

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No.1362 of 1994

Dated: 15.12.1994

Asha Ram son of Shri Indra Jeet,
Ex. Khalasi under Head Train Examiner,
N.E. Railway, Bareilly Jn. R/o Village
Sukutia, Post Ujhani, District Badaun .. Applicant.

(By Advocate Sri Anand Kumar)

Versus

1. Union of India through ,G.M. N.E.
Railway Hd. Qr. Office Gorakhpur.
2. The A.D.R.M. N.R. Railway,
Izatnagar Bareilly.
3. The D.M.E. N.E. Railway,
Izatnagar Bareilly. ... Respondents.

...

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. J.S. Dhaliwal, J.M.

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

We have heard Sri Anand Kumar , learned counsel
for the applicant on admission. The applicant in
this case is aggrieved by an order dated 22.2.1993
(Annexure- A 1) by which the disciplinary
authority had imposed the penalty of removal from
service. This order was appealed against and
by the order dated 29.4.1993 (Annexure- A 2), the
appellate authority rejected the appeal. The
application has been filed only on 5.9.1994

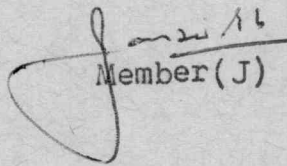
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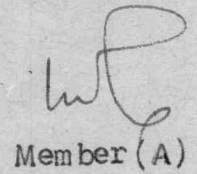
Since the appellate order was passed on 24.4.1993, the application is clearly time barred, even allowing for some time for the receipt of the appellate order by the applicant.

2. Even on merit of the case, we find that an earlier order of removal from service was challenged by the applicant before a Bench of this Tribunal and the same was disposed of by the judgment and order dt. 26.3.1992 with a direction to the respondents to give the applicant a fresh opportunity to appear before the inquiry which was earlier concluded ex-parte. It appears that in compliance with these directions, the respondents ~~are~~ convened an inquiry ~~but~~ despite numerous opportunities given to the applicant, he did not attend the inquiry and the proceedings were again ~~concluded~~ concluded ex-parte. We find nothing in the averments as would justify our interference in the matter. Moreover, the applicant by his own conduct has forfeited any right to approach this Tribunal since he himself violated the directions given in the earlier order that he must fully cooperate with the inquiry. ~~and~~

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3. In view of the foregoing, the application is dismissed both on the ground of limitation as well as on merits at the admission stage itself.


Member (J)


Member (A)

(n.u.)