

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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REVIEW APPLICATION NO.43 of 1988
IN
O.A. No. 237 of 1987 198
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DATE OF DECISION

A.S.N.Sarma Petitioner

K.Jagannadha Rao Advocate for the Petitioner(s)

Versus

General Manager, S.C.Railway, Respondent
Secunderabad and 2 others

N.R.Devaraj, SC for Railways Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.N.Jayasimha, Vice Chairman

The Hon'ble Mr. --

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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JUDGMENT OF THE TRIBUNAL DELIVERED BY HON'BLE VICE CHAIRMAN
SHRI B.N.JAYASIMHA

This is a review application filed by the applicant in O.A.No.237 of 1988 for reviewing my order dated 29.4.1988 passed therein. This Review Application was first posted on 20.7.1988. After hearing the counsel for the applicant Shri P.B.Vijay Kumar, the delay in filing the review application was condoned and posted for admission on 8.9.1988. In this review application the applicant states that he was not aware of the decision in regard to the options for fixation of the revised scales of pay as no communication by the Board or any officer of the Board was communicated to him regarding options to be exercised. The applicant once again relies on the endorsement made by the Station Superintendent vide his letter dated 11.4.1985. It is stated that the Station Superintendent ought to have been taken to task for his failure in his duty for not circulating on the concerned employees if he had in fact received it. The applicant also states that wide publicity should have been given to the fortnightly Gazette and the implications of the Board's orders also should be explained to all the employees particularly employees who are to be benefited. He also contends that the report of the Welfare Inspector is

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not correct and is misleading. The Welfare Inspector is interested in making a report which would not go against him. He also contends that the counter was filed just before the matter was reserved for a judgment. The applicant further states that the records produced before the Court were not supplied to him or to his advocate by the Railway authorities and he had no opportunity to peruse them. It is also stated that the O.A. is barred by time is also not correct and the same has arisen as the aspect of limitation was not properly explained by his side. counsel.

2. I have heard the learned counsel for the applicant Shri K.Jagannatha Rao and the learned Standing Counsel for the respondents Shri N.R.Devaraj, SC for Railways. The main ground urged by Shri Jagannatha Rao in this Review application is that the Railway Board in its letter dated 3.7.1984 had stressed that a wide publicity should be given by deputing Welfare and Personnel Inspectors of the respective divisions to explain the implications of the Board's letter, particularly to the employees who are likely to get the benefit by these orders and such employees should be given an opportunity to revise the option already exercised by them, if they desire to do so, before 2.9.84. In the instant case, the Station Superintendent says that he did not receive the Railway Board's letter and a reliance has been placed on the report of the Welfare Inspector. It is to be seen that whether the report of the Welfare Inspector shows that it was received by the Station Superintendent, or the letter has

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been received by the Station Superintendent, then action should be taken against the Station Superintendent for not circulating the same and also for endorsing on the representation of the applicant stating that it was not received by him. In regard to the finding of the Tribunal about the limitation, Shri Jagannatha Rao states that if on merits of the case the Tribunal is convinced that the application has to be allowed, the applicant would submit a condonation petition for delay of three months and having regard to the facts of the case, the delay should be condoned.

3. ~~20.4.1980~~ Shri Devaraj pointed out that there has been no representation from any one of the employees in regard to the lack of publicity given to the Railway Board's circular. It is only in the case of the Rajahmundry that the representations have been made. As already stressed by him, in a matter like this, ~~the information~~ apart from the publicity which was given by the Railway administration, the information ^{is} passed on from ~~the~~ employee to employee since it affects their emoluments. If action has to be taken against the Station Superintendent, that is a separate matter and the endorsement made by the Station Superintendent that he did not receive the circular cannot be a ground for accepting the contentions of the applicant that he was not aware of the circular or that no publicity has been given to it.

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4. In my order dated 29.4.1988, I had considered these aspects and taken a view that any circular of this type which automatically receives wide publicity, individual employees cannot claim that the circular ought to have been circulated individually and in the absence of such circular, they are entitled to claim that they were not aware of it. Nevertheless I had also seen the file containing the report of the Welfare Inspector. I am unable to accept the contention that ~~sir~~ the Welfare Inspector's report should not be relied upon since he was charged with the responsibility of giving publicity to the circular.

5. In the result, I do not find any merit in the Review Application. The Review Application is accordingly dismissed.

B.N.Jayashimha
(B.N.JAYASIMHA)
Vice Chairman

Dated: 12th December, 1988.

*S. Venkateswaran
Deputy Registrar (D)
14/12/88*

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*GSP
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