

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.461/94

Date of Order: 19.4.1994

BETWEEN :

Patchipala Rangaiah .. Applicant.

A N D

1. Union of India, rep. by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Senior Divisional Personnel Officer, South Central Railway, Guntakal. .. Respondents.

Counsel for the Applicant .. Mr.N.Raman

Counsel for the Respondents .. Mr.C.Venkata Malla Reddy

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

(U)

Order of the Division Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

The applicant while working as Khalasi, Loco Shed at Pakala in Chittoor District was involved in a criminal case of an offence punishable under Section 3 (A) of the Railway Property Unlawful Possession Act. After due investigation the applicant was charge sheeted in the ~~CC. 47/87~~ in CC. 47/87 of the offence under Section 3(A) of the Railway Property Unlawful Possession Act. The applicant was kept under suspension pending investigation by the police of the said crime and pending trial of the criminal case in CC. 47/87 on the file of the Court of Special Judicial Magistrate of I-Class Nellore. CC 47/87 was disposed of by the Special Judicial Magistrate I-Class Nellore on 27.3.87, acquitting the applicant of the said offence under Section 3(A) of the Railway Property unlawful possession Act. In view of the acquittal, applicant was reinstated in service on 27.3.1987. It is the grievance of the applicant that three of his juniors had been promoted during his suspension period from Engine Fitter Grade-III to Engine Fitter Grade-II. It is the case of the applicant that he is entitled to be promoted to the said post from the date his immediate junior/juniors had been promoted to the said post/posts. Hence this OA is filed by the applicant under section 10 of the Administrative Tribunals Act to give a direction to the respondents to confer the benefit of the promotion as Engine Fitter Grade-II from the date of his erstwhile juniors were promoted and ^{for} consequential benefits.

T. C. R.

..3

JGR

2. Today we have heard Mr. N. Raman, learned counsel for the applicant and Mr. C. Venkata Malla Reddy, learned standing counsel for the respondents at the admission stage.

3. Mr. C. Venkata Malla Reddy had raised the question of limitation in this case. It is not in dispute that the applicant who was under suspension during the pendency of the criminal case on acquittal in the criminal case had been reinstated on 27.3.87. As could be seen the applicant has made for the first time the representation to the competent authority with regard to his promotion on 11.11.92 (A-4). So, it is quite evident that the applicant had approached the competent authority for redressal of his grievance roughly $5\frac{1}{2}$ years after the applicant was reinstated in to service after the acquittal in the criminal case. The applicant admittedly had retired from service on 31.8.93. Under relevant provisions of the Administrative Tribunals Act the applicant should have approached the competent authority within a reasonable time from the date of grievance and make a representation and the competent authority did not pass appropriate orders within six months from the date of representation, then the applicant should have approached the Tribunal after the expiry of the said 6 months within a period of one year. Admittedly the applicant had not approached the Tribunal within a period of $1\frac{1}{2}$ years from 27.3.87. Absolutely no explanation is coming forth from the applicant for his silence for a period of $5\frac{1}{2}$ years from 27.3.87. It is quite evident that the applicant had not been diligent. As the applicant had not approached this Tribunal from 27.3.87 within a period of one and half years under the provisions of Section 21 of the Administrative Tribunals Act the application had become barred by time.

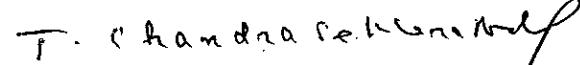
T.C.H

43

So, in view of this position we do not have any hesitation to hold that this OA is time barred and reject the same under Section 19 (3) of the Administrative Tribunals Act as ~~not being~~ and ~~having~~ a fit matter for adjudication. There shall be no order as to costs.



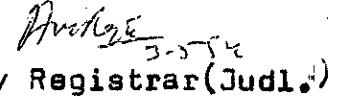
(R. RANGARAJAN)
MEMBER (ADMN.)



(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

Dated : 19th April, 1994
(Dictated in Open Court)

sd/spr


Deputy Registrar (Judl.)

Copy to:-

1. General Manager, South Central Railway, Union of India, Railnilayam, Secunderabad.
2. The Senior Divisional Personnel Officer, South Central Railway, Guntakal.
3. One copy to Sri. N.Raman, advocate, Advocates Associations, High Court Buildings, Hyd.
4. One copy to Sri. C.V.Malla Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rem/-