

14/2/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH ALLAHABAD.

B E T W E E N

Baboo Khan ----- Applicant.

and

1. Union of India through G.M.N.Rly, New Delhi.
2. The Divisional Railway Manager, N.Rly, Moradabad.
3. The Sr. Divisional Signal and Telecommunication Engineer N.Railway, Morabad. --- Respondents.

Details of Application.

1. Particulars of the applicant :

- (1) Name of the applicant : Baboo Khan
- (2) Name of Father : Shri Bhoorey Khan
- (3) Designation and office : Ex-Trolleyman, Hardwar,
in which employed. N.Rly under S.I.(D)
- (4) Office address - Same as above.
- (5) Address for service of - Village Karaundi, P.O.
all notices. Karaundi, Distt. Moradabad.
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2. Particulars of respondent :

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|--|---|
| (1) Name and designation
of the respondent. | (1) Union of India,
through G.M.N.R. New Delhi |
| | (2) The Divl. Railway Mana-
ger, N.Rly, Moradabad. |
| | (3) Sr.D.S.T.E. N.Rly,
Moradabad. |
| (2) Office address of the respondent - | As above. |
| (3) Address for service of all notices- | As above. |

3. Particulars of the order against which application is made.

The application is against the following

order :

[Signature]

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X
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Court no.2

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO.337 of 1987

BabooKhan applicant.

Versus

Union of India and others..... Respondent.

Hon'ble D.S.Misra-AM
Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985 the applicant has challenged the order dated 26.12.83 passed by the Assistant Signal Telecommunication Engineer Northern Railway, Allahabad terminating the services of the applicant under Rule 149 of the Railway Establishment Code Vo.I. On going through the application, it is found that the applicant was convicted on 16.8.82 under Section 354 IPC and the order of termination of his service under Rule 149 of the Railway Establishment Code Vol.I was passed as a follow up action.

2. We have heard learned counsel for the applicant, who has pointed out that the applicant had made a representation to the Senior Divisional Personal Officer Northern Railway, Moradabad on 23.8.1984(annexure-C). In this application, it is stated that the applicant had filed an appeal against the order of conviction ~~and~~ before the court of session, who had released him on probation by an order dated 25.7.1984. The applicant's contention is that he has not received any reply to this representation. The applicant had filed another

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representation, copy at annexure-E, praying for his reinstatement in service. However, no date on this application has been mentioned. Prima facie the application is beyond time. Learned counsel for the applicant contended that this matter was raised in PNM meeting held on 29/30-7-1986 with the Northern Railways Men's Union in which this matter was discussed and finally decided and the minutes were issued on 29.8.1986 (copy annexure.F). Learned counsel for the applicant thus contended that the period of limitation should be counted from the above mentioned date of 29.8.1986. We have considered this matter and we are of the opinion that the consideration of the matter in the PNM meeting is not a prescribed channel of representation under the Railway Servants (Discipline and Appeal) Rules. The period of limitation has, therefore, to be counted from the date of order of termination of service, i.e. 26.12.1983. *No departmental appeal against this has been filed.* The application is barred by the provisions of Section 20 of the A.T. Act, 1985. *be*

The application is dismissed at the admission stage.

Shree
A.M. 22/6/87

Shree
J.M. 22/6/87

22.6.1987.
JS.