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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.986 of 1992

New Delhi, this the 17th day of December, 1993.

Hon'ble Mr B.N.Dhoundiyal, Member(A).

Smt.Laxmi Devi W/O late Shyam Lal Halkoo,
Ex-Fireman, Cen.Rly. C/O Satya Prakash,
Deisel Foreman, 311/9, Railway Colony,
Shakoor Basti, New Delhi. Petitioner.
(by Mr H.P.Chakarvarty, Advocate).

Versus

1. Union of India through the Secretary,
Ministry of Railways, Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Bombay VT.
3. The Divisional Railway Manager,
Central Railway,
Jhansi. Respondent.
(by Mr H.K.Gangwani, Advocate).

O R D E R (oral)

B.N.Dhoundiyal, Member(A).

Heard the learned counsel for the parties. The facts of the case are these. Shri Shyam Lal Halkoo was engaged as Fireman in the Central Railway. He was sick for a long time and expired on 8.2.1984. His widow, Smt.Laxmi Devi received terminal benefits, like, gratuity, Group Insurance, Provident Fund as also a pension of Rs.1500/- per month. However, this pension was stopped after one month. She kept on representing the authorities for resumption of her family pension and ultimately filed this Original Application in 1992. From para 4.2 of the reply, filed by the respondents, she learnt for the first time that her husband was removed from service on 21.12.1983.

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2. The learned counsel for the respondents has raised a preliminary objection that the order of removal(Annexure R-1) was served on Shri Shyam Lal on 24.12.1983 and he was given 45 days time to file his reply. This time limit had already expired on 5.2.1984 and no appeal was filed till then. It is also noticed from the order of removal dated 21.12.1983 that a memorandum of charges was issued to Shri Shyam Lal but he failed to submit his written statement of defence. Even though payment of family pension was stopped in 1984, the present application has been filed after a spell of about 8 years. The learned counsel for the applicant has argued that the 45 days time limit was not over, when Shri Shyam Lal expired.

3. It is clear that this case is time barred and no satisfactory reasons have been given for delay.

4. It appears from the facts of this case that the deceased railway servant was terminally ill and could not participate in the inquiry and was unable to file an appeal within 45 days. Note 2 of Rule 25 of the Railway Servants(Discipline and Appeal) Rules, 1968 provides that when revision is undertaken by the Railway Board or the General Manager of a Zonal Railway or an authority of the status of a General Manager in any other Railway Unit or Administration, when they are higher than the appellate authority, and by the President, even, when he is the appellate authority, this can be done without restriction of any time limit. This case deserves to be considered by the competent authorities for suo-moto revision. However, ^{for} ~~this~~ it is clarified that this order is being passed due to the peculiar circumstances of this case and will not

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serve as a precedent.

4. With these observations, the O.A. is disposed of with no order as to costs.

B.N. Dhoundiyal
(B.N.Dhoundiyal)
Member(A). 17/12/93