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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1394/97

DATE OF ORDER : 20-10-1997.

Between :-

M. Radhakrishna

... Applicant

And

1. The General Manager,
SC Rlys, Rail Nilayam,
Sec'bad.
2. The Chief Personnel Officer,
SC Rlys, Sec'bad.
3. The Dy. Chief Mechanical Engineer,
Carriage Repair Shop, SC Rlys,
Tirupathi, Chittoor Dist.
4. Sri K. Raghu

... Respondents

-- -- --
Counsel for the Applicant : Shri P. Sridhar Reddy

Counsel for the Respondents : Shri C.V. Malla Reddy, 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)).

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... 2.

- 2 -

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

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Heard Sri P.Sridhar Reddy, counsel for the applicant and Sri C.V.Malla Reddy, standing counsel for the respondents.

2. The applicant in this OA was selected as Apprentice Mechanic by Railway Recruitment Board and was appointed as such in Carriage Repair Shop, Tirupathi, SC Railway by an order dt.2-7-84. Thereafter the applicant was promoted as Chargeman-A by Respondent No.2 by order dt.20/21-6-89. Respondent No.4 got transferred to Carriage Repair Shop from Carriage works, Perumbur, Madras, Southern Railway on mutual transfer of one Mr.Elumalai then working as Chargeman-A. As per the extant instructions Respondent No.4 should take the bottom seniority in the Carriage Repair Shop, Tirupathi. In view of the above, the applicant states that he is eligible to be considered for promotion to the higher grades in the cadre of Dy.Shop Superintendent and not Respondent No.4 as he is junior to him.

3. This OA is filed to direct the respondents to reckon the seniority of the applicant as Chargeman-A from the date of his initial promotion on adhoc basis i.e. 21-6-89 and to promote him to the post of Dy.Shop Superintendent presently designated as Section Engineer from the date his junior i.e. the respondent No.4 was promoted with all consequential benefits.

4. The applicant submits that his case is fully covered by the directions in OA 903/92 dt.7-8-95. He had submitted a representation dt.23-11-95 to Respondent No.3 for granting him the seniority as prayed for in this OA and further consequential benefits. That was

.....3.

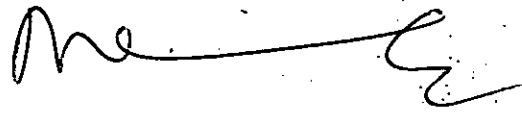
rejected by the Respondent No.3 by order dt.25-7-96. Hence this O.A.

5. The representation dt.23-11-95 does not mention any thing about the directions given by this Tribunal in OA 903/92. The reply given to the applicant by Respondent No.3 dt.25-7-96 also does not state anything in regard to the direction in OA 903/92. If the applicant fails to bring the correct facts to the notice of the authorities, he cannot ask for reliefs following the direction in OA 903/92. Hence we feel that the applicant should now file a detail^{ed} representation comparing his case with the applicants in OA 903/92 and bringing to the notice of the respondents that he is similarly placed as the applicants in OA 903/92 and hence the prayer in this OA is to be allowed. If such a representation is received by the Respondent No.3, then he should examine the facts of this case and take a final decision in regard to his representation within a period of 3 months from the date of receipt of representation.

6. With the above direction, the OA is disposed of at the admission stage itself. No costs.

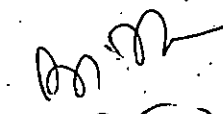

(B.S.JAI PARAMESHWAR)
Member (J)

20.10.97


(R. RANGARAJAN)
Member (A)

avl/

Dated: 20th October, 1997.
Dictated in Open Court.


D.R.(J)

OA.1394/97

1. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Secunderabad.
3. The Dy. Chief Mechanical Engineer, Carriage Repair Shop, South Central Railway, Tirupathi, Chittoor Dist.
4. One copy to Mr. P.Sridhar Reddy, Advocate, CAT., Hyd.
5. One copy to Mr.C.V.Malla Reddy, CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

6/11/97

(7)

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: 20/10/97

ORDER/JUDGMENT

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

in

D.A.NO. 1394/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

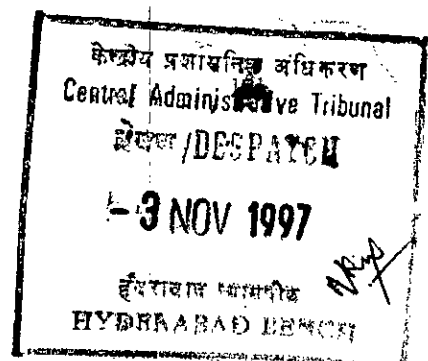
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



In the Central Administrative Tribunal : Hyderabad Bench:
at Hyderabad.

(Under Sec. 21(3) of C.A.T. (P) Rules 1987)

M.A. No. 845 of 1997

in

O.A. No. 2361 of 1997

Between :-

M. Radhakrishna, S/o. Venkateswara Rao,
Aged 35 years, Junior Engineer- Gr.I.,
Formerly Chargeman-A, C.R.S., Tirupathi..... Applicant.

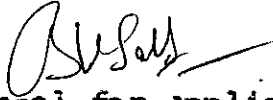
And

1. The General Manager,
S.C. Railway, Secunderabad.
2. The Chief Personnel Officer,
S.C. Railway, Secunderabad.
3. The Dy. Chief Mechanical Engineer,
C.R.S., S.C. Railway, Tirupathi, Chittoor Dist.
4. Sri. K. Raghu, S/o. not known,
Section Engineer, C.R.S., Tirupathi,
formerly Dy. Shop Supdt., CRS., Tirupathi.... Respondents.

