

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

O.A.No.276 of 1990

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Date of Decision: 25.9.90

Between:-

K.Ramachandra Rao

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Applicant

and

1. South Central Railway represented
by its General Manager, S.C.Railway,
Secunderabad.

2. Financial Advisor & Chief Accounts
Officer, S.C.Railway, Secunderabad.

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Respondents

Appearance:-

For the Applicant : Shri C.V.Mohan Reddy, Advocate.

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

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MEMBER (J))
SHRI D.SURYA RAO

1. The applicant herein is at present employed in the National Thermal Power Corporation, Secunderabad, as Accounts Officer. Earlier he was an employee of the South Central Railway, Secunderabad. He joined the N.T.P.C. on 29-12-1983. His lien was continued in the South Central Railway as Section Officer for a period two years. On 26.11.1985 i.e. prior to the expiry of his two years lien period, the N.T.P.C. called upon him to give his consent for absorption in that organisation or repatriation to the

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parent organisation. The applicant states that he submitted a letter to the 2nd respondent on 28.11.1985 seeking extension of his lien for a period of six months. The applicant did not hear anything further. He was, therefore, constrained to ^{w.e.f. 1.12.1985} file a letter surrendering his lien with South Central Railway w.e.f. 1.12.1985 seeking permanent absorption in N.T.P.C. Subsequently the 1st respondent sent a letter dated 20-3-1986 bearing letter No.75/86 terminating the lien of the applicant in South Central Railway w.e.f. 1.12.1985 and not from the date of the order namely 20-3-1986. The applicant contends that this retrospective termination from 1.12.1985 is illegal, arbitrary and without jurisdiction. He has also alleged discrimination and violation of Article 14 of Constitution. He contends that similarly placed persons were given the benefit of continuing deputation until actual date of cancellation of the lien.

2. The applicant is thus aggrieved by the Order No.75/86, dated 20-3-1986 passed by the 1st respondent. Therefore he has filed this application on 17-1-1990. Alongwith this O.A., he has also filed M.A.167 of 1990 of about 2 years 10 months for condonation of delay/in filing the main O.A. as he should have filed this O.A. within one year from the date of the issuing of the impugned order i.e. by 19-3-1987. The only ground put forth by the applicant for not coming before the Tribunal within the time limit is that he has made a number of applications to the respondents and was hoping that they will take action. He states that his last representation was on 10.10.1989. He states that he was diligent in pursuing the matter and was hoping

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that in view of the various judgements of this Tribunal, the respondents would take appropriate action.

3. We have heard the learned Counsel for the applicant, Shri C.V.Mohan Reddy, and the learned Counsel for Railways, Shri N.R.Devraj, who opposed the application.

4. Shri Devraj contends that the plea of repeated representations cannot save limitation. The position of Law is well established by various decisions of the Tribunal. The question of limitation including provisions of Central Administrative Tribunals Act 1985 ^{was} ~~was~~ ^{is} considered by the recent decision of the Supreme Court in 1989 (3) A.T.C. (SC) 530 (S.S.Rathore vs. State of Madhya Pradesh) ^{wherein it was} clarified that repeated unsuccessful representations not provided by law cannot come to the rescue of an employee in saving limitation. We are, therefore, unable to accept that since the applicant was making repeated representations, his case is not barred by limitation, prescribed under section 21 of Administrative Tribunals Act. Making such repeated representations cannot constitute sufficient case for condonation of delay. M.A. is dismissed.

5. In the result the application is dismissed as it is barred by limitation. No order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)
VICE-CHAIRMAN

D.S.R.Rao
(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 25th Sept., 1990

for Deputy Registrar (Judi)

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TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

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

DATE: 25/9/90

ORDER/JUDGMENT:

M.A./ R.A./ C.R.A./ No.

in

T.A. No.

W.P. No.

O.A. No. 276/90

Admitted and Interim directions issued
Allowed.

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

