

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

DA 2515/97

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New Delhi this the 24th day of September, 1998

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

Chet Ram S/O Sh. Faqir Chand  
R/O Jhuggi Jhopri,  
Brahmpur, Ambedkar Basti,  
Dakshin Puri, New Delhi.

(By Advocate Shri M.K. Bhardwaj  
proxy counsel Sh. A.K. Bhardwaj)

... Applicant

Versus

1. Union of India  
through:

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

2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad Division,  
O/O the D.R.M.,  
Moradabad (UP)

3. The Divisional Personnel Officer,  
Northern Railway,  
Moradabad Division,  
DRM Office, Moradabad (UP)

(By Advocate Shri R.P. Aggarwal)

... Respondents

ORDER

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

The applicant has filed this application on 15.10.97 stating that he is aggrieved by the act of the respondents <sup>in P</sup> not taking him back on duty as SS Fitter, neither giving him any alternative employment nor allowing him any disability pension and also not giving compassionate appointment to his son. According to him, he had been informed by the letter issued by the Respondent 2 on 22.11.1996 that he has been dismissed from service w.e.f. 7.3.1975.

2. The applicant has submitted that the respondents had never served chargesheet upon him or held any enquiry

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against him and no removal order or dismissal order was ever served upon him till date. In the circumstances, the applicant has submitted that the Tribunal not only has jurisdiction to adjudicate on the matter but the application is also within the limitation as provided under Section 21 of the Administrative Tribunals Act, 1985 as he relies on the letter dated 22.11.96. The applicant states that he was appointed as Khallasi in the Northern Railway on 16.6.57 and was posted at Rosa Riy. Station. He was thereafter promoted as SS Fitter w.e.f. 1.6.60. Shri M.K.Bhardwaj, learned proxy counsel for the applicant has submitted that while performing his duties as SS Fitter the applicant's both eyes were injured in 1973. He submits that the applicant became blind when he was discharged from the Railway Station in 1975 and belongs to SC Community and the Tribunal has to take <sup>a</sup> sympathetic view with regard to his claims regarding giving compassionate appointment to his son, disability pension and alternative employment. He has also submitted that the applicant had never been informed about his dismissal or removal from service. After submitting these arguments, learned proxy counsel had sought an adjournment stating that his senior Shri A.K.Bhardwaj will substantiate the claims raised in the application, but on the next date fixed, learned proxy counsel himself submitted that he has nothing further to add.

3. The respondents in their reply have submitted that the applicant had remained absent unauthorisedly from 27.2.1973 onwards. Accordingly, he was removed from service w.e.f. 7.3.75. They have submitted that one Shri Vijay Pal Singh i.e. applicant's son, had submitted an application for recruitment to the Railway on compassionate ground in June, 1981 which was rejected. They have submitted that as the applicant was removed from service on the ground of unauthorised absent from duty, there was no question of payment of any pension, including disability pension

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as claimed by him. They have also taken a preliminary objection that the Principal Bench of the Tribunal does not have jurisdiction in the matter as no cause of action has arisen within its jurisdiction. The applicant had served at Rosa Rly. Station (UP) and was removed from service there. Further in his application for recruitment of his son on compassionate ground in 1981 which he had given to DRM (Moradabad), the address was given as Distt. Moradabad. They have also taken an objection that the application is barred under Section 21 of the Administrative Tribunals Act, 1985 and the cause of action, if any, arose on issuance of the removal of the order dated 7.3.1975. They have also submitted that the applicant had never ~~been~~ informed about his accident/hospitalisation in 1973-75 and further, in the application given by the applicant's son, <sup>in which</sup> it has been mentioned that he had been removed from service w.e.f. 7.3.75 for remaining absent from duty. In the circumstances, the respondents have submitted that the applicant is not entitled to any relief as prayed for.

4. We have carefully considered the pleadings and the submissions made by Shri M.K.Bhardwaj, learned proxy counsel for the applicant and Shri R.P. Aggarwal, learned counsel for the respondents. No rejoinder has been filed by the applicant to the reply filed by the respondents.

5. In the letter dated 22.11.96 from DRM (Moradabad) filed by the applicant himself, it is seen that the applicant has been removed from service w.e.f. 7.3.75. The claim of the applicant for being taken back on duty as SS Fitter or to be given alternative employment is therefore, highly belated and barred by limitation and jurisdiction under Sections 20 and 21 of the Administrative Tribunals Act, 1985. The allegation of the applicant that he has not been informed about the removal order is unbelievable, having regard to the application submitted by his son on 19.6.81 to DRM (Moradabad) for recruitment on compassionate

ground, wherein it has been clearly stated that the applicant, Shri Chet Ram has been removed from service w.e.f. 7.3.75 for remaining unauthorisedly absent from duty. The false statement made by the applicant in the OA itself is sufficient ground to dismiss the application. ~~which is also barred by limitation and jurisdiction.~~ We also find no merit in this application which is hopelessly barred by limitation and jurisdiction under Sections 20 and 21 of the Administrative Tribunals Act, 1985.

6. In the above circumstances, OA is dismissed. Taking into account the financial and physical difficulties faced by the applicant, we refrain from awarding any cost. Parties to bear their own costs.

  
(K. Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)

S.K.