For the reasons stated in the accompanying
affidavit, the applicant herein prays that the Hon'ble
Tribunal may be pleased to condone the delay of 10 days
in filing the O.A. and pass such other order or orders as
the Hon'ble Tribunal may deem fit and proper in the circumstances
of the case.

Hyderabad,

Dt: 29-8-97


Counsel for Applicant.

In the Central Administrative
Tribunal... Hyderabad Bench: At
Hyderabad.

M.A. No. of 1997

in

O.A. No. of 1997
SL 2361/97

Condone Delay Petition
...



W/s. P. Sridhar Reddy
M. Venkatanarayana
P. M. Rao and B-V.
Satyanarayana.

Counsel for Applicant,

In the Central Administrative Tribunal, Hyderabad Bench: At
Hyderabad.

M.A. No. 846 of 1997

in

O.A. No. 2361 of 1997

Between :-

M. Radhakrishna.

.... Applicant.

And

The General Manager,
S.C. Railway, Rail Nilayam,
Secunderabad and 3 others.

..... Respondents.

A F F I D A V I T

I, M. Radhakrishna, S/o. Venkateswara Rao, Aged 35 years, Junior Engineer-Gr.I,C.R.S., Tirupathi, Chittoor Dist., now having temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state as follows:-

1. I am the applicant herein and as such am well acquainted with the facts of the case.

2. It is submitted that the above O.A. is filed impugning the order passed by the 3rd respondent dt. 25-7-96. The said order was received by the applicant on 31-7-97. The limitation for filing the same before the Hon'ble Tribunal is one year. I approached my counsel on 27-7-97 but he instructed me to bring some more material for the purpose of filing the O.A. Therefore, I had to return to Tirupathi and obtain the copies of thereof. After going through the same, the O.A. was filed on 4-8-97. It is learnt that there is a delay of 10 days in filing the O.A. The delay is neither wilful nor wanton. There are no laches on the part of the applicant in not filing the O.A. within time. If the delay is not condoned, the applicant would suffer, irreparable loss and hardship.

3. It is therefore, prayed that the Hon'ble Tribunal may be pleased to condone the delay of 10 days in filing the O.A. and pass such other order or orders in the interest of justice.

1st page & last :

corrs:

solemnly affirm signed his
name in my presence on the
day of August 1997 at Hyd.

Deponent

Before me,

Advocate, Hyderabad.

MA 845/97 in OA 2361/97

1997

At the request of
applicant's counsel for OA
4997

HUSP. HRAN
M(S) M(A)
8-9-97

Name on affidavit: Mohan
Gill on 20.10.97

HUSP. HRAN
M(S) M(A)

दुसरी प्रति DUPLICATE

रेलवे/RAILWAY

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 845 OF 1997.

IN

O.A. NO. 2361 OF 1997

To condone the delay of 10 days
in filing the OA

Mr. P. Sridhar Reddy
COUNSEL FOR THE APPLICANTS.

AND

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

In the Central Administrative Tribunal : Hyderabad Bench:
at Hyderabad.

(Under Sec. 21(3) of C.A.T. (P) Rules 1987)

M.A. No. 845 of 1997

in

O.A. No. 2361 of 1997

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Aged 35 years, Junior Engineer- Gr.I.,
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And..

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S.C. Railway, Secunderabad.
2. The Chief Personnel Officer,
S.C. Railway, Secunderabad.
3. The Dy. Chief Mechanical Engineer,
C.R.S., S.C. Railway, Tirupathi, Chittoor Dist.
4. Sri. K. Raghu, S/o. not known,
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of the case.

Hyderabad,

Dt: 29-8-97


Counsel for Applicant.

To condone the
delay of 10 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

SR No. 2361/97

Condone Delay Petition

...

Ad. No. compl.
G. H. 29/8/97
29/8/97



M/s. P. Sridhar Reddy
M. Venkatanarayana
P. M. Rao and B-V.
Satyanarayana.

Counsel for Applicant,

25.7.96

4897
25.7.97

9.

29/8/97

In the Central Administrative Tribunal, Hyderabad Bench: At
Hyderabad.

M.A. No. 845 of 1997

in

O.A. No. 2361 of 1997

Between :-

M. Radhakrishna.

.... Applicant.

And

The General Manager,
S.C. Railway, Rail Nilayam,
Secunderabad and 3 others.

..... Respondents.

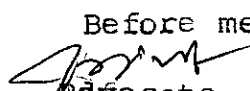
A F F I D A V I T

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3. It is therefore, prayed that the Hon'ble Tribunal may be pleased to condone the delay of 10 days in filing the O.A., and pass such other order or orders in the interest of justice.

1st page & last :
corrs:
solemnly affirm signed his
name in my presence on 4th
day of August 1997 at Hyd.


Deponent

Before me,

Advocate, Hyderabad.

MA 845/97 in OA² 2361/97

1-9-97

At the request of
applicant's counsel list it on
4-9-97.

JK
HBS SP
M(S)

JK
HRAV
M(A)

8-9-97

None on either side. Notice.
List on 20-10-97.

JK
HBS SP
M(S)

JK
HRAV
M(A)

Notice in MA
Hd. dt 20-10-97

by
9/11/97

20-10-97

Heard Sri P. Sridhar Reddy, counsel for the
applicant and Sri C.V. Nalla
Reddy for the respondents.
Though notice served on R. he
no representation from him.
Counsel for the respondents
does not oppose the MA. Hence
the MA is allowed and delay
it condoned.

MA ordered accordingly.
Register the OA.

JK
HBS SP
M(S)

JK
HRAV
M(A)

मूल/ORIGINAL

रेलवे/RAILWAY

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 845 OF 1997.

IN

O.A. NO. 2361 OF 1997

To condone the delay of 10 days
in filing the OA

Mr. P. Sridhar Reddy
COUNSEL FOR THE APPLICANTS.

AND

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