

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1489/97

DATE OF ORDER : 07-11-1997.

Between :-

K.Venkata Krishnaiah

... Applicant  
And

1. The Postmaster General,  
Vijayawada Region, Vijayawada.
2. The Superintendent of Post Offices,  
Gudur Division, Gudur, Nellore Dist.

... Respondents

-- -- --

Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

-- -- --

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

*Jai*



... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

--- --- ---

Heard Sri S.Ramakrishna Rao, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. This OA is filed to set aside the impugned order dt. 10-6-97 (Annexure - I to the OA) whereby instructions were issued in regard to the maintenance of prescribed percentage of SC/ST representations in ED appointments and consequently proposed action of the Respondent No.2 to fill the EDBPM, Kogili Village by not following the SC/ST reservation declaring the same as arbitrary, illegal, unwarranted and in violation of Articles 14 and 16 of the constitution and against the statutory provisions for SC/ST communities and for a consequential direction to the respondent No.2 to observe atleast the minimum fixed percentage in giving the representation to the SC/ST communities in the employment as per Govt. Policies and to appoint a SC/ST candidate for the post of EDBPM, Kogili according to the statutory rules and according to the notification dt.11.9.97.

3. The notification dt.11-9-97 (Annexure-II to the OA) has been issued to fill up the post of EDBPM, Kogili Village and there is no reason to believe that the notification is going to be cancelled and a fresh notification is going to be issued for recruitment of EDBPM, Kogili Village. The apprehension of the applicant is not backed by any records. Hence no orders are necessary in this OA. As regards the instructions dt.10-6-97

De

D

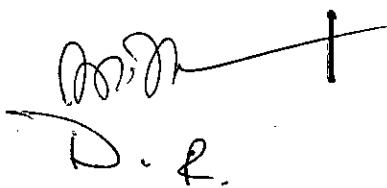
(Annexure-I to the OA), there is no need to examine this at this juncture and this will be examined as and when necessity arises. In view of what is stated above, we find no reason to admit this OA and hence it is disposed of at the admission stage ~~without notice~~.  
itself. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
Member (J)  
7.11.97

  
(R.RANGARAJAN)  
Member (A)

Dated: 7th November, 1997.  
Dictated in Open Court.

av1/

  
D.L.

DA.1489/97

Copy to:-

1. The Postmaster General, Vijayawada Region, Vijayawada.
2. The Superintendent of Post Offices, Gudur Division, Gudur, Nellore Dist.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

srr/-

11/11/97  
cc today  
8

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M (J)

Dated: 7-11-97

ORDER/JUDGMENT

M.A./R.A./C.A. NO.

in  
O.A. NO. 1489 /97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

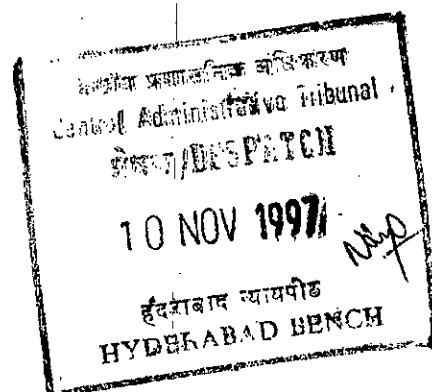
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



Form No.9.  
(See Rule 29)

BY.R.P.A.D.

O/c

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.  
1st Floor, HAC Bhavan, Opp: Public Garden, Hyderabad. 500004. A.P.

ORIGINAL APPLICATION NO. 1483. OF 1997.

Applicant(s)

N. Lakshmena.

By Advocate Shri:

...Vijaya Kumar.

V/S

Respondent(s)

The Secretary, Railway Board,  
Rail Bhavan, New-Delhi. & others.

(By/Central Govt. Standing Counsel)

Mr. N. R. Levaraj, SC for Rlys.

To.

