

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1101/91.

Dt. of Order:28-11-91.

S.Ponna Krishna

... . Applicant

Vs.

1. Union of India, rep. by its Secretary,
Ministry of Railway, New Delhi.

2. Chief Personnel Officer, South Central Railway,
Secunderabad.

... . Respondents

Shri S.Lakshma Reddy : Counsel for the Applicant

Shri N.V.Ramana, SC for: Counsel for the Respondents
Rlys

CORAM:

THE HON'BLE SHRI S.P.MUKERJI : VICE-CHAIRMAN

THE HON'BLE SHRI N.DHARMADAN : MEMBER (JUDICIAL)

(Order of the Division Bench delivered by Hon'ble
Shri N.Dharmadan, Member (J)).

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The applicant is a retired Passenger Guard. He joined the service on 12-12-1952 but he was removed from service on 14-7-1960 for participation in the Railway strike that took place in July, 1960 and was re-employed on 28-7-1961. In the meantime the Railway Board passed Annexure-3 dt.27-9-1977 condoning the break in service in respect of 34 persons who were similarly placed as applicant and who were participated in the strike but the applicant's name was not included in that list. He came to know of Annexure-3 only at a later stage, before his retirement. Accordingly he has submitted Annexure-1 dt.10.8.90 requesting the same benefit which has been granted to 34 other persons in the matter of condoning the break in service on

account of participation in the strike. The applicant retired on 31-3-91.

2. When he filed this application under section 19 of the A.T.Act, 1985, the Office has put up a note stating that the application is belated one and it is barred under section 21(2)(a) of the A.T.Act, 1985.

3. We have heard Shri S.Laxma Reddy, learned counsel for the applicant and Shri Rajeshwar Rao, Advocate representing Shri N.V.Ramana, learned counsel for the Respondents on the question of limitation. We are of the view that this application is not belated in regard to the relief that can be granted to the applicant at this stage.

4. Having considered the matter, we are of the view that the interest of justice would be met in this case if we direct the 1st Respondent to consider the grievance of the applicant as prayed by him in his representation in the light of the decision taken by the Government in Annexure-3 dt.27-9-77 in respect of other 34 similarly situated employees. Accordingly we dispose of the application with a direction to the Respondent No.1 to consider and pass orders on Annexure-1 taking into account the grievance of the applicant in the light of Annexure-3. This shall be done within a period of three months from the date of receipt of this order. The application is disposed of as above. There will be no order as to costs.

S.P. Mukerji
28.11.91
(S.P.MUKERJI)
Vice-Chairman

N. Dharmadan
28.11.91
(N.DHARMADAN)
Member (J)

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Dt.28th November, 1991.
Dictated in Open Court.

S.S. D
28.11.91
By Registrar (J).

To

- 1- The Secretary, Union of India,
Ministry of Railway, New Delhi.
2. The Chief Personnel Officer,
South Central Railway, Secunderabad.
3. One copy to Mr.S.Lakshma Reddy, Advocate
3-4-548/3, behind YMCA, NarayanaGuda, Hyderabad-29.
4. One copy to Mr.N.V.Ramana, SC for Rlys.
5. One spare copy.

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