

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2512/97

New Delhi this the 19th day of August, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

Fasal Masih James
S/o Shri E.M.James
C/O Sahib Anwar, 1201,
Mazar Lane, Kalan Mahal,
Dariya Ganj, New Delhi.

... Applicant

(None for the applicant)

Versus

1. Union of India through
Genl. Manager, Central
Railway, Mumbai, CST.
2. Divisional Railway Manager,
Central Railway, Jhansi.
3. Divisional Mechanical Engineer (Diesel),
Central Railway, Diesel Shed,
Jhansi.

... Respondents

(By Advocate Mrs. B. Sunita Rao)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

In our order dated 17.8.98, when proxy counsel for the applicant was present, we had noted that the case may be taken up today for hearing on preliminary objections taken by the respondents, and it was also stated that if the applicant or his counsel ~~is~~ not present, the case will be proceeded on the basis of available records. In the circumstances, we have seen the pleadings and heard Mrs. B. Sunita Rao, learned counsel for the respondents.

2. The applicant has impugned the Annexure A.1 order dated 24.9.90 removing him from service. The respondents in their reply have submitted that the Principal Bench of this Tribunal does not have territorial jurisdiction in this matter and that the application is also unduly delayed and therefore, barred by limitation.

3. No doubt, the applicant has stated in the Verification ^{New Delhi 16/8/98} that he is resident of Dariya Ganj but has rightly pointed

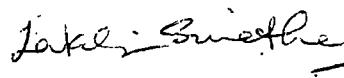
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out by the learned counsel for the respondents, there is nothing on record to show that this fact is correct. We note that no petition has been filed or allowed by the Hon'ble Chairman under Section 25 of the Administrative Tribunals Act, 1985 for retaining this case to be heard in the Principal Bench. Under Rule 6(2) of the Central Administrative Tribunal (Procedure) Rules, 1987, a person who has ceased to be in service by reason of retirement, dismissal or termination of service may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is "ordinarily residing" at the time of filing of the application. In spite of the opportunities afforded to the applicant, ^{he} has also failed to file a rejoinder to the reply filed by the respondents. Therefore, from the records available in the file we are unable to conclude that the applicant is ordinarily residing within the jurisdiction of this Bench.

4. We also find merit in the second preliminary objection raised by the respondents that this application which has been filed by the applicant on 15.10.1997 impugning the order dated 24.9.90 suffers from laches and delay and is hopelessly barred ^{by} ~~limitation~~ under Section 21 of the Administrative Tribunals Act., 1985. It is also relevant to note that not even an application for condonation of delay has been filed in this case.

5. In the above facts and circumstances of the case, the application is dismissed. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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