

## CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)  
 Indiranagar  
 Bangalore - 560 038

Dated : 11 JAN 1989

APPLICATION NO.

811

/ 88(F)

W.P. NO.

Applicant(s)

Shri M.N. Ramanna  
 To

1. Shri M.N. Ramanna  
 No. 1918, 20th Cross  
 VI Block, Jayanagar  
 Bangalore - 560 011
2. Shri K.N. Chandrashekher  
 Advocate  
 35/1, 1st Main Road  
 Gandhinagar  
 Bangalore - 560 009
3. The General Manager  
 Southern Railway  
 (Headquarters)  
 Park Town  
 Madras - 600 003
4. The Divisional Railway Manager  
 Southern Railway  
 Mysore Division  
 Mysore - 570 001

Respondent(s)

V/s The General Manager, Southern Railway, Madras  
 & 3 Ors

5. The Divisional Personnel Officer  
 Southern Railway  
 Mysore Division  
 Mysore - 570 001
6. The Chief Engineer (Construction)  
 Southern Railway  
 No. 18, Millers Road  
 Bangalore - 560 046
7. Shri K.V. Lakshmanachar  
 Railway Advocate  
 No. 4, 5th Block  
 Briand Square Police Quarters  
 Mysore Road  
 Bangalore - 560 002

Received the copy

MR Ramanna  
 11/1/89

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STRAK~~/~~INTERIM ORDER~~  
 passed by this Tribunal in the above said application(s) on 3-1-89.

Encl : As above

RECORDED  
 DEPUTY REGISTRAR  
 (JUDICIAL)

D/C

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE**

DATED THIS THE 3RD DAY OF JANUARY, 1989

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

APPLICATION NO. 811/1988

Shri M.N. Ramanna,  
Aged 57 years,  
S/o Late Shri Narayanappa,  
Senior Clerk, O/o the Chief-  
Engineer (Construction)  
Southern Railway, No.18,  
Millers Road, Bangalore.

..... **Applicant.**

(Shri K.N. Chandrashekher, Advocate)

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1. The General Manager,  
Southern Railway,  
(Headquarters),  
Madras.
2. Divl. Railway Manager,  
Southern Railway,  
Mysore Division,  
Mysore.
3. Divl. Personnel Officer,  
Southern Railway,  
Mysore Division,  
Mysore.
4. Chief Engineer (Construction),  
Southern Railway,  
No.18, Millers Road,  
Bangalore-46.

..... Respondents.

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing to-day,  
Chairman made the following:

**ORDER**

This is an application made by the applicant under  
Section 19 of the Administrative Tribunals Act, 1985 ('Act').

2. Shri M.N. Ramanna, the applicant before us, born on 5.5.1930, joined service on 2.3.1963 as a Junior Clerk in the Statistical Branch of the Southern Railway Head Quarters Madras. On his own request, the General Manager, Southern Railway, Madras ('GM') by his office order No. 273 dated 18.8.1964 (Annexure-A) transferred the applicant to the Construction Branch, Bangalore on the terms and conditions set out in the said order. On 30.9.1975 the competent Officer of the Southern Railway, confirmed the applicant in the Statistical Branch with effect from 1.9.1975. He was promoted as a Senior Clerk in the construction Branch with effect from 12.6.1975 in which capacity he continued to serve till 31.5.1988 on which day he has retired from service on attaining superannuation.

3. When the applicant was in service, the Divisional Railway Manager, Mysore Division, Mysore ('DRM') by his memorandum No.Y/P.612/VII/Clerks/W.Br.Vol.2 dated 15.4.1986 (Annexure-G) communicated to the applicant the fact that in pursuance of letter No.P(S)535/XV/I/Vol.V dated 22.9.1982 of the Chief Personnel Officer, Southern Railway, Madras, (CPO) that his lien had been shifted to Works Branch of composite Mysore Division and on that basis regulated his seniority also in his Division. On receipt of this memorandum, the applicant made more than one representation which did not yield any result. As late as on 27.5.1988, the applicant has filed this application challenging the order dated 15.4.1986 of the DRM (Annexure-G) on diverse grounds.

4. In I.A.No.I filed under Section 21(3) of the Act, the applicant has sought for condoning the delay of 407 days in making this application.

5. In their reply, the respondents have opposed I.A. No.I as also the claim of the applicant on merits.

6. Shri K.N. Chandra Shekher, learned counsel for the applicant, contends that every one of the facts and circumstances stated in I.A.No.I constitute a sufficient ground for condoning the delay and condoning the delay, we must annul the order dated 15.4.1986 and direct the retention of the lien of the applicant at Madras and regulate all other conditions of service in particular the promotions on that and that basis only.

7. Shri K.V. Lakshmanachar, learned counsel for the respondents, contends that the facts and circumstances stated in I.A.No.I do not constitute a sufficient ground for condoning the delay and that even otherwise there were no grounds to interfere with the decision of the DRM and the CPO at this stage.

8. In the affidavit accompanying I.A.No.I, the applicant claims that he made more than one representation and those facts constitute a sufficient ground for condoning the delay of 407 days. He has also relied on another memorandum dated 21.9.1987 as enabling him to challenge the impugned order from that date or as affording him a ground for condoning the delay. We are of the view that every one of these facts either cumulatively or separately do not constitute a sufficient ground for condoning the delay of 407 days in making this application. If that is so, I.A.No.I is liable to be rejected and this application dismissed without examining the merits. But, out of deference to the elaborate arguments made by Shri Chandra Shekher, we propose to consider the merits of the case also.



9. We will even assume that there is some irregularity or illegality in the order made by the DRM or by the CPO on 22.9.82. But, those irregularities or illegalities will not have any effect on the applicant who has physically retired from service from 31.5.1988.

We are of the view that the claim of the applicant for retention of his lien at Madras on the facts and circumstances is wholly misconceived and has no purpose to serve. On any view of the matter, this is not a fit case in which our interference is called for at this stage at all.

10. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the cases, we direct the parties to bear their own costs.



np/Mrv.

Sd/-

VICE-CHAIRMAN

TRUE COPY

Sd/-

MEMBER (A)

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