1. The Secretary, Union of India, Railway Board, Rail Bhavan, New-Delhi.
2. The General Manager South Central Railway Secunderabad.
3. The Chief Personal Officer, South Central Railway, Secunderabad.
4. The Chief Mechanical Engineer, South Central Railway, Secunderabad.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal  
Fifth, November, 7.  
This the . . . . . day of . . . . .  
Note:- A copy has already been sent to you in M/s 199 in Dated, 27/10/97

//BY ORDER OF THE TRIBUNAL//

Date: 7-11-97.

FOR REGISTRAR.

O/c  
10/11/97

O/c



केन्द्रीय प्रशासनिक विधिकार Central Administrative Tribunal प्रेषण/DESPATCH 21 NOV 1997 हैदराबाद व्यायामी HYDERABAD BENCH
--

NOP

BY REGD. POST ACT DUE  
Notice of Miscellaneous Application

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD.  
1st Floor, HACA Bhavan, Opp; Public Garden, Hyderabad. 500004. A.P.

MISCELLANEOUS APPLICATION No. 884. of 1997.

IN SR. 2740/97.

ORIGINAL APPLICATION NO. OF 1997.

APPLICANT (S) **M. Lakshminna.** VS  
**Mr. P. B. Vijaya Kumar, Advocate.**  
To.

Respondent(s)

**The Secretary, Rail Bhavan,  
New-Delhi. & others.**

**Mr. N. R. Devaraj, SC for Rlys.**

1. **The Secretary, Railway Board, Union of India, Rail Bhavan, New-Delhi.**
2. **The General Manager, South Central Railway, Secunderabad.**
3. **The Chief Personnel Officer, South Central Railway, Secunderabad.**
4. **The Chief Mechanical Engineer, South Central Railway, Secunderabad.**

Whereas the applicant above named has filed Miscellaneous Application (copy enclosed) Under Rule 3 (3) of Central Administrative Tribunal (Procedure) Rules, 1987 in this Tribunal and whereas the Miscellaneous Application was ordered on....15-9-97;.....

Take notice that within.....20-10-97;.....from the date of service of this notice, you may appear in person or through a duly authorised Legal practitioner and file in three complete sets, reply to the application along with documents if any, in a paper book form failing which the matter will be heard EX-PARTE.

That, you the aforesaid Respondent No..... do send for our use in Central Administrative Tribunal, Hyderabad Bench at Hyderabad all the singular the said records and other with all things touching the same as fully and perfectly as they have been made by you, before the **Twentieth,**.....day of **October**,.....1997. and the case is posted for hearing on **20-10-97.**..... at Hyderabad.

// BY ORDER OF THE TRIBUNAL //

Date **18-9-97.**

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण/DESPATCH

**30 SEP 1997**

హైదరాబాద న్యాయపీఠ  
HYDERABAD BENCH

  
for REGISTRAR.



**VAKALAT FORM**

FROM-12 (See Rule 67 of CAT (Practice) Rules

**Central Administrative Tribunal : Hyderabad Bench**  
AT HYDERABAD.

OA. NO.

OF 1997

Between :

M. Lakshmana

Applicant/s

And

I/We

Railway Board, Union of India, re by  
Mr Secretary, Rail Board,  
New Delhi. And others

Respondent/s

Applicant/s in the above application / petition do hereby appoint and retain

Shri P. B. VIJAYA KUMAR, M.Com., LL.M.,  
N. RAMA RAO

Advocate / s to appear, plead and act for me/us in the above application / petition and to conduct and prosecute all pleadings that may be taken in respect thereof including Contempt of Court Petitions and Review Applications arising therefrom and applications for return of documents, enter into compromise and to draw any moneys payable to me / us in the said procedure.

Place : Hyderabad  
Date : 26-8-1997

Executed in my presence.

( R. RAMA RAO )  
Advocate, Hyderabad.


