

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

D.A.No. R.P.133/92

T.A.No. in

Dt. of Decision: 30-12-1993

O.A.847/90

K.Gopinath

Petitioner

Mr.G.V.Subba Rao

Advocate for
the Petitioner
(s)

Versus

Chairman, Ministry of Railways,

Railway Board, New Delhi and 4 others. Respondent

Mr.N.Rajeswara Rao for Mr.D.Gopal Rao

Advocate for
the Respondent
(s)

COGRAM:

THE HON'BLE MR.T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters 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.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.P.No.133/92

in

O.A.No.847/90

Date of Decision: 30/12/92

BETWEEN:

K.Gopinath

.. Applicant.

A N D

1. Chairman, Ministry of Railways,
Railway Board, New Delhi.
2. The General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer,
South Central Railway, Rail Nilayam,
Secunderabad.
4. The Chief Operating Superintendent,
S.C.Rly., Secunderabad.
5. Divisional Railway Manager (MG),
S.C.Rly., Secunderabad.

.. Respondents.

Counsel for the Petitioner

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.D.Gopal Rao

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

34- T.C. *[Signature]*

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

Judgement-

This Petition is filed to review the order of this Bench dated 30.9.1992 in O.A. 847/90. In view of the provisions of Section 17 (3) of the C.A.T. (Procedure) Rules this Review Petition is being disposed of by circulation. The Review Petitioner herein was the applicant in O.A.847/90. The Review Petitioner while working as Station Master in 1975 was removed from service w.e.f. 24.5.1979 as certain charges were proved against him in a regular departmental enquiry. After the Review Petitioner was removed from service as Station Master, the Review Petitioner was re-appointed as Assistant Station Master w.e.f. 7.8.1989. The Review Petitioner was filed O.A. 847/90 to treat the applicant as having been ⁱⁿ continuous service ~~and~~ also treat break of 2 months and 15 days from 24.5.1979 to 6.8.1979 as duty period.

2. Repelling the contention the Bench has observed as follows:-

..... But, this is not the case where the applicant has been reinstated. After he was removed from service as Station Master, there was break of 2 months and 15 days from 24.5.79 to 6.8.79. After the said break only, the applicant had been reappointed as Assistant Station Master which is a lower post than which the applicant was holding at the time he was removed from service. So we are unable to understand how it is open for the applicant to treat the period 16.8.1979 to 31.7.1989 as if he had worked as Station Master. As pointed out, the fact that the applicant had worked as Asst. Station Master from 16.8.1979 to 31.7.1987 is not in dispute in this O.A. So in view of this position the applicant is not entitled to the relief that he should be deemed to have been in continuous service right from the date of appointment to the date of retirement.

In view of the categorical finding in the O.A. that the applicant cannot be treated to have been in continuous

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Copy to:-

1. Chairman, Ministry of Railways, Railway Board, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
4. The Chief Operating Superintendent, South Central Railway, Secunderabad.
5. Divisional Railway Manager(MG), South Central Railway, Secunderabad.
6. One copy to Sri. G.V.Subba Rao, advocate, CAT, Hyd.
7. One copy to Sri. D.Gopal Rao, SC for Railways, CAT, Hyd.
8. One spare copy.

Rsm/-

service from 24.5.1979 to 6.8.1979. We are unable to understand how this Review Petition is maintainable as we see no error apparent on the face of the record.

3. The effort of the applicant in the O.A. was to have pensionary benefits after treating the said period of 2 months and 15 days from 24.5.1979 to 6.8.1979 as having been continuous service. In our judgement we have made it clear that the applicant was a Provident Fund optee and had withdrawn all the Provident Fund after the retirement and that the applicant will not be entitled to any pensionary benefits. As seen the aim of the applicant appears to be, to once again advance the very same arguments in this Review Petition which he had already argued in the O.A. It is needless to point out that the scope of the Review Petition is restricted and while dealing with the Review Petition the Tribunal cannot take the roll of the Appellate authority. If the applicant is aggrieved by our judgement dated 30.9.1992 the remedy of the applicant lies in the Supreme Court by way of an appeal. We see no merits in this Review Petition and hence Review Petition is rejected, leaving the parties to bear their own costs.

T. Chandrasekhar Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 30 December, 1992

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Dy. Registrar (Judl.)