

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 37 of 1990

Date of Order: 23-1-90

N.M.Raghoba Rao

...Applicant

Versus

The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad,
and another

...Respondents

For Applicant: Mr.T.Lakshminarayana

For Respondents: Mr.P.Venkatarama Reddy, SC for Railways.

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

(Judgment delivered by Hon'ble Shri B.N.Jayasimha?Vice Chairman

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1. The applicant who was working as a Commercial Clerk in the South Central Railway, was deputed on relief duty as Booking Clerk to Aurangabad in the month of June 1968. During that period, two instances of short accounting of amounts of Rs.16-10 and Rs.22-60 on 3-6-1968 and 24-6-1968 respectively were noticed and a penalty of reduction of salary of two to four stages was imposed on the applicant. The above punishment was imposed ex parte and the applicant was not given opportunity of personal hearing to make his representation against the proposed penalty and no enquiry was conducted by the respondents. Subsequently, after three months, the Divisional Superintendent suo motu issued a show cause notice proposing

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a higher penalty of removal from service on the same charge for which the applicant had been punished. The applicant represented that the mistake in accounting the small amounts was caused due to heavy pressure of work at Aurangabad Station. The Divisional Superintendent passed the impugned orders removing the applicant from service with effect from 18-5-1970. The applicant is contends that this discriminatory since three other persons who were also involved alongwith the applicant were punished only with reduction in rank by two stages and are retained in service.

2. Thereafter, the applicant sent a mercy petition to respondent no.3 but there was no disposal. He also submitted the latest representation to the 1 and 2 respondents on 16-4-1987, but so far no orders have been received. The applicant states that he did not prefer an appeal against his first punishment namely reduction in rank. Hence, in the absence of an appeal the Divisional Superintendent cannot review the punishment especially after a long lapse of time. The applicant has, therefore, filed this application seeking a direction to the respondents to dispose of the representation of the applicant dated 16-4-1987 within one month.:

3. I have heard the learned counsel for the applicant and Shri P.Venkatarama Reddy, Standing Counsel for Railways.

4. Admittedly, the applicant's services were terminated by the order dated 18-5-1970 and the cause of action for the application arose at that time. Under Section 21(2)(a) of the Administrative Tribunals Act 1985,

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an application can be entertained by the Tribunal if the
grievance in respect of which application is made ~~at~~
had arisen by reason of any order made at any time
during the period of three years immediately preceding the
date on which the jurisdiction, powers and authority of the
Tribunal becomes exercisable under this Act in respect of
the matter to which such order relates. In the instant
case, the grievance arose on 18-5-1970 when the
applicant's services were terminated. The application
is, therefore, barred by limitation. The application
is accordingly rejected. No order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)

Vice Chairman

Date: 23rd January, 1990.

S.J. Venkata Reddy
DEPUTY REGISTRAR (J)
24/1/90

SQH*

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Hyderabad Bench
Hyderabad

TO:

1. The General Manager, south central railway, Rail Nilayam, Secunderabad.
2. The Chief Commercial superintendent (MG) south central Railway, Rail Nilayam, Secunderabad.
3. One copy to Mr. T.Lakshminarayana, Advocate, D-16, New Nallakunta, Hyderabad.
4. One copy to Mr. P.Venkatarama Reddy, SC for Railways., CAT., Hyderabad.
5. One spare copy,

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kj.

3rd post
✓

Draft by: Checked by: Approved by:
D.R.(J)

Typed by: --- Compared by: ---

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA: (V.C.)

—AND—

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

—AND—

HON'BLE MR. D. K. CHAKRAVORTY: MEMBER: (A)

AND

HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J),

DATED: 23/11/90

ORDER/JUDGMENT

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

T.A. No. (W.P. No.)

O.A. No.

832/90

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

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