"Accepted"

(P. B. VIJAYA KUMAR, M.Com., LL.M.,)  
Advocate, A-9, Vijaya Pratap Apartments,  
Atchutareddy Street, Vidyanagar,  
Hyderabad-500 044. Ph.: 7619144 7619155

The following certification to be given when the party is unacquainted with the language of the Vakalath or is blind or illiterate :

The contents of the Vakalath were truly and audibly read over/translated into Telugu language known to the party executing in Vakalath and he seems to have understood the same.Signature with date  
(Name and Designation).

Central Administrative Tribunal  
Hyderabad Bench, Hyderabad.

O.A.R.A No: 2740 of 1997



**MEMO OF APPEARANCE**

**N.R. DEVARAJ**  
ADVOCATE  
Standing Counsel for Railways  
Senior Standing Counsel for Central Govt.

Counsel for .....

*Respondent*

Address for Service :

Phone : 7610600

Plot No. 8, Lalithanagar  
Jamai Osmania,  
Hyderabad - 500 044.

Central Administrative Tribunal, Hyderabad Bench  
HYDERABAD.

O.A. / ~~P.A.~~ No. SR. 2740

of 1997

BETWEEN

M. Lakshmana

Applicant (s)

Vs.

Rly Board rep. by its  
Secretary, U.O.I.  
Rail Bhawan, New Delhi

Respondent (s)

MEMO OF APPEARANCE

To,



I N.R. Devaraj, Advocate, having been authorised .....

(here furnish the particulars of authority)

by the Central/State Government/Government Servant/ ..... authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No. .... /Respondent No. .... and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

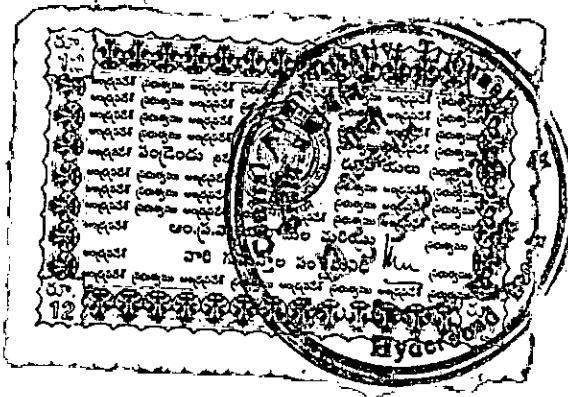
Date : 4. 11. 97

  
Signature & Designation of the  
Counsel

Address of the Counsel for Service

Plot No.8, Lalithanagar  
Jamai Osmania  
Hyderabad - 500 044.

N.R. DEVARAJ  
Standing Counsel for Railways  
Senior Standing Counsel for Central Govt.



Central Administrative Tribunal  
Hyderabad Bench, Hyderabad.

O.A.R.A No. 14881 of 1997

MEMO OF APPEARANCE

**N.R. DEVARAJ**  
ADVOCATE  
Standing Counsel for Railways  
Senior Standing Counsel for Central Govt.

Counsel for *The Respondents*

Address for Service :

Phone : 7610600

Plot No. 8, Lalithanagar  
Jamai Osmania,  
Hyderabad - 500 044.

Central Administrative Tribunal, Hyderabad Bench  
HYDERABAD.

O.A. / B.A. No.

1488

of 199

BETWEEN

Sri M. Lakshmann

Applicant (s)

VOQ. rep. by the Secretary  
Rly Board, New Delhi & of  
Vs.

Respondent (s)

MEMO OF APPEARANCE

To,



I N.R. Devaraj, Advocate, having been authorised .....

(here furnish the particulars of authority)

by the Central/State Government/Government Servant/ .....authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No. *Officer* /Respondent No. .... and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

Date : 15.9.98

Signature & Designation of the  
Counsel

Address of the Counsel for Service

Plot No.8, Lalithanagar  
Jamai Osmania  
Hyderabad - 500 044.

N.R. DEVARAJ

Standing Counsel for Railways  
Senior Standing Counsel for Central Govt.

(Petition filed under Rule 8(1) CAT(P) Rule.  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

M.A.NO.

642

OF 1998.

in

O.A.NO.

