

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

M.A.656/95 in O.A. No.1786/95.

Date: July 1, 1996.

Between:

B. Prakasam. Applicant.

VS.

1. Divisional Railway Manager,
South Central Railway,
Vijayawada.

2. General Manager, South Central
Railway, Rail Nilayam,
Secunderabad.

Respondents.

COUNSEL FOR THE APPLICANT: Sri G.V.Subba Rao.

COUNSEL FOR THE RESPONDENTS: Sri W.Satyanarayana for
N.R.Devraj, Senior Standing
Counsel for respondents.

CORAM:

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

HON'BLE SHRI H.RAJENDRA PRASAD, Member (A) *9* *11*

ORDER:

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN.)

..

Mr. G.V.Subba Rao, learned counsel for the applicant. Sri W.Satyanarayana for Mr.N.R.Devaraj.

2. The O.A., is hopelessly time-barred. There is not even one sentence in the M.A., showing sufficient cause for condoning the delay. The entire application relates to the merits of the case. The respondents opposed the request for condonation of delay. They have filed their reply. Assuming that the respondents have violated any rule, that by itself gave a right to the applicant to approach the Tribunal to seek redress; that however, is required to be done within the time of limitation.

3. The grievance of the applicant is that since he has been acquitted by the Criminal Court on 11-1-1965, the period of suspension between 24-12-1962 and 25-2-1965 which ended 22-5-1996 related to that criminal case should be treated as on duty and he became entitled to payment of full salary for that period after he was reinstated on 26-2-1965. However, by letter dated 15-9-1989, the Divisional Railway Manager refused his request for regularisation of the suspension period on the ground that long back in 1965, the Competent Authority had

/wsl

: 3 :

(35)

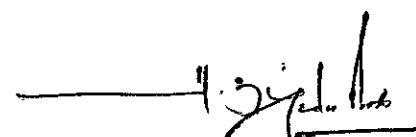
period
decided to ~~that~~ treat that as suspension only. It is
submitted that this is contrary to the ~~scheme~~ of ~~xxxxxx~~
~~xxxxxx~~ Regulations 18, 21(f)(ii) of the A.P.S.R.T.C.
Employees Classification, Control and Appeal regulations, 1967

✓ as amended in 1977 and Rule 204(6) of IREM as well as
against the decision of the Supreme Court in the case of
Deputy Manager, A.P.S.R.T.C., Hanumakonda Vs. B. Venkateswarlu.
(Citation however is not given) —
The grievance should have been made before the Tribunal
within a period of one year from the date of the receipt
of the letter dated 15-9-1989 and within a period of
18 months from the date of his representation ^{if any had been}
^{has been}
filed. The Applicant has, however, approached the
Tribunal by filing the O.A. on 18-6-1995. As stated
earlier, nothing has been stated in the M.A., to explain
as to why the applicant could not approach the Tribunal
within the period of limitation prescribed under S.21 of
Central Administrative Tribunals Act. All that is stated
is, that there has been violation of the rules and that
the order treating the period of suspension is arbitrary
and illegal and therefore, the delay of 4 years, 10 months
reckoned from the date of the letter dated 15-9-1989
received on 25-9-1989 be condoned. Nothing has been
stated to explain the delay from 25-9-1989 or ~~xxxxxx~~
✓ thereafter till the date of filing of the O.A.

mer

: 4 :

4. Mr. Subba Rao, learned counsel for the applicant submitted that even after 1989, the applicant has been diligently pursuing the matter with the respondents. We find from the record ~~xx~~ of the O.A. that the applicant had filed a representation as late as on 16-2-1994, that was replied on 26-10-1994 in which it was stated that the period of suspension was treated as suspension only by the Disciplinary Authority and that the applicant had already been informed about the same on 13-2-1994. The applicant seems to have filed another representation on 15-2-1994. That was rejected on 3/5-12-1994, which reiterated that he was already informed that the period had been treated as suspension period. In the first place, moving in the year, ~~1989~~ 1994 after 1989, cannot be regarded as 'pursuing the matter diligently', Secondly, repeated representations to which the reply is given that his earlier representations have already been rejected does not amount to an effective representation so as to enlarge the period of limitation. Thus — ~~However, we would like to act~~, the applicant has not explained ~~for~~ his in-action between 18x 1989 and 1995 as required by law. We are, therefore, not satisfied that the delay in this case is ~~likely~~ to be condoned. In the result the M.A., is dismissed. Consequently the O.A., stands rejected.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI, J.)
Vice-Chairman

Date: July 1, 1996
Dictated in Open Court.)

sss.


Deputy Registrar (D) cc

W.A.No. 786/95.

To

- 1: The Divisional Railway Manager,
S.C.Rly, Vijayawada.
2. The General Manager, SC Rly,
Rainnilayam, Secunderabad.
3. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

9/137/96
I COURT

TYPED BY

CHECKED 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 :M(A)

Dated: 1 - 7 - 1996

ORDER/JUDGMENT

M.A/R.A./C.A.No. 656/96

O.A.No. 786/95

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

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions
M.A
Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

