

R.H

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A. 1246/96

Date of decision: 28.2.97

Between

S. B.Appala Swamy

... Applicant

And

1. Sr. Divisional Personnel  
Officer,  
SC Railway, Vijayawada Dn.,  
Vijayawada.

2. Divisional Railway Manager,  
SC Railway, Vijayawada Dn.,  
Vijayawada.

3. General Manager,  
SC Railway,  
Secunderabad.

.. Respondents

Mr. M.C. Jacob

.. Counsel for applicant

Mr. J.R.Gopal Rao

.. Counsel for respondents

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

None for the applicant. Heard Shri J.R.Gopal Rao,  
learned counsel for the respondents.

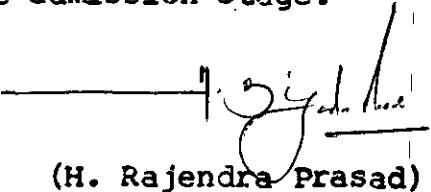
It is explained by Shri Gopal Rao that some time in  
the month of February 1995 the Railways have issued an amendment  
to Rule 1313(a)(2)(3) of the IREC, Vol.III, according to which  
the pay protection claimed by the applicant is ~~no~~ no longer  
admissible. It is further mentioned that all the pending  
representations in this regard have been duly examined by  
the competent authority and suitable replies have been given to  
each of the applicants whose representations were pending  
disposal. It was also mentioned by the learned counsel that he

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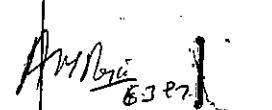
proposes to bring to the notice of the Tribunal the changed position in certain cases which have already been disposed of a <sup>thereof being</sup> and review is ~~not~~ sought to be prayed for. The detailed grounds based on the latest rules position shall be brought to the notice of this Tribunal in the contemplated reviews.

2. Coming to the instant OA it is noticed that the applicant had submitted a representation to the competent authority on 25.7.96 and, without awaiting a decision from the competent authority, the applicant has filed this case on 10.10.96. This is not a correct practice. It is now disclosed by the learned Standing Counsel that a suitable reply has been given by way of disposal of the applicant's representation. The proper course in such a case would be that the applicant, if he is so advised, should re-agitate his grievance based on the decision received by him. This would also enable the respondents to state the correct position of rules and to meet the contentions of the applicant.

3. Under the circumstances the OA cannot be admitted and is dismissed at the admission stage.

  
(H. Rajendra Prasad)  
Member (Admve.)

28th February, 1997

  
Deputy Registrar (W) Co

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O.A.1246/96

To

1. The Sr.Divisional Personnel Officer,  
SC Rly, Vijayawada Division, Vijayawada.
2. The Divisional Railway Manager,  
SC Rly, Vijayawada Division,  
Vijayawada.
3. The General Manager,  
SC Rly, Secunderabad.
4. One copy to Mr.M.C.Jacob, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One copy to HHRP. M(A) CAT.Hyd.
8. One copy to P.R.(A) CAT.Hyd.
9. One spare copy.

pvm.

9/26/97

I COURT

TYPED BY

CHECHED BY

COMPARED BY

APPROVED BY

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: 28 - 2 - 1997

ORDER ~~JUDGMENT~~

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

O.A.No.

in  
1246/96.

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.

p.v.m.

केन्द्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal

DESPATCH

18 MAR 1997

HYDERABAD BENCH