

(38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

OA. No. 1114/92.

Date of order: 8-8-1998.

Between:-

P. Venkata Reddy ... Applicant.

And

1. Union of India rep. by its Secretary,
Ministry of Railways, Railway Board, New Delhi.
2. General Manager, South Central Railways,
Secunderabad.
3. Chief Personnel Officer,
South Central Railways, Secunderabad.
4. Chief Engineer(Construction),
South Central Railway, Secunderabad.

.... Respondents.

Counsel for the Applicant: Mr. V. Rama Rao, Advocate.

Counsel for the Respondents: Mr. C. Venkata Malla Reddy.
SC for Rlys.

CORAM:

HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

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O.A.NO.1114/92.

JUDGMENT

Dt: 8.8.95.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri V.Rama Rao, learned counsel for the applicant and Shri C.V.Malla Reddy, learned standing counsel for the respondents.

2. The applicant joined service as Gangman in Hubli Division on 3.11.1964. He along with other respondents, when volunteers were called on 7.7.67 for the post of Works Maistry in the construction organisation, was selected for the post of Works Maistry. He was posted in that cadre in the construction unit at Hubli and later he was transferred to Construction Unit at Kazipet. The applicant was on sick list from 18.4.1974 to 25.10.1979. On 17.10.1974, the Works Maistries who were working in the Construction unit were repatriated as Gangmen. However, they were called back once again as Works Maistries in the year 1976. As the applicant was on sick list till 25.10.1979, he was not taken as Works Maistry. When he reported on 25.10.1979, he was asked to go back to his parent unit as Gangman; but when he made request for his retention at Kazipet, he was taken as Gangman in the construction unit at Kazipet. On 27.12.1979, he submitted representation to the Chief Engineer, Construction to post him as Works Maistry, but there

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was no response to this representation. On 12.8.80, the South Central Railway Employees Sangh requested for posting him back as Works Maistry in the construction organisation and on that basis he was called for screening test but he was not selected. On 4.5.1981, he was once again promoted as Works Maistry on adhoc basis in the construction organisation and he is continuing in the same post on adhoc basis even till today.

3. The applicant submitted representation on 29.1.1988 requesting to treat him as Works Maistry from the date he resumed to duty. When the applicant got his case represented through the Trade Union, R-2 informed by the proceedings dated 29.1.1992 and 31.7.1992 stating that the request of the applicant for regularising his appointment as Works Maistry from the date of his resumption ~~of after the~~ ^{vacated from} his sickness cannot be acceded to. Being aggrieved, this OA was filed on 15.12.1992 praying for declaration that the proceedings dated 29.1.1992 and 31.7.1992 in No.P(E)LXIV/PNM/Sangh/Sub.18(b) of R-2 are arbitrary and illegal and for direction to the respondents to treat the applicant as Works Maistry with effect from 26.10.1979 with all consequential benefits.

4. The applicant approached this Tribunal about 13 years after the cause of action had arisen. If

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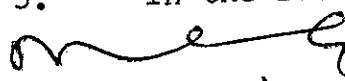
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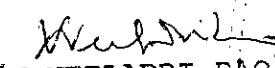
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such stale claims are going to be entertained, it will cause prejudice to the interest of others working as Works Maistries. The Works Maistries who are going to be prejudiced if this OA is going to be allowed, are not impleaded as parties. For the above reasons, this OA is liable to be dismissed and hence we are not considering the merits.

5. In the result, the OA is dismissed. No costs. //


(R. RANGARAJAN)
MEMBER (ADMIN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 8th August, 1995.
Open court dictation.


By Registrar

vsn

Copy to:-

1. Secretary, Ministry of Railways,
Union of India, Railway Board, New Delhi.
2. General Manager, South Central Railways,
Secunderabad.
3. Chief Personnel Officer, South Central Railways,
Secunderabad.
4. Chief Engineer (Construction),
South Central Railways, Secunderabad.
5. One copy to Mr. V. Rama Rao, Advocate, 3-6-779,
Himayatnagar, Hyderabad-29. ***
6. One copy to Mr. C. V. Mallareddy, SC for Railways,
CAT. Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 8.8.1995.

ORDER/JUDGMENT:

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

O.A. No.

in

114/82

T.A. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Space (C.P.)

Central Administrative Tribunal

DESPATCH

5 SEP 1995 NSW

HYDERABAD BENCH.