1488

OF 1997.

Between:

M. Lakshmann, s/o Doddappa, Hindu,  
aged about 59 years, Retired Deputy  
C.M.E., Resident of H.No.21/132-4,  
Malkajgiri, HYDERABAD-500 004.

.....Applicant.

AND

1. Railway Board, represented by its  
Secretary, Union of India, Rail  
Bhavan, NEW DELHI.
2. General Manager, South Central Railway,  
SECUNDERABAD.
3. Chief Personal Officer, South  
Central Railway, SECUNDERABAD.
4. Chief Mechanical Engineer,  
South Central Railway,  
SECUNDERABAD.

.....Respondents.

For the reasons stated in the accompanying  
affidavit, it is, therefore, just and essential that this  
Honourable Tribunal may be pleased to expedite the above  
O.A. by fixing an early date, and to pass such other relief  
or reliefs as this Honourable Tribunal may deem fit just  
and necessary in the circumstances of the case.

HYDERABAD.

DATE:23-01-1998.

COUNSEL FOR THE APPLICANT.



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO. 1488 OF 1997.

Between:

M. Lakshmanna,

.....Applicant.

AND

Railway Board, rep. by its  
Secretary, Union of India,  
Rail Bhavan, New Delhi and others.

.....Respondent.

AFFIDAVIT FILED BY THE APPLICANT

I, M., Lakshmanna, son of Doddappa, Hindu, aged about 59 years, Retired Deputy C.M.E., Resident of House No.21/132-4, Malkajgiri, Hyderabad-500 004, do hereby solemnly affirm and state on oath as follows:-

1. I am the applicant herein and I am fully conversant with the facts of the case.
2. I respectfully submit I filed the above numbered O.A. seeking a direction to the respondents to extend adhoc and regular promotions to the applicant as Deputy Chief Mechanical Engineer on par with his junior Sri N. Santhana Raman with all consequential and attendant benefits including the difference of salary and retiral benefits with interest by nullifying the decision communicated under proceedings bearing No.P/508/GAZ/MECH/ML, dated 28-09-1995 of the Railway Board as communicated by the C.P.O. as arbitrary, illegal and without substance.
3. ~~The appk~~ I further submit that I retired from service on 30-4-1997. If ~~the~~ succeeds in this O.A., there will be some hike in my Pensionary benefits. I am also not maintaining good health. Hence I craves this Hon'ble Tribunal to fix an early date for final hearing.

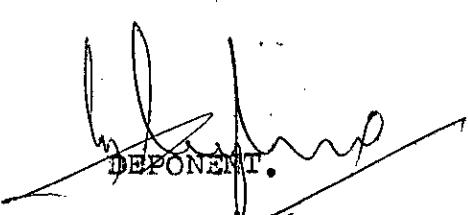
1st page.  
corrns:

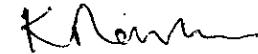
attestor.

DEPONENT.

4. It is, therefore, just and essential that this Honourable Tribunal may be pleased to expedite the above O.A. by fixing an early date and to pass such other relief or reliefs as this Honourable Tribunal may deem fit just and necessary in the circumstances of the case.

Solemnly affirmed and signed before me on this the 23rd day of January, 1998.

  
DEPONENT.

  
Before me ADVOCATE/HYDERABAD.

To fix an early date

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, AT HYDERABAD.

M.A.NO.

OF 1998.

In  
O.A. 1488 Of 1997.

To FIX AN EARLY DATE  
for final hearing of O.A.



Received  
V.P. Deo  
15-7-98

MR. P.B. VIJAYA KUMAR  
Counsel for the applicant.

all is filed  
15-7-98

MA. 642/98 in OA. 1488/97

ORIGINAL

Dt. 13-8-98

RAILWAY

BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDER.BAD.

Heard Mr. Koteswara Rao  
for Mr. P. B. Vijaya Kumar  
and Mr. W. Satyanarayana for  
Mr. N. R. Devraj.

M.A. No.

