

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH
AT HYDERABAD.

M.A.No. 901 OF 1994

in
O .A.No. 49 OF 1993.

Between:-

G.Rami Reddy
S/o Subba Reddy,
Aged about 47 Years,
Fireman S'B'
Nandyal
Kurnool District.

.. Applicant.
Applicant.

And

1. The Railway Board,
Represented by its Chairman
Rail Bhavan,
New Delhi.
 2. The General Manager
South Central Railway
Rail Nilayam
Secunderabad.
 3. The Divisional Railway Manager,
South Central Railway,
Guntakal,
Anantapur District.
 4. The Senior Divisional Mechanical
Engineer (Loco) South Central
Railway, Guntakal,
Anantapur District.
- .. Respondents/Respondents.

Brief Facts:-

1. The applicant has filed the above O.A. praying the Hon'ble Tribunal to declare the order of the Railway Board No.E (D&A) 92 RG6-39 dated 18-9-1992 (Page No.1) of the 1st respondent and the Revisional order No. G/P.644/81/D&A/M.7641 dated 22-3-1982(P.5) of the 2nd Respondent, and the order of the Appellate Authority No.G/P.644/81/D&A/BM.7641 dated 15-9-1981, the 3rd respondent herein (P.6) and the order of the Disciplinary Authority No.G/P.644/81/D&A/B.M.7641 dated 18-2-1981(P10) the 4th respondent herein, as illegal and without jurisdiction and set-aside the same and consequently direct the Respondents to reinstate the applicant into service with all the benefits including continuous service, payment of arrears of salary, increments,

Administration to reinstate the applicants there with all consequently benefits. Aggrieved by the same, the Union of India and others had filed a batch of C.As Nos. 4681-82/92 and other before the Hon'ble Supreme Court of India.

4. While the matters were pending before the Hon'ble Supreme Court, at the instance of Loco Running Staff who have participated in the strike and who were removed under Rule 14(2) of the Railway Service (D & A) Rules 1968 some members of Parliament moved the matter in the Parliament and also approached the Hon'ble Minister for Railways. Some order were passed in that regard in respect of the Loco Running Staff whose cases were pending before the Supreme Court and other Courts and also in case to others who have not approached any court of law.

5. Under those circumstances and in that background the Hon'ble Supreme Court was pleased to dispose off the cases pending before the Hon'ble Supreme Court on 5-8-1993. The learned Judges having regard to the circumstances were pleased to render a Judgement in REM applicable to all the LOCO RUNNING STAFF who were either removed or Dismissed from service by invoking Rules 14(2) of R.S. (D & A) R.1968.

6. The present O.A. was filed in the year 1992 before the Judgment of the Hon'ble Supreme Court and hence the applicant could not take advantage of the Judgment of the Hon'ble Supreme Court. As stated above as the Judgment of the Hon'ble Supreme Court is a Judgment in REM, this applicant as well as other applicants in O.A.No.48/93, 51/93, 53/93 and 123/93 are entitled for the benefits

flow out of the said Supreme Court Judgment.

7. Under the above circumstances, this Hon'ble Tribunal may be pleased to permit the applicant to amend the grounds in O.A.N by adding the following ground and also to amend the prayer in the O.A.

Relief sought:-

It is therefore prayed that this Hon'ble Court may be pleased to permit the applicant to amend the ~~grounds in O.A. by adding the following ground and~~
~~also to amend the~~ prayer in the O.A:-

~~Ground No. XXIV.~~

~~The respondent ought to have seen that in view of the Judgment of the Hon'ble Supreme Court dated 5-8-1993 which is a Judgment in REM in O.A.Nos. 4681-82/92 and batch the impugned orders are liable to be set aside and the applicant should be permitted to be restored subject to the conditions laid out in the orders of the Hon'ble Supreme Court.~~

Main Relief para 7:

"Following the Judgment of the Hon'ble Supreme Court made in C.A.Nos.4681-82/92 and batch dated 5-8-1993, which is a Judgment in REM, this Hon'ble Tribunal may be pleased to declare the order of the Railway Board No.E(D&A) 92 RG6-39 dated 18-9-1992(P.4) of the 1st respondent and the Revisional order No.G/P.644/81/D&A/M.7641 dated 22-3-1982(P.5) of the 2nd respondent, and the order of the Appellate Authority No.G/P.644/81/D&A/M.7641 dated 15-9-1981, the 3rd respondent herein (P6) and the order of the Disciplinary Authority No.G/P.644/81/D&A/BM.7641

MASR 2846/94

Reg:- Petition for amendment
of prayer

n of rule should
be finished.

2. 4 more copies of MA should
be filed.

3. A separate petition may
be filed for additions of
of grounds.

14 days time

Cur
31/10/94
for DRC

Representation

objections 1 and 3 complied.

Not. Standing Counsel for the
Railways already taken for
the time for filing counter.

H.A. copies are not necessary
I undertake to file the H.A.
copies after notice is issued
by the court.

P. Sarada
Counsel for the
applicant.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD.

M.A.NO. OF 1994

in

O.A.No. 49 of 1993.



Petition to ~~am~~ permit the
applicant to amend the prayer

RECEIVED COPY

N.R. Devaraj
Sr. CCSC

Alotted to

M/s.P.Krishna Reddy &

Smt.P.Sarada

Counsel for applicant.

may be filed
Cur
10/11/94

--: 5 :--

18--2--1981 , the 4th respondent herein, as illegal and without jurisdiction and set-aside the same and consequently direct the Respondents to reinstate the applicant into service with all the benefits including the continuous service, payment of arrears of salary, increments, promotions and other benefits as similar benefits given in the Judgment of the Supreme made in C.A.Nos.4681-82/92 dated 5-8-1993, and pass such other order or orders in the interests of justice.

Verification:-

I, G.Rami Reddy Sonof Subba Reddy, aged about 47
Ex-
years, Fireman 'B' Nandyal, Kurnool District,
do hereby declare that the contents stated
above are true to the best of my knowledge
belief and information.

I have not suppressed any material facts of the case.

P. Sarada

G. Rami Reddy

COUNSEL FOR APPLICANT

SIGNATURE OF THE APPLICANT.