

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

MA/20/320/2018
in
OA/20/514/2018 &
OA/20/514/2018

Dated: 05.03.2019

Between:

Smt. S.V.R. Lakshmi,
W/o. Ram Bhadraiah,
Hindu, aged about 51 years,
Occ: Medically De-categorised Constable of R.P.F.,
Now waiting for posting as Junior Clerk,
S.C. Railway, R/o. 4-47, Reddygunta,
Akkarampally Post, Tirupati 517 507
Chittoor District, Andhra Pradesh State.

A N D

1. The Union of India rep. by its Divisional Railway Manager, S.C. Railway, Guntakal Division, Guntakal, Anantapur District.
2. The Senior Divisional Personnel Officer, S.C. Railway, Guntakal Division, Guntakal, Anantapur District.
3. The Divisional Security Commissioner, Railway Protection Force, S.C. Railway, Guntakal Division, Guntakal, Anantapur District.

.... Respondents

Counsel for the Applicant : Mr. J.M. Naidu

Counsel for the Respondents : Mrs. A.P. Lakshmi, SC for Railways

CORAM:

Hon'ble Mr. Justice R. Kantha Rao, Member (J)
Hon'ble Mrs. Naini Jayaseelan, Member (A)

ORAL ORDER

[Per Hon'ble Mr. Justice R. Kantha Rao, Member (J)]

Heard Sri J.M. Naidu, learned counsel appearing for the applicant and Smt. A.P. Lakshmi, learned Standing Counsel appearing for the respondents.

2. The present O.A. is filed with an application to condone the delay of 1465 days which has been stoutly opposed by the respondents.

3. We wish to state some background facts for the purpose of disposing of the present M.A. seeking to condone the delay of 1465 days. The applicant was originally working as a Constable in R.P.F. Subsequently, she was medically decategorised and was posted as Junior Clerk-cum-Typist in Kondapur, Cuddapah district in 2012. Challenging her posting as Junior Clerk-cum-Typist at Kondapur, she filed O.A. No.1290/2012 before the Tribunal and the Tribunal by order dated 7.11.2012 held as follows:

“....When she was appointed initially vide order dated 23.06.2012 as Junior Clerk, she refused and subsequently she took the plea that she cannot be posted as a Clerk-cum-Typist as she is not aware of Typing. The intention of the applicant is only to work in and around Tirupathi which cannot be encouraged. However, in case, she does not want to work as a Typist, only the work of Junior Clerk can be extracted from her.”

4. It can be seen that the same contention and the same plea which the applicant took in the present O.A., has been taken in the earlier O.A. and the above said order was passed by the Tribunal. In the present O.A. it is submitted by the applicant that her representations dated 27.11.2012,

2.5.2013, 3.4.2018 & 7.5.2018 have not been responded to by the respondents. It is submitted by the learned counsel appearing for the applicant that the respondents have not passed any modified order entrusting the applicant with the duties of Junior Clerk only. In such an event, the applicant should have filed a Contempt Petition basing on the order earlier passed by the Tribunal. On the other hand, it is submitted by the learned Standing Counsel for the respondents that the applicant so far has not joined the post and has not been attending to duties for the last six years. There is no denial to the said fact. Therefore, the delay is inordinate and there are no valid grounds to condone the inordinate delay. The O.A, praying for the same relief sought in the earlier O.A. which has already been disposed of, cannot be entertained. Hence, the present O.A. is not maintainable. Accordingly, the MA is dismissed and the O.A. is rejected. No order as to costs.

(NAINI JAYASEELAN)
MEMBER (A)

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(JUSTICE R. KANTHA RAO)
MEMBER (J)