

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1441 of 1997

Tuesday, this the 27th day of March, 2007

**Hon'ble Mr. Justice Khem Karan, V.C.
Hon'ble Mr. K.S. Menon, Member (A)**

Ashok Kumar Son of Purosottam Das, Working as Bunglow Khalasi, under General Manager Signal and Telephone, Railway Electrification Organisation, Allahabad.

Applicant

By Advocate Sri Raj Kumar

Versus

1. Union of India through General Manager Signal and Telephone Railway Electrification Organisation, Allahabad.
2. Chief Signal and Telecom Engineer Railway Electrification, Allahabad.
3. Sri V.K. Saxena, C.S.T.E./ Sand T, Railway Electrification, Allahabad.

Respondents

By Advocate Sri P.N. Rai

ORDER

By Justice Khem Karan, Vice Chairman

This O.A. has been filed with the prayer to quash the Order/Letter of resignation dated 05.07.1993 and its acceptance order dated 07.07.1993 and to direct the respondents to reinstate the applicant in service with all consequential benefits. The applicant has also filed an application under Section 21 for condoning the delay in filing the Original Application.

2. The applicant has come with a case that he was working with a temporary status as Bungalow Khalasi at the Bungalow of respondent no.3 and discharging his function, as such, and it was on 05.08.1997 that he

came to know that respondent no.3 manipulated to get his services to an end, by way of forging a resignation letter dated 05.07.1993, copy of which is annexure-{1} and by issuance of a forged office letter dated 07.07.1993, annexure-2 by antedating the same. He says that he had no occasion to know about all this until 05.08.1997, when he ^{asked} ~~prays~~ for his payment of arrears of salary. It is said that question of applicant's giving resignation letter that too in English did not arise as he did not know English at all. He says that even if he had to resign, he would have been given the resignation letter in simple Hindi. He alleges that his signatures were obtained on a blank paper and subsequently resignation letter was fabricated and got accepted. It is said that he continued discharging his function upto August, 1997 and on coming to know ^{of this} ~~all these~~ fraud, having been committed by the respondent no.3, the applicant gave a complaint dated 05.08.1997 in writing to the higher authority, copy of which is annexure-8.

3. The applicant is deriving the period of limitation from the date of his knowledge, as such, he is praying that the delay in filing the O.A. may be condoned in these circumstances.

4. The respondents have denied all these allegations. They say that the applicant gave the resignation letter as back as in July 1993, same was accepted and the acceptance communicated to him in July 1993 itself and since then he was no more working as such anywhere. It is also said by the respondents that the allegation of the applicant that resignation letter was forged or the papers in that context were antedated, is totally false and frivolous. It is also said that the allegation that the applicant came to know about the resignation and its acceptance as late as in August, 1997, is also totally false and it has been concocted to get the benefits of condonation of delay in filing the O.A. and also with a view to get the relief in the O.A.

5. The question that arises for consideration is as to whether the delay in filing the O.A. can be condoned. This ~~much~~ is a fact that applicant did

not receive any emoluments in the form of salary or wages as Bungalow Khalasi after acceptance of resignation in July 1993. The question is as to whether such an official could have not agitated about payment of his wages for all these four years if he was working during this period. There is no allegation that he gave anything in writing to respondent no.3 or any other higher authority regarding the payment of salary prior to 05.08.1997. Sri P.N. Rai has submitted that averment to the effect that the applicant came to know about the resignation etc. on 05.08.1997, has been concocted with a view to get the benefit of limitation and to benefit in the O.A. He says that there is a clear cut denial from the side of the respondents that the applicant gave anything in writing before 05.08.1997 in regard to the non payment of his wages. Sri Raj Kumar has stated that he has moved application containing the plea that the applicant was paid at the rate of Rs.200/- or Rs.300/- in a month during this period but this amendment has not been allowed. We are of the view that there are no good grounds for condoning the delay of about four years in filing this O.A. The application for condonation of delay in filing the O.A. is rejected and the O.A. is accordingly dismissed as time barred.

Member
Member (A) 28/3/07

Vice Chairman

1. dw
28/3/07

/M.M.J