

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

CP.114/96 in C.A. No. 844/96
T.A.N.C.

DATE OF DECISION: 6-12-96

S. Gangayya PETITIONER(S)

D. Dhilleswara Rao ADVOCATE FOR THE PETITIONER(S)

VERSUS
GM, SE Rly, Calcutta and
another

RESPONDENT (S)

C.V. Malla Reddy ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR. JUSTICE M.G. CHAUDHAIR, VICE CHAIRMAN

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

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Mr. Justice M.G. Chaudhari, VC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

CP.114/96 in
OA.844/96

dt.6-12-96

Between

S. Gangayya

: Applicant

and

1. General Manager
SE Rly, Garden Reach
Calcutta

2. Divisional Railway Manager (P)
SE Rly., Waltair,
Visakhapatnam 16

: Respondents.

Counsel for the applicant

: D. Dhillieswara Rao
Advocate

Counsel for the respondents

: CV Malla Reddy
Addl. SC for Railway

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN *recd*

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN) *recd*

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Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Mr. D. Dhilleswara Rao for the applicant. Mr. C.V. Malla Reddy for the respondents.

1. We are not happy over the attitude of the respondents towards resolving the grievance of the applicant who is a retired person. The delay in finalising pensionary benefits is undesirable.

2. By the order in OA, dated 17-7-96, the applicant was advised to file a detailed representation to Respondent-1 and on such representation being filed, Respondent-1 was directed to dispose it of within a period of two months. What the applicant did was submitted a representation on 22-7-96 which, however, had been prepared and signed on 15-7-96 i.e. before the order in the OA was passed. The applicant did not submit the said representation in tune with the direction given in the order. The matter was further compounded by the applicant by sending instead thereof a legal notice on 3-8-96 in pursuance of the liberty given in the order in the OA. Giving a legal notice was not contemplated by the order. It appears that from what Mr. Malla Reddy has submitted, Respondent-1 was not able to treat the legal notice as a representation in pursuance of the direction given in the OA and thus there was no order passed.

3. We think that both the parties have not dealt with the matter in a proper way. The applicant should have filed a proper representation which he has not done. The Respondent-1 on the other hand should have disposed of the representation received on 22-7-96 togetherwith the



legal notice dated 3-8-96 and conveyed the decision to the applicant.

4. In the circumstances the following order is passed:

The Respondent-1 in the OA i.e. General Manager, SE, Railway, Calcutta, is hereby directed to treat the representation submitted on 22-7-96 and the contents of the legal notice dated 3-8-96 to the extent that these relate to the applicants contentions as the representation deemed to be filed ~~under~~ order in the OA and dispose it of on merits within a period of three weeks peremptorily from the date of receipt of copy of this order and communicate the decision immediately to the applicant. In the event of being aggrieved with the said decision, the applicant will be at liberty to adopt such proceedings as he may be advised in accordance with law.

5. Subject to above direction the CP is disposed of.

H.R.P.
(H.Rajendra Prasad)
Member(Admn.)

M.G. Chaudhary
(M.G. Chaudhary
Vice Chairman

Dated : December 6, 96
Dictated in Open Court

Prabhakar
Deputy Registrar (S) CC

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