

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00940/2016

DATED THIS THE 12<sup>TH</sup> DAY OF DECEMBER, 2018

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI C V SANKAR, MEMBER (A)**

M.V. Chalapathi Rao,  
S/o Late Gopaludu,  
Aged about 44 years,  
Now working as Deputy Chief Engineer (Construction),  
South Western Railway,  
Hubli – 580 020,  
Karnataka

.....Applicant

(By Advocate Shri T.N. Swamy)

Vs.

1. The General Manager,  
South Western Railway,  
Hubli – 580 020, Karnataka

2. The Railway Board,  
Represented by its Director,  
Ministry of Railways,  
Rail Bhavan, New Delhi

.....Respondents

(By Shri N. Amaresh, Counsel for Respondent No. 1 & 2)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

The matter was taken up on 19.10.2016 thereafter on 09.11.2016 and on 15.11.2016 when there was no representation. Thereafter the case was taken up on 17.11.2016 with the same result. Thereafter on 06.12.2016 we could

hear the learned counsel for the applicant and issued notice to the respondents when it was posted to 17.01.2017 when also learned counsel for the applicant was not present. Thereafter the matter was taken up on 01.03.2017 then also none present for the applicant. Thereafter it was taken up on 04.04.2017 then also none present for the applicant. Thereafter it was taken up on 30.05.2017 then also none present for the applicant. Thereafter it was taken up on 30.06.2017 then also none present for the applicant. Thereafter it was taken up on 11.07.2017 then also none present for the applicant. Thereafter on 12.08.2017 both counsels were present and the matter was posted to 12.09.2017. On 12.09.2017 also learned counsel for the applicant is not present. Thereafter the matter was taken up on 08.11.2017 then also learned counsel for the applicant is not present. Thereafter on 19.12.2017 also there was the same result. Thereafter the matter was taken up on 30.01.2018 when there was no DB. Then it was taken up on 06.03.2018 then also none present for the applicant. Thereafter it was taken up on 03.04.2018 then also none present for the applicant. Thereafter on 13.06.2018 it was submitted that Shri T.N. Swamy, learned counsel for the applicant, is unwell thereafter it was posted to 11.07.2018 when also learned counsel for the applicant is not present. Thereafter on 07.08.2018 it was represented that the learned counsel for the applicant is engaged in the Hon'ble High Court and the matter was adjourned to 14.08.2018. Then also the learned counsel for the applicant is engaged in the Hon'ble High Court and could not be present. Thereafter on 05.09.2018 the matter was taken up and it was posted to 16.10.2018 before the DB. Thereafter the matter was taken up on 23.10.2018 then also none present

for the applicant. Thereafter the matter was taken up on 28.11.2018 then also none present for the applicant. Thereafter the matter was taken up on 29.11.2018 and, on the request of the learned counsel for the applicant, the matter was posted to 11.12.2018 on which date also he was not present, then the matter was posted to 12.12.2018 when also the learned counsel for the applicant is not present. The OA is dismissed for non-prosecution. Since the matter had been dragged on for more than 2 years for no proper reason, we will be justified in imposing a cost of Rs.5,000/- on the applicant which will be paid to the respondents.

2. Therefore, the OA is dismissed with a cost of Rs.5,000/-.

(C V SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No.170/00940/2016**

Annexure-A1: Copy of the letter dated 12.11.2011

Annexure-A2: Copy of the explanation dated 18.11.2011

Annexure-A3: Copy of the order dated 01.05.2012

Annexure-A4: Copy of the appeal dated 11.05.2012

Annexure-A5: Copy of the UPSC opinion dated 01.11.2012  
Annexure-A6: Copy of the order dated 03.12.2012  
Annexure-A7: Copy of the order dated 19.08.2013  
Annexure-A8: Copy of the extract of accident manual  
Annexure-A9: Copy of the message dated 01.09.2011  
Annexure-A10: Copy of the classified list  
Annexure-A11: Copy of the office order dated 14.11.2013  
Annexure-A12: Copy of the letter dated 14.11.2013  
Annexure-A13: Copy of the memorandum dated 20.11.2013  
Annexure-A14: Copy of the memorandum dated 07.01.2014  
Annexure-A15: Copy of the working sheet  
Annexure-A16: Copy of the letter dated 01.02.2016  
Annexure-A17: Copy of the letter dated 06.04.2016

**Annexures with reply statement**

Annexure-R1: Copy of the RBE No. 14/1993  
Annexure-R2: Copy of the Railway Board letter dated 26/27.12.2013  
Annexure-R3: Copy of the office order dated 30.12.2013

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