

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the **09th** Day of **August**, 2021)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Tarun Shridhar, Member (Administrative)

Original Application No.331/00579/2021

Syed Mohd. Hasan Abdi, son of Shri Imadad Hasan Abdi, R/o 97/107, Shahnoor Aliganj, Patthargali, Allahabad (Prayagraj).

..... **Applicant**

By Advocate: Shri Shubhasis Halder

Versus

1. The Union of India, through General Manager, North Central Railway, G.M. Office, Subedarganj, Allahabad.
2. Division Railway Manager, North Central Railway, Allahabad Division, D.R.M. Office, Nawab Yusuf Road, Civil Lines, Allahabad.
3. Senior Divisional Commercial Manager, North Central Railway, Allahabad Division, D.R.M., Office, Nawab Yusuf Road, Civil Lines, Allahabad.

..... **Respondents**

By Advocate: Shri Shesh Mani Mishra

O R D E R

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

We have heard Shri Shubhasis Halder, learned counsel for the applicant and Shri Shesh Mani Mishra, learned counsel for the respondents. Perused the record.

2. **M.A. No.330/1629/2021** – is a delay condonation application filed in Dy. No.2279/2021. The OA has been filed against the punishment order dated 07.07.2014. The departmental Appeal filed against the Appellate Order has also been dismissed vide order dated 10.03.2015.

3. There is delay in filing the OA for which a Delay Condonation Application has been filed by the applicant. The grounds taken in the delay condonation application are (i) that the applicant's wife was ill and was treated at Saraswati Hospital, Allahabad. (ii) Before filing of OA the applicant was continuously praying the departmental authority and had written several letters to the department, the first letter was submitted on 23.03.2015 and thereafter on 08.07.2015, 05.02.2016, 20.07.2016, 02.03.2017, 04.10.2017, 07.05.2018, 23.11.2018, 20.06.2019, 03.01.2020, 16.02.2021 and 16.03.2021, but no reply was received by him. Therefore, the applicant has prayed that delay in filing the OA may be condoned.

4. On the other hand, learned counsel for the respondents has vehemently opposed the Delay Condonation Application by contending that as per settled legal position the series of representations cannot extend the period of limitation. It is also contended that the alternative remedy was available to the applicant to file revision against the appellate order dated 10.03.2015 but the applicant has not filed any revision. Thus, he has approached this court without exhausting the alternative remedies.

5. At this stage, learned counsel for the applicant prayed that applicant will be satisfied if the respondents are directed to treat his letters dated 25.03.2015, 08.07.2015 and 20.07.2015 as a revision. It is also prayed that as there are chances that his letters might have got misplaced due to lapse of time, this OA may be treated as a

revision petition by the respondents and it may be decided by the respondents in time bound manner.

6. In view of the facts and circumstances and taking the lenient view in the matter, no fruitful purpose will be served in keeping this matter pending and it is disposed off finally at the admission stage. Accordingly, the delay in filing the OA is condoned. The competent authority amongst the respondents is directed to treat this OA as a revision petition and decide it in accordance with law within a period of three months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant without any delay.

7 With the aforesaid direction, the OA is finally disposed of at the admission stage.

8. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

9. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

Sushil