

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT PETITION No.5326 of 2019

ORDER: *(per the Hon'ble Sri Justice A. Rajasheker Reddy)*

This Writ Petition is filed against order dated 25.07.2013 wherein and whereby the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, disposed of O.A.No.510 of 2013 filed by writ petitioner herein, by issuing a direction to respondents to give effect to higher pay scale of Rs.2750-4400 with effect from 08.09.1997 and pay all due arrears to him within a period of two months from the date of receipt of a copy thereof, while rejecting his prayer for grant of RPF scale of Rs.3050-4590 with effect from 10.10.1997 for the purpose of absorption in alternative employment consequent to medical decategorization.

Learned counsel for petitioner submits that though the South Central Railway issued a Circular dated 02.06.2005 for providing alternative post with equivalent scale of pay with respect to the employees who were disabled/medically de-categorized on or before 07.02.1996 up to 28.04.1999, the representation submitted by petitioner to that effect was not considered and that Tribunal by order impugned erroneously rejected petitioner's prayer for his alternative employment while

directing respondent authorities to grant RPF scale of Rs.2750-4400 with effect from 08.09.1997 and to pay him all due arrears within stipulated period.

Learned Standing Counsel for South Central Railway appearing for respondents submits that petitioner filed the present Writ Petition in 2019 whereas Tribunal passed impugned order on 25.07.2013, as such, this Writ Petition is liable to be dismissed on the ground of laches and that earlier orders dated 25.04.2011 and 31.12.2011 in O.A.Nos.461 of 2010 and 525 of 2009 wherein the Tribunal held that applicants therein, who are similarly situated persons, were not entitled to the Constable's pay with effect from 10.10.1997 as they were medically decategorized from the post prior to that date, had become final and thereby, the order impugned needs no interference by this Court.

From a perusal of order impugned, it is evident that Tribunal rightly observed that earlier orders dated 25.04.2011 and 31.12.2011 in O.A.Nos.461 of 2010 and 525 of 2009 respectively, passed by it holding that the applicants therein, who are similarly situated persons, were not entitled to Constable's pay with effect from 10.10.1997, as they were medically decategorized from the post prior to that date, had become final and that Tribunal has relied upon the rule position and gone into

the merits of the case and accordingly disposed of O.A. filed by petitioner through order impugned. Furthermore, it is to be noted that petitioner filed this Writ Petition with enormous delay of more than 5½ years after Tribunal passing order impugned.

In view of aforesaid facts and circumstances of the case, we are not inclined to entertain this Writ Petition as no infirmity or illegality committed by Tribunal in passing order impugned.

Accordingly, this Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 14.03.2019

A. RAJASHEKER REDDY, J

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