

81

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.10/89

New Delhi, this 1st day of March, 1994

HON'BLE SHRI C.J.ROY, MEMBER (J)

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER(A)

Shri M.N.Bhagchandani
s/o Nirmal Das,
C-2-B/54, A, Janakpuri,
New Delhi.

..Applicant.

(BY Shri SK Sawhney, Advocate)

Vs.

Union of India: through

1. Secretary,
Ministry of Railways,
New Delhi.

2. Railway Board, New Delhi
through-Chairman.
Rail Bhawan, New Delhi.

3. General Manager,
Central Railways, V.T.Bombay.

4. Executive Engineer(Doubling)
Central Railways, Jhansi.

..Respondents

(BY Shri H.K.Gangwani, Advocate)

ORDER (ORAL)

HON'BLE SHRI C.J.ROY, MEMBER (J).

Shri SK Sawhney counsel for the applicant and
Shri HK Gangwani, counsel for the respondents, are
present.

2. The applicant who prior to his removal from
service was an employee with the Central Railways
and working in the office of Executive Engineer(D)
Faridabad. He was issued charge sheet for his long
unauthorised absence from duty, an enquiry was held
in which the applicant also participated and he was
removed from service on 20-11-1973. The applicant
filed a petition in the Labour Court and the Presiding
Officer, Central Govt. Industrial Tribunal-cum-Labour
Court, Chandigarh vide his orders dated 16-10-1987
among other reliefs prayed for, allowed the payment

of Provident Fund with interest to the applicant. This O.A. has been filed on 22 December, 1988 in this Tribunal seeking direction for quashing the order dated 16-11-73 whereby the service of the applicant were terminated and any other relief which this Hon'ble Court deems fit and proper.

3. The ld. Judge of the Central Industrial Tribunal in the Labour Court had given a reasoned order and also mentioned in para 3 of the judgment that the workman in counter reply admitted that he did not return to office after 6-2-73 due to certain illness of his mother and also admitted that his leave was rejected and a charge sheet was issued and an inquiry was conducted and he also participated in the same inquiry. The petitioner also did not prefer any appeal against the dismissal order dated 16-11-73 thereby he has not exhausted the departmental remedies available to him.

4. The ld. counsel for the respondents has raised objection under section 21(2)(a) of the Central Administrative Tribunals Act, 1985 in respect of jurisdiction and limitation in that the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of 3 years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such orders relate. Therefore, we have gone carefully into it and are convinced that this Tribunal has no jurisdiction to entertain a case which has arisen beyond 1-11-1982. We are satisfied with the objection raised by the

ld. counsel of the respondent that this Tribunal has no jurisdiction to entertain this case in which cause of action arose in 1973 when the applicant was removed from service. The application is dismissed both on jurisdiction and limitation. No costs.

P. J. Thiruvengadam
(P.T.THIRUVENGADAM)
Member (A).

C. J. Roy
(C.J.ROY)
Member(J)

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