

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 42155 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the order of the Central Administrative Tribunal dismissing his original application on the ground of delay, a retired employee of the South Central Railway has come up with the present writ petition.

2. Heard the learned counsel on both sides.

3. After working in the South Central Railway from 06.09.1965 up to 07.01.1982, the petitioner resigned, when a penalty was imposed upon him, pursuant to disciplinary proceedings. The resignation was accepted and he was relieved on 07.01.1982.

4. However, he made repeated requests, which were considered sympathetically, and he was reinstated on 29.09.1984. This reinstatement was only out of mercy.

5. After reinstatement, he started demanding that the period, when he was out of employment, should not be treated as a break in service and that the same should be condoned. The said request appears to have been turned down way back in 1988. He also retired from service on 30.06.2008. After four years of his retirement, he filed an

original application before the Central Administrative Tribunal, on the basis of a recommendation allegedly made in the year 2006, for condoning the break in service. The Tribunal rejected the application, forcing him to come up with the above writ petition.

6. We find nothing wrong with the order of the Tribunal. The break in service was from 07.01.1982 to 29.09.1984. The Administrative Tribunal Act itself was enacted in 1985. In respect of causes of action that arose before the enactment, a period of limitation was stipulated under the Act. Nearly after about 30 years, the petitioner went before the Tribunal. This was on the basis that a recommendation was made on 05.08.2006. Even then, he ought to have approached the Tribunal at least in the year 2007 or 2008. He retired in 2008 and approached the Tribunal in the year 2012.

7. The petitioner should remember that after the acceptance of his resignation, he had no case after reinstatement. Merely because the Railways conferred a benefit of mercy upon him, the petitioner cannot seek more. Hence, the Writ Petition is dismissed.

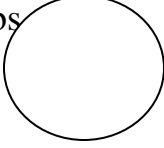
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

5th December, 2016

cbs



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