Mutt Building
KG Circle
Bangalore - 560 009)

7. Shri A. Lakshminarayana
Advocate
No. 1, II Floor
SSB Mutt Building, KG Circle
Bangalore - 560 009

8. The Secretary
Ministry of Railways
Rail Bhavan
New Delhi - 110 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/EXCEP/EXM/ORDER~~
passed by this Tribunal in the above said application on 5-4-88.

16. Shri T.R. Narayana
TLF Grade II, Southern Railway
Bangalore City, Bangalore

Encl : As above

17. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

P. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

OC

4/88
K.N. *15-4-88*
15-4-88

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 5TH DAY OF APRIL, 1988

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

APPLICATION NOS. 13 to 18/1988

1. Shri Venkatappa,
S/o Thimarayappa.
2. Shri K.S. Ponnappan,
S/o Sukumaran Achary.
3. G. Puttegowda,
S/o Gopala Krishna Gowda.
4. Shri R. Lakkappa,
S/o Rangaiah.
5. Shri K. Manohar Singh,
S/o Krishna Singh.
6. Shri P. Shanmugam,
S/o Pachappa Reddiar.

.... Applicants.

(All are working as TLF/SKD/GR.III
in the O/o the Bangalore City
Station, Southern Railway, B'llore)

(Shri A. Lakshminarayana, Advocate)

v.

1. The Union of India
by its Secretary,
M/o Railways,
New Delhi.
2. The General Manager,
Southern Railway,
Madras.
3. The Divisional Railway Manager,
Southern Railway,
Bangalore City,
Bangalore.
4. Jayaraj, S/o David,
TLF Gr.II, Bangalore City,
Bangalore.
5. Gopalakrishna Menon,
S/o L.R. Paniker, TLF Gr.II,
Bangalore City, Bangalore.
6. Anthony Cruz, S/o Irudayanathan,
TLF Gr.II, Bangalore City,
Bangalore.



7. Shri K. Nataraj, S/o K. Krishnappa,
TLF Gr.II, Bangalore City,
Bangalore.

8. Shri L. Sathyamurthy,
S/o V. Lakshmanrao,
TLF Gr.II, Bangalore City,
Bangalore.

9. Shri T.R. Narayana,
S/o T.N. Ramaswamy,
TLF Gr.II, Bangalore City,
Bangalore. Respondents.

(Shri M. Srirangaiah, Advocate)

These applications having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

These are applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The applicants, claim that they were all interviewed for empanelment as Khalasis, on or about 29.3.1974 but were not appointed on regular basis immediately thereafter and that respondents 4-9 were so appointed in December, 1976 ignoring their superior claims. On the basis of their earlier appointments, respondents 4 to 9 have also been promoted to different higher grades well before 1.11.1982. In these applications made on 1.1.1988, the applicants have challenged all of them and have sought for diverse reliefs. In I.A. No.1 the applicants have also sought for condoning the delay in filing of the applications under the Act.

3. In I.A. No.2, the applicants have challenged letter No. B/P P.524/III/1/Re-Classification dated 30.6.1986 ('Annexure-H) of the Divisional Officer, Personnel Branch, Southern Railway, Bangalore (DO).

4. Shri A. Lakshminarayan learned Counsel appearing for the applicants urges for condoning the delay and admission of the applications and then decide the cases on merits.

5. Shri M. Srirangaiah, learned Counsel for the respondents 1-3 opposes the IAs and the admission of the applications.

6. We have earlier noticed that every one of the grievances of the applicants in relation to their own appointments, the appointments and promotions of respondent Nos. 4 to 9 all arose well before 1.11.1982. The grievance of the applicants really arose in 1974 itself.

7. In V.K. MEHRA vs. THE SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, (ATR 1986 CAT 203), Justice K. Madhava Reddy, Hon'ble Chairman, speaking for the Bench, had expressed thus:

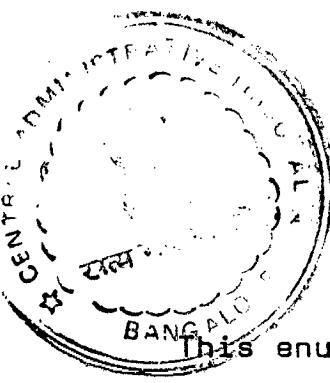
"The Administrative Tribunals Act does not vest any power or authority to take cognizance of a grievance arising out of an order made prior to 1.11.1982. The petitioner requests that the delay in filing this application be condoned. But the question is not at all one of condoning the delay in filing 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 Section 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 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 sub-section (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 is, therefore dismissed."



This enunciation has been followed by all the Benches of this Tribunal. We have also reiterated the same in THIMA vs. DIVISIONAL RAILWAY MANAGER, BANGALORE (1987 4 ATR cases 328 & 1987 4 ATR 329). On the principles enunciated in these cases, these applications which seek to ventilate grievances that all arose prior to 1.11.1982 cannot be entertained by this Tribunal. When that is so, the question of condoning the delay under Section 21 (3) of the Act and admitting them does not at all arise.

8. In the light of our above discussions, we hold that these applications are liable to be dismissed. We therefore, dismiss them. But in the circumstances of the cases, we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN

S/G/BS

Sd/-

MEMBER (A)

bsg/Mrv.



TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

BANGALORE
CENTRAL ADMINISTRATIVE TRIBUNAL
DEPUTY REGISTRAR (JDL)

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF TRANSPORT (PARIVAHAN MANTRALAYA)
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)
(RAILWAY BOARD)

5-4-88

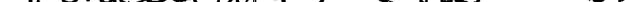
No. E(G) 88 - LL3-6 (263)
T.O.

New Delhi, dated 19-4-1988

The Registrar, Central Administrative Tribunal,

Bangalore Sonch

Sub: Answers 13518/80(F)

Sir,  5-4-80

I am directed to refer to your summons/orders dated on the subject mentioned above and to state that the General Manager, 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) 8 8-LL3-6 (203)

New Delhi, dated 19-4-1988

| Copy together with the summons/orders received from the Tribunal/
Court are forwarded in original to the General Manager. *Socitharan*

Railway for further necessary action.

The next date of hearing is 1.....

DA/As above.

Desk Officer, Establishment
Railway Board

