

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<sup>m</sup> 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 representations 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

25

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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Deputy

Amalg  
4-3-97  
Registrar (G)

P6  
O.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 SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One copy to D.R.(A) CA<sup>1</sup>.Hyd.
8. One copy to HHRP M(A) CAT.Hyd.
9. One spare copy.

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9/4/97  
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 defayit.

Ordered/Rejected.

No order as to costs.

p.v.m.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
DESPATCH

13 MAR 1997

हैदराबाद धायरी  
HYDERABAD BENCH