

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 08th Day of August, 2000.

Coram: Hon'ble Mr. Rafiq Uddin, Member (J.)
Hon'ble Mr. S. Biswas, Member (A.)

Original Application No. 1670 of 1992.

Abhilash Chaudhari,
aged about 45 years,
son of Late Sita Ram Chaudhary,
resident of Quarter No. 1119-D, Plant Depot Colony,
Mughalsarai.

. . . Applicant.

Counsel for the applicant: Sri Satya Vijai, Adv.

Versus

1. Union of India, through General Manager,
Eastern Railway, Fairlie place, Calcutta.
2. Chief Bridge Engineer,
Eastern Railway, Fairlie Place, Calcutta.
3. Chief Works Manager,
Eastern Railway, Plant Depot, Mughalsarai.
4. Deputy Chief Engineer (Bridges)
Plant Depot, Eastern Railway, Mughalsarai.
5. Executive Engineer, Plant Depot,
Eastern Railway, Mughalsarai.

. . . Respondents.

Counsel for the respondents: Sri D.C. Saxena, Adv.

Order (Open Court)

(By Hon'ble Mr. Rafiq Uddin, Member (J.)

The applicant, who was working as Fitter in

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the office of Chief Works Manager, Eastern Railway Plant Depot Mughalsarai (Respondent No.3) was removed from service vide punishment order dated 10.11.1987 after regular departmental proceedings. The appeal filed against the aforesaid punishment order was also rejected by the Appellate authority vide order dated 13.9.88. However, the punishment of removal was modified to compulsory retirement. The applicant also filed a Review Petition on 21.10.88 to the respondent No.2 but the same was not disposed of hence he filed the present O.A. challenging the validity of punishment order and Appellate order.

2. The respondents in their counter reply have taken a preliminary objection that the present O.A. is grossly time barred having been filed after four years of passing of the impugned order.

3. We have heard the arguments of the learned counsel for both the parties and perused the pleadings on record.

4. The applicant has sought quashing of removal order dated 10.11.87 and appellate order dated 13.9.88 in the year 1992 by filing the present O.A. The learned counsel for the applicant has contended that since no order was passed by the respondent No.2 on his Review Application dated 20.10.1988, he waited till 1992 and filed the O.A. in the year 1993. Therefore the O.A. is not time barred.

5. It may be mentioned here that no application

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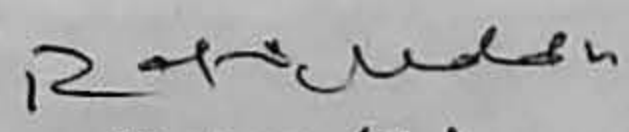
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for condoning the delay in filing the O.A. has been filed by the applicant. In this context Section 21 of Administrative Tribunals Act 1985 is very clear which provides that whether an appeal or representation has been made and a period of six months had expired, thereafter if such final order having been made within one year from the date of expiry of the said period of six months, the Tribunal shall not admit the O.A. as within time. Therefore the present O.A. is grossly time barred and there is no necessity of discussing merit of this case, if it is found that the O.A. is time barred.

6. In case no order was passed on the Review Petition of the applicant, he should have approached this Tribunal immediately after expiry of the period of six months as envisaged in Sec. 21 of the Tribunals Act. The Apex Court in a very recent decision namely Ramesh Chandra Vs. Union of India (1999)8 S.C.C. 304 has clearly laid down this principle.

7. In view of the above, we dismiss the present O.A. being time barred. However, there will be no order as to costs.


Member (A.)


Member (J.)

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