

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1391/2004
M.A. No. 1170/2004

New Delhi, this the 23rd day of July, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Shri H.L. Sharma
s/o Ram Saran
Assistant Station Master
Northern Railway
Rohtak.

... Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi.

3. The Divisional Operating Manager (M)
Northern Railway
New Delhi.

... Respondents

O R D E R (ORAL)

Justice V.S. Aggarwal, Chairman

The applicant by virtue of the present application seeks quashing of the orders namely of 9.10.96 passed by the disciplinary authority, of 1.9.97 passed by the appellate authority and of 13.4.2001 passed by the General Manager, Northern Railway rejecting the further ^{revision} representation.

2. Alongwith the application, an M.A. has been filed seeking condonation of delay. The applicant's plea is that the revision petition was dismissed on 13.4.2001. Thereafter, he had been submitting

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representations and reminders. The wife of the applicant was unwell and, therefore, he could not contact his lawyer. It is on these facts that the applicant seeks condonation of delay.

3. When this matter came up on 2.6.2004, the applicant was told that it is not explained as to what is the disease from which the applicant's wife was suffering, when she had fallen ill and when her condition improved.

4. The applicant has filed an additional affidavit. He contends that after his revision petition was rejected on 13.4.2001, he had submitted a representation to the General Manager on 28.7.2001. There was no response to it. The delay has occurred because the wife of the applicant was unwell. She is a chronic patient of Obstructive Pulmonary Disease and is under the treatment of Dr.Gupta. The certificate of Dr.Gupta has been appended which indicates that the wife of the applicant is suffering from Obstructive Pulmonary Disease since December, 2001 and she is still under the treatment. She is an out-patient.

5. In the first instance, so far as repeated representations of the applicant are concerned, indeed after the revision petition was dismissed, there was little occasion for further representation. Filing representations, time and again, will not extend the period of limitation. To the same effect is the

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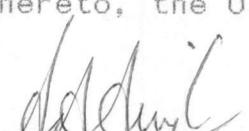
decision of the Supreme Court in the case of S.S. Rathore vs. State of Madhya Pradesh, AIR 1990 S.C.

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6. However, it has been urged that the wife of the applicant was seriously ill and, therefore, the applicant could not file a petition on an earlier occasion.

7. In the preceding paragraphs, we have given brief resume of facts. We are now informed that the applicant's wife was suffering from Obstructive Pulmonary Disease but what is material is that there is no certificate which prompts us to conclude that the condition of the wife of the applicant was so bad that he could not even contact a lawyer to file a petition. The certificate of Dr. Gupta too is delightfully vague. It only states that the wife of the applicant was under his treatment since December, 2001. It does not show that all these years her condition was so bad that the applicant was required to be in attendance to her. What is material is that she had never been an indoor patient.

8. Taking stock of these facts, we are of the considered opinion that the applicant has not made a good case for condonation of almost three years delay. Resultantly, the application seeking condonation of delay fails and is dismissed. As a consequence thereto, the O.A. must also fail and is dismissed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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