

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1989/90

New Delhi, This the 11th Day of October 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Suresh Kumar s/o Shri Krishan Lal
aged 39 years, Ex Khalasi
Loco Shed Tuglukabad, New Delhi.

...Applicant

By Shri A Kalia, proxy counsel for
Shri R L Sethi, Advocate

Versus

1. Union of India through
The Divisional Railway Manager
Northern Railway
Delhi Division
New Delhi.
2. The Divisional Mechanical Engineer
Northern Railway

..Respondents

By None

ORDER(Dral)

Hon'ble Shri Justice S.C.Mathur, Chairman

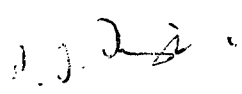
1. The applicant seeks extension of the benefit of the Tribunal's judgement dated 19.9.89 rendered in Transfer Application No.302/86 -Shri Ramdhari Singh Vs Union of India and others Annexure A1, to him.
2. The applicant was appointed as Fitter in the respondent department. He and Shri Ramdhari Singh, who was also appointed in the same department, were suspended on 3.8.1980. A joint disciplinary proceeding was held against both of them. By order dated 25.2.1982 both of them were removed from service. Shri Ramdhari Singh filed ^{an appeal} / which was rejected by the order dated 20.4.82. Against this rejection Shri Ramdhari Singh filed a suit in the Civil court which was transferred to this Tribunal and was registered as TA No.302/1986.

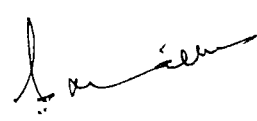
The Tribunal by its judgement and order dated 19.9.81 held that the Appellate Authority had passed a non speaking order which was invalid. The Tribunal quashed the Appellate Order and directed the Appellate Authority to pass a fresh order within three months from the date of receipt of the Tribunal's order. The applicant's plea is that he is identically placed to Shri Ramdhari Singh and therefore the benefit of order passed in that case deserves to be diverted to him also.

3. The applicant's claim that he is identically placed with Shri Ramdhari Singh is misconceived. While Shri Ramdhari Singh preferred an appeal, the applicant did not prefer any appeal; instead he preferred a mercy petition to the President of India. The mercy petition was rejected and communication in that behalf was made to the applicant on 2.12.1983. In the suit filed by Shri Ramdhari Singh the plea ^{was} that the Appellate Authority should have passed a speaking order which ^{was} not done. As the applicant in this case did not file an appeal no direction can be issued similar to the one issued in Shri Ramdhari Singh's case.

4. It is also to be noted that the order of rejection of mercy petition was communicated to the applicant on 2.12.1983. The instant application was made in this Tribunal on 28.6.1990. In other words, the applicant approached this Tribunal after 7 years. Under Section 21 of the Administrative Tribunals Act 1985 the period prescribed for limitation is one year. Accordingly the application is barred by limitation.

5. In view of the above the application lacks merit and is therefore dismissed. There shall be no order as to costs.


(P.T. Thiruvengadam)
Member(A)
11-10-94


(S.C. Methur)
Chairman
11-10-94

LCP