

OA.No.170/00060/2017/CAT/Bangalore Bench  
**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00060/2017**

**DATED THIS THE 28<sup>th</sup> DAY OF NOVEMBER, 2018**

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

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

G.Gopinath  
S/o T.G.Ganapathi  
Aged about 74 years  
Retired Engineering Instructor (SG)  
Southern Railway  
Residing at No.B-113  
Ittina Abby, L.B.Sastry Nagar  
Vimanapura P.O.  
Bangalore-560 017.

...Applicant

(By Advocate Sri T.C.Govindaswamy)

Vs.

1. Union of India  
Represented by General Manager  
Southern Railway  
Headquarters  
Chennai-600 003.
2. The General Manager  
Public Grievances Cell  
Southern Railway  
Chennai-600 003.
3. The Chief Personnel Officer  
Personnel Branch  
Southern Railway  
Headquarters  
Chennai-600 003.
4. The Director  
Directorate of Technical Education  
Thiruvananthapura-695 001.

...Respondents

(By Advocate Sri N.Amaresh)

ORDER (ORAL)

(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))

Heard. Apparently the Hon'ble High Court of Kerala had directed the Railway Authorities to consider the continuance in service of the applicant from 1966 to 1974, so that it may be tagged on to the present service. It is correct the applicant is eligible for counting the past service provided it is regularised. Applicant says that even though he was a teacher on a provisional basis meaning whereby that he will not be granted his salary during the vacation period but he was getting his increments. Therefore, without any doubt, he may be eligible for regularisation. But he has not yet got it. Till the Kerala Administrative Tribunal pronounce him fit for regularisation even on notional basis, there is no jurisdiction within us to do whatever is needful. Even though normally as the law stands now, all the Govt. employees are eligible for past service to be counted provided the earlier service is a regular service. Therefore, we dispose off the OA with liberty to the applicant to approach the Kerala Administrative Tribunal and get regularisation and come back.

(C.V.SANKAR)  
MEMBER (A)

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

/ps/

**Annexures referred to by the applicant in OA.No.170/00060/2017**

Annexure A1: Copy of letter dtd.7.2.2007 with typed copy

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Annexure A2: Copy of letter dtd.7.2.2007 addressed to R4  
Annexure A3: Copy of Railway Board letter dtd.2.7.2007  
Annexure A4: Copy of letter dtd.3.12.2007 from R3  
Annexure A5: Copy of applicant's representation dt.8.12.2007  
Annexure A6: Copy of certificate dtd.2.2.2002 with typed copy  
Annexure A7: Copy of order dtd.23.1.2008 in WP No.2700/08  
Annexure A8: Copy of R3 letter dtd.26.5.2008  
Annexure A9: Copy of GO dtd.17.6.1989 from Govt. of Kerala  
Annexure A10: Copy of order dtd.4.10.2013 in WP No.5071/09  
Annexure A11: Copy of impugned order dtd.27.3.2014  
Annexure A12: Copy of representation dtd.21.1.2014  
Annexure A13: Copy of counter affidavit filed in WP No.5071/09  
Annexure A14: Copy of R4 letter dtd.17.2.2014 with typed copy  
Annexure A15: Copy of order dtd.22.7.2014 in WP.No.16793/14

**Annexures with reply statement:**

Annexure-R1: Copy of the Chief Personnel Officer letter dtd.20.12.2013  
Annexure-R2: Copy of Chief Personnel Office letter dtd.24.12.2013  
Annexure-R3: Director of Technical Education/Trivandrum letter dtd.17.02.2014  
Annexure-R4: Copy of applicant's letter dtd.21.01.2014  
Annexure-R5: Copy of letter dtd.28.01.2014

**Annexures with rejoinder:**

-NIL-

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