

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

M.A. NO. 591/98 in O.A. NO. 1480/97

Between:

Dt. of Order: 7.8.98.

Ramesh Uttam,

...Applicant.

And

1. Divisional Manager (MG/SC) South Central Railway, Secunderabad.
2. Senior Divisional Engineer (MG/SC) South Central Railway, Sec'bad.
3. Financial Adviser and Chief Accounts Officer,  
South Central Railway, Secunderabad.

...Respondents,

Counsel for the Applicant : Mr. S. Lakshma Reddy

Counsel for the Respondents : Mr. D. F. Paul

CORAM:

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

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

THE TRIBUNAL MADE THE FOLLOWING ORDER:

The Railway Dept. may pay pension and other benefits in accordance with the dates available with them. The M.A. is disposed of.

*[Signature]*  
DEPUTY REGISTRAR

To

1. Divisional Railway Manager (MG/SC), South Central Railway, Secunderabad.
2. Senior Divisional Engineer (MG/SC), South Central Railway, Secunderabad.
3. Financial Adviser and Chief Accounts Officer, South Central Railway, Secunderabad.
4. One copy to Mr. S. Lakshma Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr. D. F. Paul, Addl. CGSC, CAT, Hyderabad.
6. One duplicate copy.

YLKR

6  
12/8/98

II COURT

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 7/8/98

ORDER/JUDGMENT

M.A./R.A./C.P. NO. 591/98

in

C.A. NO. 1480/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

MA

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YUKI केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH  
12 AUG 1998  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

D.A.No. 1271/93

dt. 8-8-94

The pre-delivery judgement in the above O.A.  
dictated as per the Hon'ble Member (A) is typed and placed  
below for approval please.

H.M. (A)

H.V.C.

KMV  
P.S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH :: AT HYDERABAD

MA No. 591 of 1998

in

OA No. 1480 of 1997

Between:

Ramesh Uttam, S/o Uttam,  
aged 59 years, R/o Anandnagar,  
Jalna (MS).

..APPLICANT

A N D

1. Divl.Rly.Manager (MG/SC),  
SC Railway, Secunderabad.
2. Sr.Divil.Mech.Engineer (MG/SC),  
SC Railway, Secunderabad.
3. Financial Adviser and Chief  
Accounts Officer, SC Railway,  
Secunderabad.

..RESPONDENTS

MISCELLANEOUS APPLICATION FILED UNDER RULE 8 (3)

OF CAT (PROC) RULES

For the reasons stated in the accompanying affidavit, the Hon'ble Tribunal may be pleased to correct the said discrepancy and corrected order to that effect may be passed and be pleased to pass such other and further orders as may be deemed fit.

Hyderabad

Dated: 13.7.98

*S. Laxma Reddy*  
COUNSEL FOR APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH :: AT HYDERABAD

MA No. 591 of 1998

in

OA No. 1480 of 1997

Between:

Ramesh Uttam

..APPLICANT

A N D

DRM (MG/SC), SC Railway,  
and two others.,

..RESPONDENTS

A F F I D A V I T

I, Ramesh Uttam, S/o Uttam, aged about 56 years, Anandnagar, Jalna (MS), now having temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

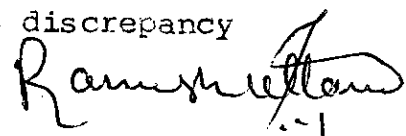
1. That I am the deponent herein and the applicant in OA No.1480/97 filed before this Hon'ble Tribunal. Therefore, I am fully acquainted with the facts of the case.

2. It is respectfully submitted that the applicant has filed the OA No.1480/97 claiming the service rendered before removal from service after reinstatement on appeal as fresh entrant as part of qualifying service for the purpose of pensionary benefits.

3. It is further submitted that the Hon'ble Tribunal was pleased to allow the OA on 7.11.97. The respondents have given the applicant a letter dated 25.6.98 stating that there is discrepancy

1st page

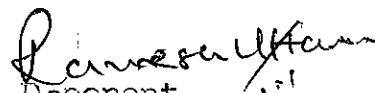
Corrections:

  
Deponent

in the date of reinstatement in the judgment compared with the official records. They stated that the date of reinstatement as 26.7.83 and not 20.6.83 as mentioned in para 2 of the judgment. The applicant submits that this discrepancy occurred due to inadvertent mistake as per the annexure.III in the OA. The applicant may be permitted to correct the said discrepancy.

