

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
MA 1786/2000
MA 1787/2000
OA 65/1999

New Delhi this 7th day of March, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tamai, Member(A)

Shri Roshal Lal
S/O Shri Geetam Singh,
Ex. Khallasi,
Under Chief Telecommunication
Inspector Western Railway,
Idgah, Agra (UP)
R/O 139, Sunil Store Gari,
Lajpat Nagar, New Delhi.

..Applicant

(By Advocate Shri B.S. Maine)

VERSUS

Union of India through :

1. The General Manager,
Western Railway, Church Gate,
Bombay.
2. The Divisional Railway Manager,
Western Railway, Kota.
3. The Divisional Signal and Tele-
communication Engineer, Western
Railway, Kota.
4. The Assistant Engineer,
Western Railway Sawai Madhopur.

..Respondents

(By Advocate Mrs. Meera Chhibber)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

Shri Maine, learned counsel for the applicant
has submitted an affidavit filed on behalf of the
widow of the original applicant, Smt. Ganga Shree dated
5.3.2001. He has submitted that the delay in filing
the MA for bringing on record the legal heirs after
the death of Shri Roshan Lal on 6.1.2000 may be
condoned for the reasons set out therein. He has

relied on the medical certificate dated 10.1.2000 in which it is stated that she is to be under treatment for "at least 50 days".

(2)

2. In Tribunal's order dated 20.2.2001, Mrs. Meera Chhibber, learned counsel for the respondents had drawn our attention to the previous order of the Tribunal dated 11.1.2000. She had, therefore, submitted that the prayer for condonation of delay cannot be allowed as sufficient reasons have not been given. She has also drawn our attention to the order passed by the Tribunal (Jaipur Bench) in OA 340/1996 filed by the same applicant. In that application, he had challenged the same order of removal dated 28.5.1996 which he has impugned in the present OA. The OA 340/1996 was permitted to be withdrawn on the submissions made by the applicant and was accordingly dismissed by order dated 10.4.1997.

3. This OA has been filed by the applicant on 6.1.1999. Taking into account the facts and circumstances of the case, we are satisfied that there is no sufficient reason brought out by the applicant to condone the delay or preliminary objection taken by the learned counsel for the respondents that the OA is barred by limitation. In this regard the Tribunal's Order dated 10.4.1997 (Jaipur Bench) is relevant wherein it has been observed, inter alia, that the learned counsel for the applicant has failed to produce the original of the order at Annexure A 1

92

dated 28.5.1996 which has been impugned by the applicant, despite directions from the Tribunal. In this OA, apart from the Verifications of the applicant in which he has given his address as resident of 139, Sunil Store, Gari, Lajpat Nagar, no further documents have been brought on record to substantiate his claim that at the relevant time he was ordinarily resident of New Delhi, which is significant, considering the fact that he had earlier filed the OA in the Jaipur Bench of the Tribunal. In the circumstances, we are, therefore, of the view that without even filing PT before the competent authority in the present case the same is not maintainable in the Principal Bench of the Tribunal. During the relevant period in 1999, as per the affidavit filed by the widow she was continuously residing in Village Mathura (UP).

22

4. We have considered the medical and fitness certificates relied upon by the applicant in which it is, *inter alia*, stated that the applicant is required to be under the direct treatment of that Doctor for "at least 50 days" and later again for "46 days more". The fitness certificate is dated 14.4.2000. In the circumstances of the case, the contention of the learned counsel for the respondents that the certificates cannot be relied upon appears to be correct. According to the applicant she was ill from 10.1.2000 to 14.4.2000 and thereafter the Miscellaneous Application for impleadment of the legal

9/

heirs on the death of the applicant on 6.1.2000 has been filed. Accordingly in the facts and circumstances, the MA for condonation of delay is rejected as we do not find good and sufficient grounds for the same.

5. In view of the above, OA 65/1999 is also disposed of as it abates. No costs.

(Govindan S.Tampi)
Member(A)

Lakshmi
(Smt.LakshmiSwaminathan)
Vice Chairman(J)

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