

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 1247/96

Date of decision: 28.2.97

Between:

A. Nagamalleswara Rao .. Applicant

And

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

2. Divisional Railway Manager,
SC Railway,
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)

ORDER

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 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 representation
were pending disposal. It was also mentioned by the learned
counsel that he proposes to bring to the notice of the Tribunal
the changed position in certain cases which have already been

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thereof being

disposed of and review is ~~now~~ 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 has submitted a representation to the competent authority on 25.7.96 and without awaiting to the 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

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4-387
Deputy Registrar (P)

0.A.1247/96

To

1. The Sr.Divisional Personnel Officer,
SC Rly, Vijayawada.
2. The Divisional Railway Manager, SC Rly,
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 and SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One copy to HHRP M(A) CAT.Hyd.
9. One spare copy.

pvm

24/97

I COURT

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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: 28-2-1997

ORDER / JUDGMENT

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

in

O.A.No. 1247/96

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.

