

(39)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 367 of 1993

DATE OF JUDGMENT: 21st April, 1993

BETWEEN:

Mr. P.V. Reddy ..

Applicant

AND

Union of India represented by

1. The Divisional Railway Manager,
South Eastern Railway,
Waltair,
Visakhapatnam-4.
2. The Sr. Divisional Mechanical
Engineer (Diesel),
S.E.Railway,
Waltair,
Visakhapatnam-8.

Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. M.Balakrishna Murthy, Advocate
Not present.

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr. SC for Rlys.

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvenagadam, Member (Admn.)

contd...
SBP

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

The applicant was dismissed from service after inquiry in the departmental proceedings, by ~~an~~ order dated 25.2.1993 of the 2nd respondent. The applicant preferred ~~an~~ appeal to the 1st respondent on 3.3.1993 as ~~against the 2nd respondent~~ under Section 20(2)(b) of the Administrative Tribunals Act, 1985 lays down that the Tribunal shall not admit an application in a case where an appeal or representation as mentioned in Section 20(2)(b) has been made, unless a period of six months had expired from the date of ^{the} filing ~~such an~~ appeal or representation. ~~Suppose if the appeal or the representation cannot be considered as a cause, then it is open to the applicant to move the Tribunal even without preferring an appeal or even during the pendency of the appeal before the expiry of six months from the date of filing if it is a case where generally cause, if the applicant seeks stay of the proceedings. But such a question does not arise in this OA. Hence, the OA is dismissed at the admission stage as premature. This order of dismissal does not preclude the applicant to put forth all his contentions before the appellate authority in the appeal that is already preferred. It is also needless to say that if the said appeal is not disposed of within the period of six months from the date of filing, the applicant, if so advised, is free to move this Tribunal~~

contd....

(36)

.. 3 ..

in view of Section 21(1)(b) of the A.T.Act. The OA is dismissed accordingly. No costs.

(Dictated in the open Court).

P.J.Thiru

(P.T. THIRUVENGADAM)
Member (Admn.)

Neeladri

(V. NEELADRI RAO)
Vice Chairman

823/4/93
Dated: 21st April, 1993. Dy. Registrar (Jud.)

vsn

Copy to:-

1. The Divisional Railway Manager, South Eastern Railway, Union of India, Waltair, Visakhapatnam-4.
2. The Sr. Divisional Mechanical Engineer (Diesel), S.E.Railway, Union of India, Waltair, Visakhapatnam.
3. One copy to Sri. M.Balakrishna Murthy, advocate, 49-35-27, Abidnagar, Akkayapalem, Visakhapatnam.
4. One copy to Sri. N.R.Devaraj SC for Railways, CAT, Hyd.
5. One spare copy.

Rsm/-

O.A. 367/93

TYPED BY

COMPARED BY

CHECKED BY

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. R. BALASUBRAMANIAN :
MEMBER (ALMN)

AND

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

DATED: 21/4/1993

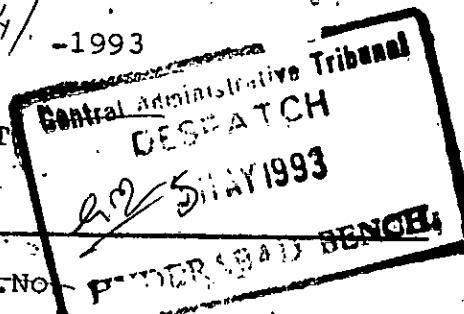
ORDER/JUDGMENT

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

O.A.No.

T.A.No.

(W.P.No.)



Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

23/5/93