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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

CP. No. 85/98 in
OA No. 856/97.

Dt. of Decision : 04-09-98.

R. Venkaiah

..Applicant.

Vs

Sri Soma Chandra Bansal,
Divisional Rly. Manager,
SC Rly, Vijayawada, A.P.

..Respondent.

Counsel for the applicant

: Mr. S. Ramakrishna Rao

Counsel for the respondent

: Mr. K. Siva Reddy, SC for Rlys.

CORAM:-

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

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

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ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Miss Parvathi for Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.K.Siva Reddy, learned counsel for the respondents.

2. The applicant herein has filed this CP for proceeding against the respondents for non-compliance of the directions dated 16-07-97 given in OA.856/97.

3. The respondents have filed a reply. From the reply it is disclosed that though the respondents have not received the first representation dated 12-8-97 submitted by the applicant, they were in receipt of a remainder dated 19-9-97 and they fixed date 10-11-97 for verification of records that an assistant had also assisted the applicant in verifying records and ^{that} as per Annexure R-3 to the reply dated 26-1-98, the applicant himself made statement to the effect that as per available original muster rolls and expressed that the payment made earlier ^{was} ~~is~~ in accordance ^{with} the muster rolls produced.

4. Further after verification, he felt that the muster rolls are not reflecting the actual work done by him during the said period. It is not clear what he expressed by saying that muster rolls had not reflected the actual work done by him. In the order dated 16-7-97 the records should be factually verified ⁱⁿ the muster rolls. When the order itself indicated that only muster rolls are to be verified, the applicant cannot demand any other records to be verified. If the applicant is aggrieved by the order of this Tribunal to verify only the muster rolls he should have filed a review petition for inclusion of other records which he wanted to be verified. No such review petition has been filed to verify any other records other than muster rolls. Hence, if the respondents have verified only the muster rolls it is in accordance with the judgement in this OA. As can be seen from the document enclosed at Annexure-3 to the reply, it is evident that the muster rolls were verified.

5. He is wanting some records which are very old dating back to 1979 to 1985. We are satisfied that such a very old records cannot be produced now as already 13 years are over after 1985. Destruction of records is permitted and accordingly it would have been possible that such records would have destroyed by now. Hence such verification of the old records is not called for. The applicant was satisfied with the respondents as per his letter dated 26-2-98 which is enclosed at Annexure-3 to the reply.

6. However, the judgement states that after the verification of records, in case, he wanted to say anything further he can do so. In view of the above, if he still is not satisfied he may submit a detailed representation in this connection on the basis of the verification of muster rolls already made.

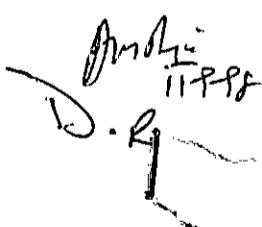
7. If he is desirous of verifying any old records he should specify them and also advise the period of maintenance of such records by the Railway administration so that the respondents will be able to examine whether such records are available with them or not.

8. With the above observations, the CP is closed. No order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

4.9.98


(R. RANGARAJAN)
MEMBER(ADMN.)


D.R.
11-9-98

Dated : The 04th Sept. 1998.
(Dictated in the Open Court)

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