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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO:106 of 1995

DATE-OF-JUDGEMENT:-12th-September,-1996

BETWEEN:

V.ANANDA RAO

.. Applicant

and

1. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad,
2. The Chief Medical Superintendent,
Railway Hospital, S.C.Railway,
Vijayawada,
3. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI M.LAXMANA MURTHY (not present)

COUNSEL FOR THE RESPONDENTS: SHRI N.V.RAMANA, Addl.CGSC

CORAM:

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

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.))

None for the applicant. Heard Shri V.Rajeswara Rao for Shri N.V.Ramana, learned standing counsel for the respondents. The counsel for the applicant was not present in the earlier occasion also. Hence I thought it fit to dispose of this case on the basis of the material available on record.

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2. The applicant is a person released from the Indian Army. He has served Indian Army from 20.2.54 to 29.11.69. A copy of the certificate issued by the Military authorities is enclosed at Page 8 of the OA. The applicant joined as a temporary Hospital Attendant on 8.10.71 and finally retired from service on 31.5.92. The applicant in this OA prays for counting of military service for the purpose of fixing his pension. Though he submits that he represented his case both in 1984 and 1985 by representations at pages 10 and 11, the respondents deny the receipt of such representations. This OA is filed praying for direction to the respondents to fix his seniority taking into consideration of his military service along with the railway service and consequently for correct fixation of pension and other retirement benefits with

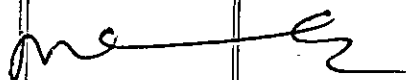
3. The respondents have filed reply. The main contention of the respondents is that the applicant has not submitted his option for counting military service in terms of the Railway Board's letter dated 10.5.82. The respondents in the reply also deny the receipt of any representation from the applicant in this connection. They also pleaded that this is a belated case as the applicant has represented his case only after his retirement.

4. Annexures to the OA were scrutinised. It is seen that a representation (Page 11 of the OA) dated 20.5.85 of



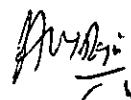
the applicant has been forwarded by the Divisional Medical Officer, South Central Railway, Vijayawada and the stamp of that officer is also fixed beneath signature while forwarding the representation. Hence the contention of the respondents that the applicant has not filed any representation does not appear to be correct. If the respondents prove that the signature of the DMO in his representation dated 20.5.85 is a forged one, then they may have case. But no such averment has been made in the reply. In his representation dated 15.10.84 (Page 10 of the OA) there is stamp of the Medical Department on the representation. Hence it may be possible that that representation also could have been forwarded to R-3. In view of the above, it is necessary that the case of the applicant has to be reconsidered and a suitable reply has to be given to the applicant to both the representations. If the applicant is aggrieved by the reply to be received by him, he is at liberty to approach this Tribunal by filing a fresh O.A.

5. The O.A. is disposed of as above. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -12th-September, -1996
Open court dictation.

vsn


D.R.-(S) 19/96.

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O.A.NO.106/95

Copy to:

1. The General Manager, .
South Central Railway,
Railnilayam,
Secunderabad.
2. The Chief Medical Superintendent,
Railway Hospital,
South Central Railway,
Vijayawada.
3. Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada.
4. One copy to Mr.M.Laxmana Murthy, Advocate,
CAT,Hyderabad.
5. One copy to
CAT,Hyderabad.
6. One copy toLibrary,CAT,Hyderabad.
7. One duplicate copy.

YLK#

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3/10/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 12/9/96

ORDER, JUDGEMENT
R.A./C.P./M.A. NO.

in

O.A. NO. 106/95

~~ADMITTED AND INTERIM DIRECTIONS ISSUED~~
~~ALLOWED~~
~~DISPOSED OF WITH DIRECTIONS~~
~~DISMISSED~~
~~DISMISSED AS WITHDRAWN~~
~~ORDERED/REJECTED~~
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेच/BE SPATCH
- 1 OCT 1996
हैदराबाद ब्याचपीठ
HYDERABAD BENCH

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