

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.571/92

date of decision : 25-11-92

Between

M. Narasimha Sathaiah : Applicant
and

1. General Manager
South Central Railway
Secunderabad

2. Dy. Director Establish-
ment(General), Govt. of India
Min. of Transport
Railway Board, Rail Bhavan
New Delhi : Respondents

Counsel for the applicant : P.B. Vijaya Kumar, Advocate

Counsel for the respondent : N.V. Ramana, Standing Counsel
for Railways

CORAM

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON. MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

Judgement

(Orders as per Hon. Mr. R. Balasubramanian, Member (Admn.)

This application is filed for a direction to the respondent No.1 to treat the period of break in service condoned for all purposes thereby entitling the applicant to the benefits of pay protection, seniority, periodical promotions etc. in addition to retirement benefits.

2. The applicant while working as Assistant Time-keeper was medically declared unfit. This led to seeking voluntary retirement with effect from 20-7-1976. Subsequently, on his

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5/10/92

To

1. The General Manager,
S.C.Railway, Secunderabad.
2. The Deputy Director Establishment (General),
Govt. of India, Min. of Transport
Railway Board, Railbhavan, New Delhi.
3. One copy to Mr. P. B. Vijaya Kumar, Advocate
Advocates Association, High Court of A.P. Hyderabad
4. One copy to Mr. N. V. Ramana, SC for Rlys. CAT. Hyd.
5. One spare copy.

pvm.

*302/100
pvc
21.3.52*

(28)


appeal he was re-appointed as adhoc Junior Clerk in the pay scale of Rs.260-400 at the minimum of Rs.260/- as a fresh entrant (emphasis supplied) with effect from 26-7-1979. Later, on representations from the applicant, the respondents treated the break between 20-7-1976 and 25-7-1979 as a special case in relaxation of rules. But the said past service would count for pensionary benefits only. The applicant wants that break should be condoned not only for counting pensionary benefit but for all purposes as stated in the prayer.

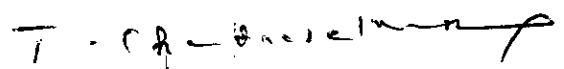
3. The respondents have opposed the application and filed counter.

4. We have examined the case and heard Mr. Rajasekhara Reddy for the applicant and Mr. V. Rajeswara Rao for the respondents.

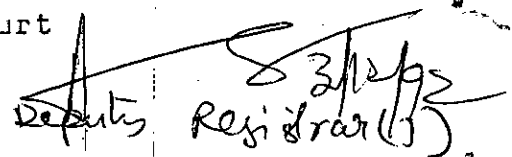
5. It is undisputed that after his retirement in July, 76 the applicant was re-appointed in July, 79, ~~but~~ this time as a fresh entrant. Re-employment connotes first a determination or cessation of ~~previous~~ service and therefore re-creation.

6. In view of this, the applicant has just no claim for any benefits for the break period of a little over three years. We do not find any cause to interfere and therefore dismiss the OA with no order as to costs.


(R. Balasubramanian)
Member (Admn.)


(T. Chandrasekhar Reddy)
Member (Judl.)

dated November 25, 92
Dictated in the Open Court


Deputy Registrar (J).

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TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

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

AND

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

AND

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

ORDER/JUDGMENT:

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

in

O.A.No. _____
T.A.No. _____

(W.P.No. _____)

Admitted and Interim directions issued

Allowed

Disposed of with directions

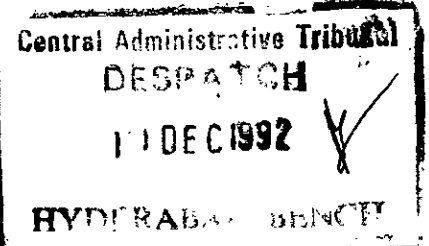
Dismissed

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.



No Dismissal Order
07.12.1992