

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 1036/93.

Dt. of Order: 11-3-94.

A.S.A.N.Arman

....Applicant

Vs.

1. The General Manager,
SC Rlys, Rail Nilayam,
Sec'bad.
2. The Chief Personal Officer,
SC Rlys, Sec'bad.
3. The Divisional Railway Manager,
SC Rlys, Vijayawada Dn. Vijayawada.

....Respondents

Counsel for the Applicant : Shri K.V.Sudhakar Reddy

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

CORAM:

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

....2.

ISAP

DA.1036/93

Judgement

(As per Hon. Mr. T. Chandrasekhara Reddy, Member(Judl.)

This is an application filed under section 19 of Administrative Tribunals Act to direct the respondents to pay to the applicant provident fund arrears, gratuity, pension and overtime arrears of the applicant with interest and pass such other order or orders as may deemed fit and proper in the circumstances of the case.

2. The facts so far necessary to adjudicate this OA in brief are as follows :-

The applicant was initially appointed as casual labour. The applicant was promoted to the post of Volveman with effect from 27-10-1974. The applicant was removed from service in 1978 on the charge that he participated in general strike. Inspite of repeated requests the applicant was not reinstated to service. It is the grievance of the applicant that he is liable to be paid provident fund arrears, gratuity, pension and OTA arrears prior to November, 1978 i.e. prior to his removal from service. So, the present OA is filed by the applicant for the reliefs as already indicated above.

3. Counter is filed by the respondents. An objection is taken by the respondents in their counter with regard to the jurisdiction of this Tribunal to entertain this OA as the grievance relates to the year 1978. It is also pleaded in the counter of the respondents that the applicant had not been removed from his service for his participation in the Railway General strike and that there was no general strike in the year 1978 and that the applicant was removed from

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service with effect from 2-11-1978 while working as Inspector of Works, Nandyal, on the ground that he furnished his date of birth as 1-12-1937/instead of his correct date of birth which was 4-5-1927. So it is the contention of the respondents that this OA is liable to be dismissed.

4. We have heard today Mr. K.V. Sudhakar Reddy, counsel for the applicant and Sri V. Bhimanna, Standing counsel for the respondents in detail.

5. Even accepting the case of the applicant that he had been removed from service in the year 1978 that he had participated in the general strike, the grievance of the applicant is prior to November, 1978. The Administrative Tribunals Act, had come into force with effect from 2-11-1985.

6. Admittedly, this Tribunal has jurisdiction to entertain OAs only that arose three years prior to 2-11-1985. In other words this Tribunal has jurisdiction to entertain OAs with regard to redressal of the grievances of the applicants that arose after 2-11-1982. In any event the grievance of the applicant is prior to 2-11-1982. So as the grievance of the applicant is prior to 2-11-1982, this Tribunal does not have jurisdiction to entertain this OA. Hence, this OA is liable to be dismissed and accordingly this OA is dismissed leaving the parties to bear their own costs.

(T. Chandrasekhara Reddy)
Member (Judl.)

Dated : March 11, 1994
Dictated in the Open Court

Deputy Registrar (J)CC

To

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1. The General Manager, S.C.Rlys, Railnilayam, Secunderabad.
2. The Chief Personal Officer, S.C.Rlys, Secunderabad.
3. The Divisional Railway Manager, S C.Rlys, vijayawada Dn, vijayawada.
4. One copy to Mr.K.v.Sudhakar Reddy, Advocate, 3-5-1110/A Narayanaguda, Hyderabad.
5. One copy to Mr.v.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. TCCHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 11-3 -1994

~~ORDER/JUDGMENT~~

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

in

Q.A.No.

1036/93

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

