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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 2308/98

New Delhi. this the 8th day of January. 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Shri S.M. Pandey,
Sr. W.M.I., N. Railway.
Headquarters. Baroda House,
New Delhi. Applicant

(By Advocate: Shri Ashish Kalia)

Vs.

Union of India & Ors.

1. The Secretary,
Railway Board.
Rail Bhawan,
New Delhi.
2. The General manager,
N. Railway.
Baroda House,
New Delhi.
3. The Divisional Railway Supdt.,
Northern Railway.
Moradabad. Respondents

(By None)

ORDER (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

Heard Shri Ashish Kalia. learned counsel for the applicant. For reasons that follow we are of the considered view that this O.A. deserves to be dismissed in limine without issuing any notice to the respondents.

This O.A. is directed against Railway Board's letter dated 26.5.98 as also the letter dated 17.7.1998 issued by the General Manager. Northern Railway. The third letter assailed is the one issued by Senior D.P.O on 12.8.1998.

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This O.A. is essentially one against the order passed against the applicant way back in 1968 by which the punishment of stoppage of increment for one year was awarded to the applicant. The applicant preferred an appeal which was also dismissed by the order dated 5.10.68. According to the details of events submitted by the applicant he had submitted an application for personal hearing on 12.11.1971 and a reminder on 8.1.1975 but the same was rejected on 14.3.1975. Learned counsel for the applicant, however, states that the aforesaid application was for review under Rule 25 of Railway Servants (Punishment & Appeal) Rules. It is further stated that by an order dated 10.7.75 the applicant's case was rejected by the General Manager, Northern Railway.

It appears that nearly 17 years later the applicant woke up from deep slumber and submitted a mercy appeal to the President of India and also sent a reminder on 2.4.1998. i.e. six years after the submission of the mercy appeal. The applicant's mercy appeal has been rejected by the competent authority by the order dated 12.8.1998.

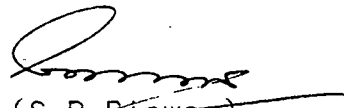
The contention of the learned counsel for the applicant is that the aforesaid order dated 12.8.1998 by which the mercy petition was dismissed would give a fresh cause of action to the applicant and that this O.A. would, therefore, be within time. We are afraid, this contention cannot be accepted. All that the impugned letter dated 12th August, 1998 conveys to the applicant


[Signature]

is that since his earlier appeal and review petition had already been dismissed, the mercy petition could not be entertained or accepted.

We are of the considered view that this communication would not revive the cause which was already practically dead about 20 years back.

For the foregoing reasons we find that this O.A. hopelessly barred by time. We accordingly dismiss this O.A. in limine.


(S.P. Biswas)
Member (A)

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(T.N. Bhat)
Member (J)

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