642

of 1998

IN

O.A. No.

1488

of 1997

26.11.98.

MA ordered accord-  
ingly.

✓

RRRN  
M (A)

R  
HBS JP  
M (J)

Expedite Petition.

Mr. P. B. Vijaya Kumar  
COUNSEL FOR THE APPLICANT.

AND

Mr. N. R. Devraj

Sr. ADDL. STANDING COUNSEL FOR C.G.S  
C.G.RLY.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD-6, ENCL: HYCER 740

Mr.

CONSEEE FOR THE APPLICANT.

AND

Mr. 10.10.1988 M.A. No.

IN

Mr.

STANDING CONSEEE TORC.G.S  
S. A. DPL. STANDING CONSEEE TORC.G.S  
Mr. 10.10.1988 O.A. C.G.R.Y.

W  
(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD-6, ENCL: HYCER 740

Mr.

CONSEEE FOR THE APPLICANT.

AND

Mr. 10.10.1988 M.A. No.

IN

Mr.

STANDING CONSEEE TORC.G.S  
S. A. DPL. STANDING CONSEEE TORC.G.S  
Mr. 10.10.1988 O.A. C.G.R.Y.

RECORDED IN THE FILE

RECORDED IN THE FILE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

M.A.NO. 884 OF 1997.

in  
O.A.NO. 2740 OF 1997.

Between:

M. Lakshmann, s/o Doddappa, Hindu,  
aged about 59 years, Retired Dy. CME.,  
R/o H.No.21/132-4, Malkajgiri,  
Hyderabad - 500 004. ....Applicant.

AND

1. Railway Board, rep. by its Secretary,  
Union of India, Rail Bhavan, New Delhi.

2. General Manager, South Central Railway,  
SECUNDERABAD.

3. Chief Personal Officer,  
South Central Railway, SECUNDERABAD.

4. Chief Mechanical Engineer,  
South Central Railway,  
SECUNDERABAD.

....Respondents.

PETITION FILED UNDER SECTION-21 OF ADMINISTRATIVE  
TRIBUNAL ACT, 1985.

For the reasons stated in the accompanying affidavit,  
it is, therefore, just and essential that this Honourable Tribunal  
may be pleased to CONDONE THE DELAY OF 10 months ~~in~~ in  
filing the above O.A. and to pass such other relief or reliefs as  
this Honourable Tribunal may deem fit just and necessary in the  
circumstances of the case.

HYDERABAD.

DATE: 26-08-1997.

COUNSEL FOR THE APPLICANT.

PW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD.

M.A.NO.

884 OF 1997.

in

O.A.NO.

2740 OF 1997.

Between:

M. Lakshmanna.

.....Applicant.

AND

Railway Board, rep. by its  
Secretary, Union of India,  
Rail Bhavan, New Delhi. and others.

.....Respondents.

AFFIDAVIT FILED BY THE APPLICANT

I, M. Lakshmanna, son of Doddappa, Hindu, aged about 59 years, Retired Deputy C.M.E., Resident of House No.21/132-4, Malkajgiri, Hyderabad-500 004, do hereby solemnly affirm and state on oath as follows:-

1. I am the Applicant herein and I am fully conversant with the facts of the case.
2. I filed the above O.A. seeking direction to extend the Adhoc and regular promotions to me on par with my junior Sri N. Santhanaraman with all benefits, inter-alia questioning the decision of the Railway Board communicated by C.P.O. under proceedings No.P.508/GAZ/MECH/ML, dated 28-9-1995. I received the above proceedings on 16-10-1995. I made further representations dt.6-3-1996 and 17-4-1997 to the Chairman of the Railway Board and also the Honourable Minister for Railways seeking their intervention. I retired from service on 30-4-1997. I lost my wife and I am the only person to look after my children. Since the representations are pending, with fond hope that justice will

1st page.

corrns:

attestor.

