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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.No.409/89

New Delhi, this 15th day of March, 1994.

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

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

Shri Jhuri Ram s/o  
Shri Ram Nandan,  
r/o Railway Colony,  
Rewari Distt.Mehindergarh.

..Applicant.

(By Shri V.P.Sharma, Advocate)

Vs.

Union of India through:

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

2. Divisional Railway Manager,  
Northern Railway, Bikaner.

3. Divisional Commercial Supdt.,  
Northern Railway, Bikaner. ..Respondents  
(By Shri D.P.Kashtriya, Advocate)

ORDER (ORAL)

HON'BLE SHRI C.J.ROY

The applicant before his superannuation on 31-1-89 was working as TTE at Rewari in the Bikaner Division of Northern Railway. The applicant was transferred from Bikaner Division to Allahabad Division on 18-7-81 which was challenged by the applicant in the court of Sub Judge, Narnaul. It is explained by the applicant that though an interim order 39 Rule 1 & 2 was passed on 19-8-81 by the Civil Court to maintain status quo, but he was not allowed to join duty in the beginning but subsequently he was allowed to join his normal duty with effect from 26-3-86. The suit was dismissed on 15-4-83. The applicant preferred an appeal against the orders before the District Judge, Narnaul and during its pendency, he was served with a charge-sheet on 13-2-84

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(An.AI) which is reproduced as under:-

"Shri Jhuri Ram Shastri, TTE/Rewari reported sick in the Railway Hospital, Rewari on 22-7-81 and was given fit certificate to the CTI/Rewari nor reported himself for duty. He remained absent from duty from 1-8-81 till he resumed duty on 25-3-83 without any information. He remained on unauthorised absence from 1-8-81 to 24-3-84.

By his above act Shri Jhuri Ram Shastri failed to maintain devotion to duty thereby contravened Rule 3(i)(ii) of the Railway Services Conduct Rules, 1966."

2. Since it was a minor penalty case, no inquiry was held and the Divisional Railway Manager, Bikaner vide his orders dated 2-4-85, imposed the punishment of withholding of increment for two years without the effect of postponing future increments. Against this order, the representation dated 12-9-85 made by the applicant was rejected by the Divisional Railway Manager, Bikaner vide his orders dated 8-4-86. Against this order, the applicant has come to this Tribunal praying for quashing the orders of the charge-sheet and the orders of punishment imposed on him for withholding of two increments.

3. The respondents have filed counter reply and have raised preliminary objection that this O.A. is barred by limitation.

4. In view of the fact that we are dealing with the case on the point of limitation, we are not going into merits of the case. It is pertinent to mention that on the point of limitation, no rejoinder has been filed. The charge sheet was

issued on 13-2-84 and the representation made <sup>penalty order dated 2-4-85</sup> by the applicant against ~~charge sheet~~ was rejected on 8-4-1986. The O.A. is filed on 31-1-1989.

There is a delay of more than two years in filing the O.A. u/s 21 of the Central Administrative Tribunals Act, 1985. Therefore the case is dismissed on the point of limitation. No costs.

*P. J. 25*  
(P.T. THIRUVENGADAM)  
Member (A).

*12/8/89*  
(C.J. ROY)  
Member (J)

*12/8/89*