Hence, it is prayed that the Hon'ble Tribunal may be pleased to allow the correct ~~xxxxxx~~<sup>16</sup> the said ~~xxxxxxx~~ discrepancy and corrected order to that effect may be passed and pass further orders as may be deemed fit.

Sworn and signed on this  
the 13th day of July, 1998  
at Hyderabad.

  
Deponent

Before Me

2nd page

Hyderabad/Advocate

Corrections:



praying for permission to come  
the date of submission

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

MA No. of 1998

in

OA No. 1480 of 1997

Between:

Ramesh Uttam ...APPLICANT

A N D

DRM (MG/SC), PC Rly  
and others.



MISCELLANEOUS APPLICATION

Red copy  
wh  
SC party  
21-7-98

RM Smt K. Reddy on 21/7/98  
(3)

Mr. S. Lakshma Reddy, Advocate (971)  
COUNSEL FOR THE APPLICANT

May 21/7/98

7-8-98 M.A. 591/98

मूल/ORIGINAL

HRRM/HBSTP  
रवे/RAILWAY

बेच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

The Railway Dept.  
may pay ~~and~~ pension  
and other benefits in  
accordance with the  
dates available with  
them. The M.A. is  
disposed of.

Fe  
HBSTP  
M(J)

HRRM  
M(A)

M.A.No. 591 of 1998

IN

O.A. No. 1480 of 1997

TO. Correct the Jdt.

Mr. S. Lakshma Reddy  
COUNSEL FOR THE APPLICANT.

AND

Mr. D. F. Paul  
Sr. ADDL. STANDING COUNSEL FOR C.G.S.  
C.G.RLY.



(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1480/97

DATE OF ORDER : 07-11-1997.

Between :-

Ramesh Uttam

... Applicant

And

1. Divisional Railway Manager,  
(MG/SC), SC Rlys, Sec'bad.
2. Sr.Divisional Mechanical Engineer,  
(MG/SC), SC Rlys, Sec'bad.
3. Financial Adviser & Chief Accounts  
Officer, SC Rlys, Sec'bad.

... Respondents

-- -- --

Counsel for the Applicant : Shri S.Laxma Reddy

Counsel for the Respondents : Shri D.F.Paul, SC for Rlys

-- -- --

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) ).

-- -- --

Jal

*(Signature)*

... 2.

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

-- -- --

Heard Sri S.Laxma Reddy, counsel for the applicant and Sri D.F.Paul, standing counsel for the respondents.

2. The applicant was appointed as Khalasi on 19-11-57. In the year 1983 he was removed from service with effect from 20-4-83. Thereafter, he was re-instated into service as a fresh entrant with effect from 20-6-83 as per Annexure-III to the OA. The applicant retired from service on 30-6-1997. The applicant was given the pensionary benefits on the basis of qualifying service in the second spell of service in Railways.

3. This OA is filed for counting the previous service rendered by the applicant prior to his re-instatement as a fresh entrant for the purpose of qualifying service for pensionary and retirement benefits.

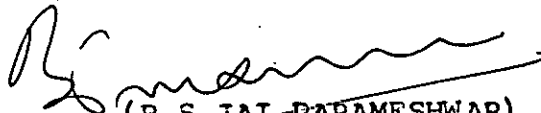
4. This Tribunal has disposed of a number of OAs in the past wherein it was held that if a removed employee is re-instated as a fresh entrant, such an order is not valid if the qualifying service earlier to his removal from service is not counted. In view of the above, the qualifying service of the applicant should be counted taking the service rendered by him prior to his reinstatement. The intervening period from the date of removal from the duty to the date of re-instatement should be treated as dies-non.


5. Applicant's pensionary benefits should be calculated on the basis of the qualifying service counting the service in the first and second spells.

Je



6. Original Application is ordered accordingly at the admission stage itself. No order as to costs.

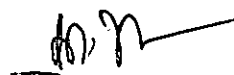
  
(B.S. JAI-PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

7.49

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

avl/

  
D.R.

DA.1480/97

Copy to:-

1. The Divisional Railway Manager, (MG/SC), South Central Railway, Secunderbad.
2. The Senior Divisional Mechanical Engineer, (MG/SC), South Central Railway, Secunderabad.
3. The Financial Adviser & Chief Accounts Officer, South Central Railway, Secunderabad.
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5. One copy to Mr. D.F.Paul, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

21/11/97 (7)

TYPED BY  
COMPOSED 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. 1480/97

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

