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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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Date of decision:

16.4.93

O.A.1686/92

Syed Mohd. Farooq .. Applicant

Vs.

Union of India and others.. Respondents

Mr. P.L. Mimroth .. Counsel for applicant

Mr. H.K. Gangwani .. Counsel for respondents

CORAM

Hon'ble Mr. S.P. Mukerji, Vice Chairman

and

Hon'ble Mr. J.P. Sharma, Member (Judicial).

1. Whether to be referred to the Reporter? ~~Yes~~
2. Whether reporters of local newspapers ~~Yes~~ may be allowed to see the Judgment?

ORDER

(Hon'ble Mr. S.P. Mukerji, Vice Chairman)

In this application dated 1.7.92 the applicant, who is a dismissed Railway employee has prayed that the order of removal dated 2.2.77 be set aside and he should be reinstated to the post of Pointsman from which he was removed w.e.f. 2.2.77.

2. The applicant agrees that a major charge-sheet dated 4.5.73 had been served on him for major punishment for unauthorised absence, that he submitted a reply, that an enquiry was held commencing from 28.3.74 which he attended regularly but that he was not allowed to presume duty pending enquiry. He admitted that the enquiry proceedings lasted for two years till 1976 when a show cause notice was served on him on 4.1.77 to which also he replied. According to

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the applicant he did not hear anything from the respondents thereafter till 13.3.91 when according to him he received the impugned letter dated 13.2.91 addressed to him through another person. From that letter he came to know that he had been removed from service w.e.f. 2.2.77. He stated that he submitted a representation during March-April, 1991 with reference to the letter dated 13.2.91 but he has not received any reply.

2. The respondents have opposed the application on the ground of limitation and have stated that the application cannot be entertained 13 years after removal of the applicant from service. All the disciplinary files are preserved for ten years and in case of the applicant no papers are available.

3. During the course of the arguments, the learned counsel for the applicant stated that all the related papers about his representation etc. have been cheated out from the applicant by some person and he does not have any document to prove to substantiate his averment that he had been making representations and protesting against his non-payment of dues.

4. We are convinced that the application has ^{no} legs to stand ^{on} ~~of~~. To presume that the applicant did not know about ^{his} ~~the~~ removal from service for 14 years will be illogical. He was not given any pay and allowances during this period nor did he claim the same or move any legal forum for his claim.

(10)

This clearly shows that the applicant can^{be} presumed to have known about his removal from service. He moved this Tribunal 15 years after he was removed from service.

5. The application is hopelessly time-barred and we dismiss the same without any order as to costs.

J. P. Sharma
(J.P. Sharma)
J.M.

S.P. Mukerji
(S.P. Mukerji)
V.C.
16.4.93