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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

MA.No.904/98  
OA.SR.No.3491/98

Date of decision:06-1-99

OA 49/99

BETWEEN:

Smt.T.Nageswari

... Applicant

And

1. Divisional Operating Manager,  
S.C.Railway, Vijayawada.
2. Senior Divisional Operating Manager,  
S.C.Railway, Vijayawada.
3. General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.
4. Secretary,  
Railway Board, New Delhi.
5. Union of India, rep. by the  
Secretary, Ministry of Railways,  
New Delhi.

... Respondents

Counsel for the Applicant - Mr.P.V.P.Mrutyunjaya Rao

Counsel for the Respondents- Mr.C.V.Malla Reddy, SC for Rlys

CORAM:

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

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER (ADMN.)

...

O R D E R

(per Hon'ble Mr.H.Rajendra Prasad,M(A))

Heard Mr.P.V.P.Mrutyunjaya Rao for the Applicant

and Mr.C.V.Malla Reddy for the Respondents.

The husband of the present applicant was removed from service in March,1978, on the ground of prolonged unauthorised absence. The present applicant seeks a direction for quashing the removal order which was passed nearly 21 years ago. The intervening delay has

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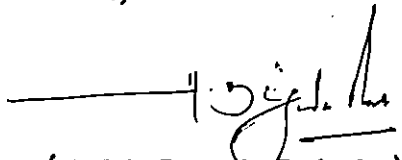
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also not been explained properly or adequately except that the Applicant was illiterate, and ignorant of Railway regulations. This is not a sufficient ground for condoning the delay, and the Respondents who have filed a reply to MA have also opposed the condonation on the grounds stated by the applicant. Moreover the cause of action which arose several years prior to 1983 cannot be taken cognisance of by this Tribunal. Thus, on all counts we are unable to condone the delay in filing of this OA.

The learned counsel of the Applicant submits that he desires to withdraw this OA and proposes to submit representation, instead, to Respondent No.3 for grant of Compassionate Pension.

The OA is allowed to be withdrawn and the applicant is given liberty to make a proper representation to Respondent No.3 for grant of Compassionate Pension. If such a representation is received we have no doubt that the same will be considered in accordance with rules and with utmost sympathy.

Thus the OA and MA are disposed of as having been disallowed and having been permitted to be withdrawn respectively.

  
(H. RAJENDRA PRASAD)  
Member (Admn.)

  
(D. H. NASIR JUSTICE)  
Vice-Chairman

Dated: 6th January, 1999.  
(order dictated in the open court)

  
8th.