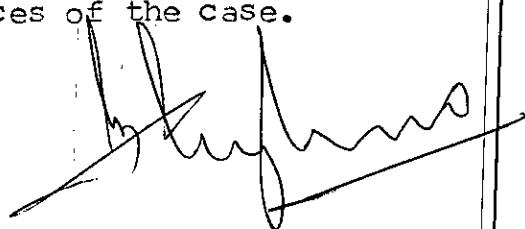
  
DEPONENT.

be rendered, I waited all along. Further the Domestic circumstances could not allow me to pursue this matter by approaching this Tribunal. As a result of the injustice, I lost the regular promotion and the resultant monetary benefits. Hence I crave this Honourable Tribunal to take a lenient view of the matter and condone the delay in filing the above O.A. The delay occurred is neither wilful nor deliberate, but in the circumstances stated supra.

3. It is submitted that in the light of the above injustice there is substantial loss of retiral benefits also besides the loss of status at the time of retirement. The Railway Administration appreciated me by means of giving Awards in recognition of my meritorious service, but when the issue of promotion came up for consideration. The O.A. may be read as part of this affidavit

4. It is, therefore, prayed that this Hon'ble Tribunal may be pleased to CONDONE THE DELAY OF 10 months 14 days in filing the above O.A. and to pass such other relief or reliefs as this Hon'ble Tribunal may deem fit in the circumstances of the case.

Solemnly affirmed and signed  
before me on this the 26th day  
of August, 1997. at Hyderabad.



DEPONENT.

Before me ADVOCATE/HYDERABAD.



To condone the  
delay of 10 months  
4 days in filing the O.A.  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH :: AT HYDERABAD.

M.A.NO.

OF 1997.

in

O.A.NO.

OF 1997.

TO CONDONE THE DELAY  
in filing the above O.A.



29.8.97  
16.10.96  
13.10

29.8.97  
28.9.96  
11

Mr. P.B. VIJAYA KUMAR.

Counsel for the Applicant.

29.8.97  
28.9.96  
11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A.No.884 OF 1997

IN

O.A.S.R.No.2740 OF 1997

BETWEEN :

M.Lakshmanna

APPLICANT

and

Railway Board, rep. by its  
Secretary, Union of India,  
Rail Bhavan, New Delhi and Ors.

RESPONDENTS

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, P.S.Murthy, S/o Late Sankaram ~~Devi~~ aged about 54 years,  
occupation Government service, resident of Secunderabad do  
hereby solemnly affirm and state as follows:

I am working as Deputy Chief Personnel Officer (Gazetted),  
South Central Railway and dealing with all Gazetted Establish-  
ment, as such I know the facts of the case. I am filing this  
Counter Affidavit on behalf of the Respondents as I am auth-  
orised to do so. The averments made in the M.A are denied  
here with and the applicant is put to strict proof of the same.

The above O.A. is filed for a direction to extend ~~ad hoc~~  
and regular promotion to the applicant as Deputy Chief  
Mechanical Engineer on par with his alleged junior Sri  
N. Santhanaraman with all consequential and attendant benefit  
by nullifying the proceedings dated 28.09.1995, i.e. Annexure-VI  
to the O.A. admittedly the alleged junior to the applicant Sri  
N. Santhanaraman was not promoted on a regular basis to Junior  
Administrative grade under the impugned letter dated 28.9.95.

*P.S.Murthy*

प्र मस्तक कार्यिक अधिकारी (राज)  
दृष्टिगत मध्य राज्य, दिक्षराज्य  
Ov. Chief Personnel Officer (Raj) (R)  
S.C.Rly Secunderabad

*W.L.P.*  
१. न. नं. १०८, निवास  
S. Personnel Officer  
S. C. Rly Secunderabad

He was promoted on 19.2.94 vide O.O.No.130/94 dated 29.3.94 hence the cause of action to the applicant arose on 19.2.94 when Sri N.Santhanaraman was promoted to Junior Administrative Grade on regular basis. In any case the impugned letter dated 28.9.95 does not give any cause of action to the applicant for granting his prayer under this O.A. As the promotion on regular basis to Sri N.Santhanaraman was given on 19.2.94 the delay as shown in the above M.A. by the applicant is not correct. In other words the delay in filing the above O.A. is more than 10 months 14 days.

