

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

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R.A.No.10/95

in

O.A.367/91

Date of order: 5-4- 1995

Between

S.Arjunudu

.. Applicant

and

1. Divisional Rly Manager,  
SC Rly, Vijayawada.

2. Sr.Divl.Commercial Superintendant  
SC Rly, Vijayawada

3. Divl.Commercial Superintendant  
SC Rly, Vijayawada .. Respondent

Counsel for the Applicant :: Mr J.M.Naidu

Counsel for the Respondent :: Mr D.Gopala Rao

CORAM:

HON'BLE SHRI A.V. HARIDASAN, MEMBER(JUDL.)

HON'BLE SHRI A. RANGARAJAN, MEMBER(ADMN)

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ORDER

(By Circulation )

OA 367/91 was filed by the review applicant herein impugning the order dated 24.6.1985, by which a penalty of reduction to lower grade was imposed on him and the order dated 14.5.1986 by which, the appellate authority dismissed his appeal. The application was dismissed by an order dated 5.10.1994 on the ground that the same is barred by limitation. The applicant has filed this review application on the ground that the application was disposed off without hearing his counsel, but the name of his counsel was shown in the order only because, at the time when the order was passed, his counsel appeared and that the finding that the application was barred by limitation was arrived without

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considering the fact that the applicant had filed a revision petition in the form of Mercy Appeal under Rule 25 of Railway Servants (D&A)Rules,1968 and the same was still pending.

2. A perusal of the pleadings in the OA, the order sought to be reviewed, as also the review application, we do not find any error apparent on the face of the record or any other ~~xx~~ sufficient ground for entertaining the review application. The statement that the counsel for the applicant was not present at the time when the matter was heard and disposed <sup>of</sup> but his name was mentioned in the order only because he appeared later ~~xxxxxxxxxx~~ can be considered only as a irresponsible statement made by the applicant. If the applicant's counsel was not present at the time when the matter was disposed off, his name would not have been entered inthe order. However, the applicant's counsel has not filed any affidavit stating that, he was ~~not~~ present when the matter was heard; evenotherwise also the matter <sup>was</sup> ~~would~~ be disposed off on merits perusing the relevant pleadings and documents on record. Even if its ~~assumed~~ is ~~assumed~~ that the applicant had filed a revision petition under Rule 25 of the Railway Servants (D&A)Rules,1968 on 5.8.1986, he should have filed the OA within 18 months from that date.~~xxx~~ The OA has been filed in the year 1991 which is clearly beyond the period of limitation. Therefore, there is no ground for review of the order and the Review petition is rejected by circulation.

(R.RANGARAJAN)  
Member(Admn)

(A.V.HARIDASAN)  
Member(Judl.)

Dated: 5 - 4 - 1995

mvl

DEPUTY REGISTRAR(J)

CONTD...