

(99)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1010/93

Dated: 12.12.1996

Between:

1. D.V.S.Murti
2. S.Appa Rao

.. Applicants

and

1. Union of India, rep. by
Executive Director (PCI),
Rail Mantralaya, Rail Bhavan,
New Delhi.

3. Principal FA & CAO,
S.E. Railway, Garden Reach,
Calcutta-43.

2. General Manager,
S.E. Railway, Garden Reach,
Calcutta-43.

4. FA & CAO (S&C)
S. E. Railway,
Visakhapatnam.

... Respondents

Shri Y. Subrahmanyam

.. Counsel for applicants

Shri V.Bhimanna, Standing Counsel.. For the respondents

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMN.) *✓*

O R D E R

Shri Y. Subrahmanyam, learned counsel for the applicants and Shri V. Bhimanna, learned Standing Counsel for the respondents were heard.

2. The record of this O.A., as it stands at present, is full of complications. Originally, there were five applicants in this case of which applicants 3, 4 and 5 were deleted as the O.A. was dismissed as not pressed, as far as these three applicants were concerned. Apparently, there was no common cause of action existing among the applicants since every essential detail relating to the applicants was different from one another. Nevertheless, the case was admitted and M.A. 643/93 in OA SR 2327/93 was allowed on 24.8.93. After the dropping of the above three applicants, the record got even more complicated. A number of amendments were sought to

Shri H. Rajendra Prasad

be incorporated in several paras of the O.A. by M.A. 64/94. Thereafter, the learned counsel filed a revised O.A. on behalf of the remaining two applicants. However, there is no indication on the record that this was ever permitted by this Tribunal.

3. Be it as it may, since the revised application was filed, evidently for 'ready appreciation of the issues', the same appears to have been taken on record. It is seen that even this revised application is full of corrections and overwritings and the material papers too have numerous entries which have been scored out or overwritten, serial numbers of pages have been changed more than once, the Annexure numbers do not tally with or relate to the statements contained in the O.A. and the O.A. itself contains statements unrelated to either or both the applicants. Whereas the first applicant claims re-fixation of pay from 1.2.87 on certain grounds, the second applicant seeks a mere stepping-up of his pay on par with another official who was an earlier applicant in the O.A. but whose name has since been deleted. Even otherwise, the record is too full of seemingly unrelated documents.

4. Furthermore, it is seen that neither of the applicants has ever represented to the authorities about their grievances, nor it is apparent from the record that their pleas were ever rejected by the concerned authorities. To that extent, it has to be held that the applicants have straightaway approached the Tribunal without exhausting any of the remedies normally available to them.

5. Another factor complicating the case is that Shri Bhimanna mentions on the basis of certain parawise comments received by him in January, 1995, i.e., nearly two years ago, that the request of the second applicant could

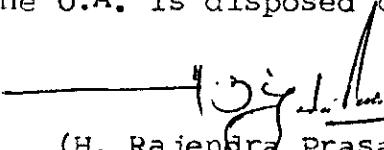
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not be accepted due to the pendency of some case in the Supreme Court. No details of the case are mentioned.

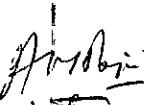
Shri Bhimanna does not even have any instructions as to whether the said case has since been disposed of by the Hon'ble Apex Court, although Mr. Subrahmanyam mentions that the SLP filed by the Department in this regard has been dismissed long ago.

6. In view of what has been stated above, practically no fact, nor any response is clear at all. It is a jumble of confused pleadings. It is therefore directed that Shri Y. Subrahmanyam, learned counsel for the applicants, may advise the applicants to file proper representations to the concerned authorities, at least now, projecting their grievances and ask for such reliefs as would be admissible in their opinion. After a reasonable lapse of time, if no reply is received, say, within six months, or if they are aggrieved by the decision of the respondents, if and when communicated to them, - whichever is earlier, - they could re-agitate their grievance afresh, for which liberty is given. This might facilitate a meaningful examination of facts and evoke a proper counter, by the respondents. It would also make it easier for this Tribunal to assess the facts and arrive at findings, should it become necessary.

7. Thus, the O.A. is disposed of.


(H. Rajendra Prasad)
Member (Admn.)

12th December, 1996


16-1-97
Deputy Registrar (S) c.

O.A.1010/93.

To

1. The General Manager, Union of India,
SE Rly, Garden Reach, Calcutta.
2. The F.A. & C.A.O. (Co-ordination)
SE Rly, Garden Reach, Calcutta.
3. One copy to Mr. Y. Subramanyam, Advocate, CAT. Hyd.
4. One copy to Mr. V. Bhimanna, SC for Rlys, CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

7) one copy Hon'ble Member (A). H. Jayadev
pwm.

8) The Principal FA & CAO, S.E. Rly.
Garden Reach, Calcutta.

9) The FA & CAO (SAC) S.E. Rly.
Visakhapatnam

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TYPED BY

CHECHED BY

COMARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 12-12-1996

ORDER JUDGMENT

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

in

O.A.NO.

1010/93

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.

pvm.

C.C.
please the Complainth (Assistt) ??

