

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.46/96.

DATE OF ORDER i 22-10-96.

Between :-

B.Chandra Sekhara Rao

... Applicant

And

1. The Chief Personnel Officer,
S.C.Railway, Rail Nilayam,
S.D.Road, Sec'bad.
2. The Divisional Railway Manager,
S.C.Railway, Division Office,
Vijayawada, Krishna Dist.

... Respondents

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Counsel for the Applicant : Shri M.Pandu Ranga Rao

Counsel for the Respondents : Shri J.R.Gopala Rao, SC for Rlys

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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(Orders per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

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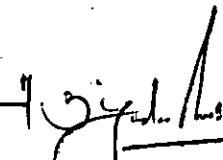
Counsel for the applicant absent. Shri Krishna Mohan for Shri J.R.Gopal Rao, standing counsel for the respondents. In the absence of the counsel for the applicant we have carefully gone through the O.A. and the reply filed by the respondents. The grievance made by the applicant relates to an event which occurred in June, 1973. According to the reply of the respondents no representation was received thereafter from the applicant against his absorption in alternative suitable post of Commercial Clerk consequent upon his medical de-categorisation. It is only in September, 1995, that the applicant seems to have filed a representation to the Divisional Railway Manager for regularisation of his absorption as Senior Commercial Clerk instead of Junior Commercial Clerk. On earlier occasion the learned standing counsel for the respondents had raised the objection/limitation. The learned counsel for the applicant then relied upon Articles 14, 16 and 21 of the constitution. He contended that the applicant had a recurring/cause of action and the application is therefore within limitation. We fail to understand as to how application can be entertained nearly after 23 years after accrual of the cause of action. The remedy had not been kept alive by the applicant on the date on which the Tribunal started exercising jurisdiction and within the period of six months thereafter. No question of violation of constitutional right can arise. It is a matter regulated by rules and the applicant had therefore to adopt suitable action in good time. His conduct suffers from ~~glances~~

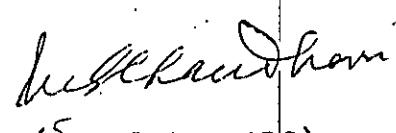
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also. In our view since the remedy was lost to the applicant before the advent of the A.T.Act, the Tribunal has also no jurisdiction to entertain any grievance relating to the cause of action which arose in the year 1973. Thus for lack of jurisdiction alternatively on the ground of limitation and even on the ground of laches, the application is liable to be dismissed as it has no substance whatsoever in it. The O.A. is accordingly rejected.

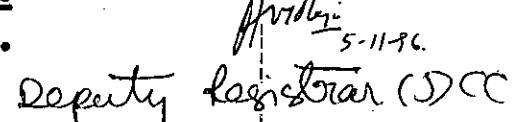
No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 22nd October, 1996.
Dictated in Open Court.

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Deputy Registrar (SDCC)


5-11-96

O.A.46/96.

To

1. The Chief Personnel Officer,
SC Rly, Railnilayam,
S.D.Road, Secunderabad.
2. The Divisional Railway Manager,
SC Rly, Division Office,
Vijayawada, Krishna Dist.
3. One copy to Mr.M.Panduranga Rao, Advocate, CAT.Hyd.
4. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 22-10-1996

ORDER / JUDGMENT

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

in
O.A.No. 46/96.

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
DESPATCH

18 NOV 1996

हैदराबाद व्यापरीठ
HYDERABAD BENCH

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

R.A.132/96 OA.46/96

Between:

Date of Order: 7-1-97

B.Chandrasekhara Rao.

and

Applicant.

1. The Chief Personnel Officer,
SC Rly, Railnilayam, SD Road,
Secunderabad.
2. The Divisional Railway Manager,
SC Rly, Division Office,
Vijayawada, Krishna Dist.

.. Respondents.

For the Applicant: Mr.M.Panduranga Rao, Advocate.

For the Respondents: Mr.J.R.Gopal Rao, SC for Rlys.

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

PER HON'BLE SRI JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

Perused Review Application.

2. Grounds 1, 2, 3 and 9 relate to merits and cannot be entertained unless review is admitted and allowed.
3. Ground 5 not acceptable in view of counter that no representation was filed till 1995 and in absence of contrary proof.
4. Ground 4 cannot be considered as OA is barred by limitation.
5. Ground 7. The said decision 1995(5) SCC 628 is inapplicable as question involved in the instant case is not fixation of pay but absorption in equivalent post. Only if that relief could be available that question of refixation could arise. By styling the relief as fixation of pay correctly that does not override the cause of action relating to absorption for which claim is held to be time barred.
6. Ground 8 - AIR 1995 SC 519 said decision could apply to merits if the OA were found to be within limitation.
7. Hence, no ground to place for pre-hearing and review is liable to be rejected by circulation.

In view of above opinion RA is rejected.

Amrit Singh
Deputy Registrar (J)CC

R.A. 132/96

To

1. The Chief Personnel Officer,
SC Rly, Railnilayam, SD Road,
Secunderabad.
2. The Divisional Railway Manager,
SC Rly, Division Office, Vijayawada
Krishna Dist.
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9/1/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN.

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 7 - 1 - 1997

ORDER / ~~JUDGMENT~~

~~W.R.A/G.A.~~ No. 132/96

in

O.A.No. 6/96

T.A.No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed.

disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

