

(74)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1298 of 1995

New Delhi, dated this the 3 Febrary, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. KAKSHMI SWAMINATHAN, MEMBER (J)

Shri Inderpal,
S/o Shri Dori Lall,
R/o House No. F-445, 3rd Floor,
P-8, Rohini,
Delhi-110085.

.. Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The General Manager,
Northern Railway, Baroda House,
New Delhi.

2. The Divl. Railway Manager,
Northern Railway,
Moradabad.

.. Respondents

(By Advocate: Shri P.S. Mahendru)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

In this O.A. filed on 3.7.95 applicant impugns the Disciplinary Authority's order dated 18.11.92 removing him from service (Annexure A-1) as well as the appellate authority's order dated 17.12.93 (Annexure A-2) rejecting the appeal.

2. M.A. No. 1857/95 has been filed for condonation of delay in which it has been stated that after applicant's appeal was dismissed he filed a revision petition on 1.4.93 (that should perhaps read 1.4.94) which was not decided, and in the mean time he fell ill and remained under medical treatment from 10.9.94 to 15.6.95 (Annexure A-13), and immediately he was declared fit, he contacted

his counsel and filed this O.A. after the summer vacation.

3. Respondents in their reply deny that any revision petition dated 1.4.93 has been received by them, and this assertion by respondents has not been specifically rebutted by applicant in his rejoinder. He has also not produced any materials to establish that he did submit any revision petition dated 1.4.94 to respondents which if it had been submitted, might have extended the period of limitation in this case.

4. Furthermore the period between the date of appellate order dated 17.12.93 and the date when applicant claims to have fallen ill i.e. 10.9.94 also remains unexplained, and if applicant was well enough to file a revision petition on 1.4.94, he has not satisfactorily explained, why he was unable to file an O.A. during this period.

5. Under the circumstances, the preliminary objection of respondents that the O.A. is hit by limitation u/s 21 A.T. Act succeeds, and without going into its merits, the O.A. is dismissed on grounds of limitation. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)

Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

'gk'