

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 357/89.
~~---F.A.No.---~~

Date of Decision :

P.G.Choudhury Petitioner.

Shri V.Venkateswara Rao Advocate for the
petitioner (s)

Versus

The Railway Board, represented by its Respondent.
Secretary(Establishment), Rail Bhavan,
New Delhi-110001 & 4 others

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

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R.Balasubramanian : Member(Admn)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM
M(J)

HRBS
M(A)

(41)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.357/89.

Date of Judgment 6-3-91

P.G.Choudhury

.. Applicant

Vs.

1. The Railway Board,
represented by its
Secretary(Establishment),
Rail Bhavan,
New Delhi-110001.
 2. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad-500371.
 3. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad-500371.
 4. The Senior Divisional
Personnel Officer,
South Central Railway,
Guntakal Division,
Guntakal.
 5. Senior Divisional
Engineer/Coordination,
South Central Railway,
Guntakal Division,
Works Branch,
Guntakal.
- .. Respondents

Counsel for the Applicant : Shri V.Venkateswara Rao.

Counsel for the Respondents : Shri N.R.Devaraj,
SC for Railways.

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This application has been filed under section 19

of the Administrative Tribunals Act, 1985 by Shri P.G.Choudhury against the Railway Board, represented by its Secretary(Establishment), Rail Bhavan, New Delhi and 4 others.

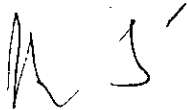
2. The applicant, a Permanent Way Inspector Grade-II of Guntakal Division was posted as Instructor in the Civil Engineering School, Guntakal which he joined on 18.1.82. According to rules, he was entitled to a special pay of 20% of his basic pay in the scale of Rs.550-750. Vide his declaration dated 19.1.82 he had opted for special pay at the above rate. He did not get the special pay. He made several representations between May, 1982 and November, 1984. Nothing happened. The case was taken up at the PNM meeting in August, 1987. Still nothing happened. Aggrieved, the applicant has filed this application seeking a direction to the respondents to pay him special pay for the period he served in the school from January, 1982 to October, 1988.

3. The application is contested by the respondents. They have raised the question of limitation. They have also pointed out that he was not selected by a due process from a department outside the one to which the school belongs. They have contended that he is not eligible for drawal of special pay.

Feb

- 3 -

4. Even at the time of admitting the application on 26.4.89 the question of limitation had been raised and the application was admitted leaving the question of limitation open. The applicant joined the said school in January, 1982 and the grievance arose when he was not paid the special pay immediately thereafter. Surely, after ~~waiting~~ for a reasonable period after making ~~several~~ representations, he should have approached the court (at that time the Tribunal had not come into being) for redressal. He had failed to do that and a series of representations made by him do not save him from the limitation. The case is squarely hit by limitation and we accordingly dismiss the case with no order as to costs.



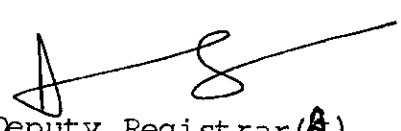
(J. Narasimha Murthy)
Member (Judl).



(R. Balasubramanian)
Member (Admn).



Dated

6th March 91

Deputy Registrar (A)

To

1. The Secretary (Estt.) Railway Board, Rail Bhavan, New Delhi-1.
2. The General Manager, S.C. Railway, Secunderabad - 371.
3. The Chief Personnel Officer, S.C. Railway, Rail Nilayam, Sec'bad.
4. The Senior Divisional Personnel Officer, S.C. Rly, Guntakal Division, Guntakal.
5. The Senior Divisional Engineer/Coordination, S.C. Rly, Guntakal Division, Works Branch, Guntakal.
6. One copy to Mr. V. Venkateswara Rao, Advocate, CAT. Hyd. Bench.
7. One copy to Mr. N. R. Devraj, SC for Rlys, CAT. Hyd. Bench.
8. One copy to Hon'ble Mr. J. Narasimha Murthy, Member (J) CAT. Hyd.
9. One copy to Hon'ble Mr. R. Balasubramanian, Member (A) CAT. Hyd.
10. One spare copy.

P.3.8.1981
68.1981

pvm

DR(A)
14/3/91
3

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA : V.C.

AND

THE HON'BLE MR.D.SURYA RAO : M(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

Dated: 6-3-1991.

~~ORDER~~ / JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A.No.

W.P.No.

Q.A.No.

357/89

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed ✓

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

