

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.574/99

DATE OF ORDER : 18.1.2000

Between:-

K.Yadagiri

...Applicant

And

1.General Manager, (Representing Union of India),
SC Railways, Rail Nilayam, Sec'bad-500 071.

2.Divisional Railway Manager (P), Secunderabad Division,
SC Railway, Sec'bad-500 871.

3.Sr.Divisional Electrical Engineer/M/BG, Secunderabad Division,
SC Railway, Sec'bad-500 871.

4.Assistant Electrical Engineer/M, Kazipet.

....Respondents

COUNSEL FOR THE APPLICANT:SHRI S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS:SHRI J.R.Gopal Rao,CGSC

CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR:VICE-CHAIRMAN

THE HON'BLE SHRI MANICKA VASAGAM:MEMBER (A)

(Order per Hon'ble Shri Manicka Vasagam, Member (A))

...2.

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(Order per Hon'ble Shri Manicka Vasagam, Member (A)).

Heard the learned counsel Shri S.Ramakrishna Rao, learned counsel for the applicant and Mrs.Shakti on behalf of Shri J.R.Gopal Rao, learned Standing Counsel for the Respondents.

2. The applicant was initially appointed as a casual labourer under the Electrical Foreman/Construction/Secunderabad with effect from 2.1.1973. Thereafter, he was confirmed on 1.6.1974. It is stated in the OA that he belongs to SC community. After a duly conducted screening test on 25.6.1985, the applicant was posted against a regular vacancy with effect from 29.5.1985 as Electrical Khalasi. Thereafter, he was promoted as Khalasi Helper in the scale of Rs.800-1150. It is the grievance of the applicant that his seniority in the grade of Khalasi has been wrongly fixed. Therefore, he has come before the Tribunal seeking the following relief :

To direct the Respondents to assign the correct seniority of the applicant who was denied regularization with effect from the date his junior is regularized in the category of Khalasi, taking into account his representations made to the IInd respondent and to take a suitable decision on such representations granting him the relief of assigning the seniority with all consequential benefits.

3. The Respondents have filed detailed reply. It is admitted that the applicant was employed with effect from 1.6.1974. Thereafter, he was posted as Substitute Khalasi with effect from 1.2.1978. After

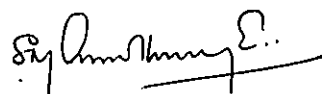
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conducting a screening test, the applicant was posted against a regular vacancy with effect from 21.5.1985. It is further averred in the reply that he was promoted as Khalasi Helper with effect from 1.1.1989. The Respondents further added that the applicant made representation on 5.4.1990 about his seniority position. This was examined and a reply was sent to the applicant vide letter No.C/P/564/2/Cl.IV dated 28.8.1990 rejecting the contention of the applicant. It is stated that the applicant once again represented the matter after the seniority list dated 12.9.1990^{was published} wherein a final date was given for representing against any mistakes by 15.10.1990. It is further stated in the reply that the applicant had made a representation, which was rejected on 28.8.1990. Thereafter, it is stated that the applicant once again reopened the same issue vide his letter dated 7.6.1997 i.e. after a lapse of 7 years. Therefore, it is the contention of the respondents that the case of the applicant is hopelessly time barred.

4. Heard the learned counsel for the applicant and learned Standing Counsel for the respondents. On careful consideration of the facts presented before the Bench, it is seen that the applicant was given not only regularization in the year 1985 but later he was also promoted for which a seniority list was duly published in the year 1990 giving sufficient opportunity to the applicant and others as well to represent their cases if there was any mistake. It is seen from the reply filed by the respondents that the applicant did ^kmade a representation which was duly considered and rejected in the year 1990 itself. As correctly pointed out by the Respondents, it ^{is} just to

gain time and to come before the Bench, the applicant re-opened the issue through his letter dated 7.6.1997. Hence, we are of the view that the matter is hopelessly barred by limitation and therefore the interests of the applicant on merits are liable to be rejected.

5. Accordingly, the Original Application is dismissed. No order as to costs.


(S. MANICKA VASAGAM)


MEMBER (A)


(D.H. NASIR)

VICE-CHAIRMAN

Dated: 18th January, 2000.

Dictated in Open Court.


18.1.2000

Avl/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 11TH COURT

COPY TO:

1. HDHND
2. HRRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 18/1/2000

MA/RA/CP.NO.

IN

OA. NO. 574/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

8 copies

