

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDE ABAO BENCH HYDERABAD

M.A. NO.930/97 in O.A. NO.236/93

and

M.A. NO.931/97 in O.A. NO.238/93

Between:

M.K. N. Tikkanna

Dt. of Order: 6.11.97.

...Applicant in both M.As.

And

1. Senior Divisional Mechanical Engineer(Diesel),
South Eastern Railway, Waltair Division, Visakhapatnam.
2. Divisional Mechanical Engineer(Diesel),
South Eastern Railway, Waltair Division, Visakhapatnam.

...Respondents in both M.As.

Counsel for the Applicant : Mr. M. Balakrishna Murthy

Counsel for the Respondents : Mr. N. R. Devraj

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

M.A. NO.930/97 ✓

None for the applicant. Sri N.R.Devraj for the respondents.
The delay in filing restoration petition is condoned. M.A. is allowed.
M.A. No.931/97

None for the applicant Sri.N.R.Devraj for the respondents.
2. Inspite of filing restoration petition, the learned
counsel for the applicant not present. Hence the restoration
petition is dismissed. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Sd/-x x x
DEPUTY REGISTRAR (J)

न्यायालय अधिकारी/द्यू रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH AT HYDERABAD

Misc. Application No. 33 | 98

In

O.A. No. 236 of 1993

Between:

M.K.N. Tikkanna ... Applicant.

And:

1. Senior Divisional Mechanical
Engineer (Diesel)
South Eastern Railway,
Waltair ^{Div} Kancharapalem
Visakhapatnam-8.

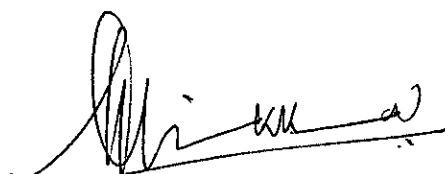
2. Divisional Mechanical
Engineer (Diesel)
South Eastern Railway,
Waltair Division.
Kancharapalem, Visakhapatnam-8. ... Respondents.

AFFIDAVIT FILED BY THE APPLICANT

I, M.K.N. Tikkanna S/o Late Pothayya, age 55
years, occupation, Railway Service, resident of Marripalem,
Visakhapatnam-8 sincerely state on solemn affirmation
as under:

1. I submit I am the applicant herein and as such
acquainted with the facts and deposing this affidavit
praying for kind restoration of the O.A. No. 236 of 1993
dismissing it for default in terms of orders passed by
this Hon'ble Tribunal on 6.11.1997 in M.A. No. 931/97 and
be pleased to grant the prayer in the said O.A.

2. I submit that my counsel was present unfortunately
late on 6.11.1997 at the Hon'ble Tribunal and the said
O.A. was dismissed for default and I submit my counsel
requested the Hon'ble Tribunal after lunch break to



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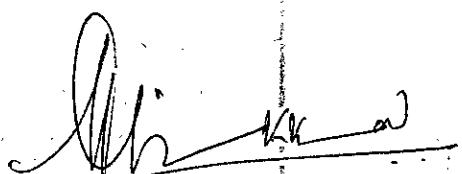
reconsider and be pleased to pass orders as prayed under the said O.A. and the Hon'ble Tribunal was pleased to mention directing my counsel to come up again with a fresh restoration petition and hence this M.A. is submitted again.

3. I submit that the respondents herein failed to submit counter within 8 weeks as ordered by this Hon'ble Tribunal as far back as on 19.3.93 despite orders passed on 5.12.1996 directing to look into the reasons interalia for failure for not filing the reply in time and I submit there has been no reply from the respondents even when restoration petition No. 931/97 was submitted on 14.9.1997 in this O.A. I humbly submit that the respondents have no reply to submit but recovery for loss of oil was restarted illegally in June 1997 thereby I submit I am put to monetary loss and mental agony and therefore I fervently request the Hon'ble Tribunal to grant the prayer in terms of this O.A.

4. a) I submit once again that I did not personally attend to repairs, as multiple unit test was conducted by mechanic and not by my humble self as I was attending to another priority work but recovery was done for loss of oil from my emoluments.

b) I submit formal inquiry under disciplinary ^{not} proceedings was conducted but only fact finding inquiry was conducted despite mention made by this Hon'ble Tribunal in terms of the orders passed on 19.3.1993 and this has not been rebutted by the respondents.

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Restoration Petn

Before the Central Admin.
Hyderabad Tribunal,

M.A. No. —
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O.A. No. 236 of 1993

Bef.

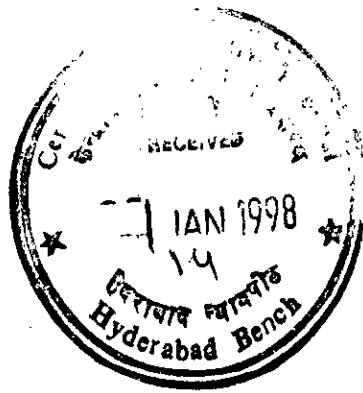
M.K.N. Tikkanna APPF
and

1) Sr. Divl.-Mech Engineer
S.E. Rly. (Diesel)
Visakhapatnam

2) Divl.-Mech. Engineer
S.E. Rly. (Diesel)
Visakhapatnam

Reb.

Mr. B. Balakrishna, 1998
M. Balakrishna
Moorthy
Advocate



Revised
13.1.98

21/1/98