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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1685 of 1994

Allahabad this the 16th day of April 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Adya Prasad Mishra, aged about 51 years, S/o
Late Deota Mishra, R/o Vill. Harnahi, P.O.
Chakarwa Bahordas via Salempur, Teh.Salempur,
District Deoria.

Applicant

By Advocate Shri T.N. Tewari

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. The General Manager(Personnel) N.E. Railway Gorakhpur/Chief Personnel Officer, N.E.Railway, Gorakhpur.
3. The Divisional Rail Manager, N.E. Railway, Varanasi.
4. The Divisional Personnel Officer, N.E.Railway, Varanasi.
5. Senior Divisional Mechanical Engineer, N.E. Railway, Varanasi.

Respondents

By Advocate Shri B.C. Saxena

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Bhatnagar

O R D E R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

The case of the applicant is that he was engaged as a Coach Attendant in the Railways and after serving 14 years, it was discovered by the department that the educational certificates submitted as a proof of his age was false and fabricated. In the certificate given by him at that time, his date of birth was shown as 01.03.1953. On verification from the concerned educational Institution-Devraha Baba Intermediate College, Deoria, it was verified from the register that the certificate no.1250 submitted by the applicant did not belong to that Institution and therefore forged and false. Matter was inquired into through departmental inquiry and the applicant was found guilty of the charges. The disciplinary authority removed him from service w.e.f. 29.06.88. His appeal was also rejected on 20.01.1989, and his revision petition was also rejected on 22.12.1989.

2. The preliminary objection raised by the counsel for the respondents is that O.A. is highly time barred. The applicant claims that he filed a representation before the higher railway authorities, which was decided in the year 1994 and, therefore, his application is not time barred. We are unable to agree with


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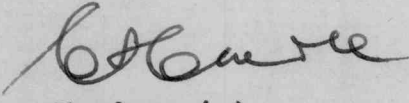
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the contention as there is nothing on record to show that his representation was rejected only in 1994 after the revision petition. He should have file the O.A. within one year from the date of rejection of the revision petition i.e. 22.12.89. We, therefore, considered the O.A. as highly time barred.

3. Even on merits the applicant has not been able to show any procedural lapses in conducting of the inquiry or dismissal of his appeal or revision. We are not inclined to go into the merits of the case if the procedure of the inquiry has not ^{been} challenged. There is no evidence on record to deny that the applicant has not filed any false and forged certificates. Therefore, he is not entitled to get relief in any case.

4. In effect, we find the O.A. highly time barred and also lacking ^{in any} merits. ~~whatsoever~~. The O.A. is dismissed accordingly. There shall be no order as to costs.


Member (J)


Member (A)

/M.M./