

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 17th day of AUGUST 2004.

Original Application no. 878 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chaube, Administrative Member.

Mrs. Catherine Franandis,
Wife of Late J Frenandis,
R/o 1515 behind Central Hotel,
Sipri Bazar, Jhansi.

... Applicant

By Adv : Sri R.K. Nigam

V E R S U S

1. Union of India through General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway,
Jhansi.

... Respondents

By Adv : Sri K.P. Singh

O R D E R

Hon'ble Mr. Justice S.R. Singh, VC.

Heard Sri R.K. Nigam learned counsel for the applicant and Sri K.P. Singh learned counsel for the respondents and perused the OA.

2. The applicant's husband late J. Fernandis was working as Travelling Ticket Inspector (TTI) at Jhansi under respondent no. 2. It appears that he was served with charge memo which ultimately resulted in an order of removal from service vide order dated 30.8.2001. It is alleged that the applicant's husband filed an appeal against the order of removal which has not been decided by the Competent Authority. The

(Signature)

applicant's husband, it is further alleged, expired on 20.11.2001. The applicant being widow of the deceased employee has ~~instituted~~ ^{instituted} the present OA for quashing the removal order dated 30.8.2001 and issuance of direction to the respondents to pay all retiral benefits to her.

3. Having heard learned counsel for the parties, we are of the view that the applicant has failed to explain the delay in approaching the Tribunal against the impugned order of removal. The OA is, therefore, liable to be dismissed as time barred. It is, however, made clear that ^{the} ~~order~~ will not prejudice the right of the applicant in approaching the departmental authorities by filing a representation for payment of Provident Fund and other dues, in case the same has not been paid to the applicant. In case any such representation is filed the Competent Authority shall look into the same and decide the same by a reasoned and speaking order within a period of four months from the date of filing of representation alongwith copy of this order.

4. The OA is dismissed subject to above direction with no order as to costs.

hnl
Member A

Ranj
Vice-Chairman

/pc/