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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

MISC. APPLICATION NO. 773 of 1992

AND

ORIGINAL APPLICATION NO. 336/1992

DATE OF JUDGMENT: 14 OCTOBER, 1992.

BETWEEN:

1. Arava Ramanamma
2. Boddu Chinnamma
3. Alahari Ramanamma
4. Parri Subbamma
5. Kuncha Narayananamma
6. Jyoti Narasamma
7. Duggirala Chinnama
8. Pandipati Subbamma
9. Pattapu Swarnamma
10. Kasukurthi Subbamma
11. Avula Arogyamma
12. Maneppalli Subbamma
13. Purimitla Ramanamma

Applicants

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AND

1. The General Manager,
South Central Railway,
Secunderabad.
2. The Divisional Railway Manager,
S.C. Railway,
Vijayawada.
3. The Sr. Divisional Personnel Officer,
S.C. Railway,
Vijayawada.

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4. The Sr. Divisional Engineer-I,
S.C.Railway,
Bikkagunta Vijayawada.

5. The Assistant Engineer,
S.C.Railway,
Bitragunta, Nellore Dist.

6. The Permanent Way Inspector,
S.C.Railway,
Bitragunta, Nellore Dist. .. Respondents

Mr. T.V.N. Reddy for
COUNSEL FOR THE APPLICANTS: Mr. P. Krishna Reddy
COUNSEL FOR THE RESPONDENTS: Mr. N.R. Devaraj, SC for Rlys.

CORAM:

Hon'ble Shri R. Balasubramanian, Member (Admn.)
Hon'ble Shri C.J. Roy, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDL.)

This is an application filed to condone the delay of 7½ years in filing the O.A.No.336 of 1992. The main O.A. is filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicants herein claiming a relief that, "To direct the respondents to count the service of the applicants from the date of engagement for the purpose of all the benefits including retirement benefits and pay them arrears of salary from 1st July 1982 to January 1985 and add the said period to their service for all purposes and pay the applicants 9 to 13 the arrears on the basis of authorised

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pay scales from 1st January 1985." The main O.A. was filed on 20.4.1992.

2. For the delay condonation petition, the respondents filed a counter stating that the delay is 8 years. It is also stated that the Judgment of the High Court in W.P.No.1174/82 dated 28.9.1984 has been implemented as long as in 1985.

3. We have heard the learned counsel for the applicants Mr. T.V.N.Reddy for Mr. P.Krishna Reddy and the learned Sr. Standing counsel for the respondents, Mr. N.R.Devaraj.

4. The applicants herein are casual labourers and their services were terminated in 1979. They filed W.P.No. 1174/82 before the High Court of Andhra Pradesh on 18.2.1982. The Hon'ble High Court disposed of the Writ Petition on 28.9.1984 with a direction that:-

"Therefore there is no difficulty in coming to the conclusion that the retrenchment in December 1979 was stated with continuity of service and with a direction for absorption in any of the departments of the South Central Railway. With regard to the direction for payment of back wages, there can be no controversy for payment of the same from December 1979 to July 1982 for even according to the respondents there was no offer till such date. There is however a dispute as to whether an offer was made in July 1982 by the respondents and whether the petitioners refused to receive the same. This dispute cannot be gone into at this stage and I reserve right of

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the petitioners to make appropriate representations or to follow the appropriate legal remedies for the wages from July 1982. While reserving the right of the petitioners for claiming their wages from July 1982 onwards till the date of their actual reinstatement I declare that the retrenchment of the petitioners in December 1979 was illegal and contrary to the provisions of the Section 25 F of the Act and that the petitioners are entitled to back wages upto ~~xx~~ the end of June 1982."

It is further held that-

"In the result the writ petition is allowed declaring the retrenchment of the petitioners in December, 1979 to be illegal and a direction will issue to respondents to pay the arrears of the wages to the petitioners payable upto the end of June 1982. There will also be a further direction to reinstate the petitioners into service and for a direction to absorb them in any unit of the South Central Railway wherever there are vacancies. The petitioners' right to claim wages from 1-7-1982 till the date of reinstatement is, however, reserved. The respondents will take expeditious steps to pay the arrears as directed and to take back the petitioners and absorb them in accordance with the decision taken at the Meetings held on 16-8-1980 and 18-8-1980 and other rules and instructions applicable to the petitioners. There will be no order as to costs in the writ petition."

5. The reasons given for the delay are that, the applicants are poor families and most of them belong to the Scheduled Caste and they are illiterate and that they are under bonafide impression that the respondent will honour the Judgment of the High Court of Andhra Pradesh.

6. But their own showing, the applicants admit the delay of $7\frac{1}{2}$ years whereas the respondents in their counter say that there was a delay of 8 years. The cause of action starts running from 1985 and it cannot stop. In fact, the delay is to be explained day to day but an omni-bus statement that the applicants are illiterate Scheduled Caste women and they are expecting the respondents to comply with the order of the Hon'ble High Court and that they are not interested to antagonize them cannot be a valid grounds for condoning the delay. Repeated representations dated from 13.7.1987 do not give them a fresh cause of action in view of the decision of the Hon'ble Supreme Court in "S.S.Rathore Vs. State of Madhya Pradesh (AIR 1990 SC 10)". No documentary evidence of the reply received from the respondents is filed. However, we are not satisfied with the explanation offered by the applicants for condoning the delay. We have not gone into the merits of the case because we have decided to dispose of the matter on the point of limitation.

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7. The law is equal to all and explanation offered by the applicants for this long delay is not satisfactory and at this stage, settled things cannot be unsettled. The law will not come to the help of those who slumber over their rights. Therefore, we are not inclined to condone the delay.

8. Hence, the petition for condonation of the delay is dismissed.

9. In view of the fact that the delay condonation petition is not allowed, the main O.A. is rejected at the admission stage itself with no order as to costs.

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member (Admn.)

W Roy
(C.J. ROY)
Member (Judl.)

Dated: 14th October, 1992. Dy. Registrar (Judl.)

Copy to:-

1. The General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager, S.C.Railway, Vijayawada.
3. The Sr. Divisional Personnel Officer, S.C.Railway, Vijayawada
4. The Senior Divisional Engineer, S.C.Railway, Vijayawada.
5. The Assistant Engineer, S.C.Railway, Bitragunta, Nellore Dis
6. The Permanent Way Inspector, S.C.Railway, Bitragunta, Nellore Dist.
7. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
8. One copy to Sri. N.R.Devaraj, SC for Railways, CAT, Hyd.
9. One spare copy.

Rsm/-

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M.A. 773/92 q
O.A. 336/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 14/10/1992

ORDER / JUDGMENT

R.A./C.A./M.A. No 773/92

in

O.A. No.

336/92

T.A. No.

(W.P. No)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered *not to file* Rejected

No orders as to costs.

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