It is submitted that even if for argument sake it is admitted that the delay is 10 months 14 days as stated by the applicant, no sufficient reasons or explanation for the day-to-day delay as required under law is given by the applicant in this M.A. for condonation of the same. As admitted by the applicant the impugned letter dated 28.9.95 was received by him on 16.10.95. The only reason stated by the applicant for non-filing of the O.A. within the prescribed period of limitations is that he had submitted representations to the Chairman Railway Board on 6.3.96 and 17.4.97 and that he was with the fond hope that justice will be rendered to him. The further reason stated by the applicant is that he lost his wife and is only person to look after his children. This cannot be a ground for condoning the delay for the simple reason that from 16.10.95

..3/-

*P. S. Gopal*  
पप मस्त कार्पिक अधिकारी (राज)  
दक्षिण मध्य रेलवे, मिक्कीरामान्द  
गोपीनाथ गोपीनाथ  
Gaz  
Chennai  
Tamil Nadu  
India

*S. N. Sankaran*  
S. N. Sankaran  
Sr. Personnel Officer  
L & R Ry. Secunderabad

Fair List Cases  
Posted on 5-11-97  
Before the Court

In the C.A.T.  
Hyd Bench

MA 884/97  
in  
OSSR. 2740/97

Reply Statement



7/10/1997  
N. R. Devary  
4407

to 30.4.97, when he retired from service on superannuation, he was regularly attending his duties and he could have got his grievance of promotion redressed before this Hon'ble Tribunal by filing O.A. within the prescribed time limit. The applicant, who is a Group 'A' officer cannot take the plea of his fond hope of justice, when he has not been found fit for promotion to JAG.

He could have prosecuted his case in the competent court of law within the period of limitation, but he waited for his superannuation and only filed this O.A. thereafter with this M.A. without showing any sufficient cause for the delay. It is respectfully submitted that the reasons stated in the M.A. for condoning the delay is not sufficient to condone the delay and the O.A. is liable to be dismissed for the latches of the applicant.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to dismiss the M.A and there by reject the above O.A. S.R. in the interest of Justice.

*D. S. Reddy*  
DEPONENT

Solemnly and sincerely affirmed this

१५ मार्च कार्यकारी (राज.)  
दफ्तर मार्च १९९७, सेकंडराबाद,  
By. Ch. Officer (Gaz)  
S. C. Rly. Secunderabad

6th day of March 1997 and he signed  
his name in my presence.

BEFORE ME

ATTESTOR

*S. C. Rly. Secunderabad*  
S. C. Rly. Secunderabad  
Personnel Officer

15/9/97

REGISTRATION

None for the applicant. Mr. Devnay for the respondent.

Notice. List on 20/10/97

Ja  
HSSP  
MS

HRN  
MA

Notice in MA  
20/10/97

Cy  
16/10/97

Issued  
21/9/97  
20.10.97

Heard Sri Durga Rao for  
Sri P.B. Vijaya Kumar for the  
applicant and Sri N.R. Devnay  
for the respondent.

2. Sri N.R. Devnay states that  
he will file a reply within  
a week. Hence list M on  
4-11-97. Reply on the mean-  
while with a copy to the  
other side.

Ja  
HSSP  
MS

HRN  
MA

4-11-97  
List it on 5-11-97.

Ja  
HSSP  
MS

HRN  
MA

RAILWAY

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A. NO.

884, OF 1997.

IN

O.A. NO.

2740 OF 1997

To condone the delay of 10 month  
in days in filing the OA.

Mr. P. B. Vijaya Kumar  
COUNSEL FOR THE APPLICANTS.

AND

Mr. Mr. Deo  
Sr. ADDL. STANDING COUNSEL FOR  
C.G. Rlys.