

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF SEPTEMBER 1997

Original Application No. 791 of 1995

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Budhi Lal son of late Shri Mahadeo
Ex. Gangman, G.C. No, 22205
R/o Noonera, P.O. Ajeetpur
District Rae Bareilly

.. Applicant

(BY Advocate Shri Shyamji Gaur)

Versus

1. Union of India through the General
Manager, Central Railway, Bombay V.T.
2. The Divisional Engineer(East)
Central Railway, Jhansi
3. The Divisional Rail manager
Central Railway, Jhansi
4. The Assistant Engineer,
Central Railway, Kanpur.

.. Respondents

O R D E R (Oral)

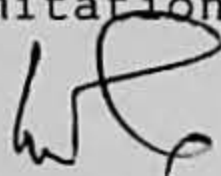
JUSTICE B.C.SAKSENA,V.C.

We have heard the learned counsel for the applicant. Through M.A. 2712/97 the applicant prays for condonation of delay in filing the restoration application viz M.A. 1373/97. The restoration application ^{is} _A for recalling an order dated 5.9.95 by which the OA was dismissed in default. This application was taken up for consideration on 12.8.97 and a Division bench directed the office to report whether notice of the defects is to be sent to the applicant. The office has submitted a report pointing out that as per Rule 17 of the CAT Procedure Rules that the defects found at the time of scrutiny of the OA have only to be notified in the notice board in form no. 6. It has been indicated that such a notice was place on notice board and the learned counsel for the applicant has been granted seven days time to rectify the

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B.C.

same. But despite notification the learned counsel did not turn up to rectify the defects within the stipulated time. Thereafter the case was listed through diary no. for orders/direction on 11.8.95 before the court and the court vide its order dated 11.8.95 directed to register this case and removing the defects of the OA was passed. In the circumstances the plea taken by the applicant that no notice was sent to the counsel with regard to the defects for further rectification is wholly contrary to the rules. Both the MAs are therefore rejected.

2. Even otherwise, after hearing the learned counsel for the applicant on the defective OA we find that the applicant is challenging an order dismissing him from service passed on 1.7.78. The OA was filed in the year 1995. The applicant has indicated that he was illiterate and was mentally unfit so no information was given by him about his absence from duties. The order of dismissal ^{has} ^{been} admittedly passed on 1.7.78 and the illness or otherwise of the applicant will not ^{stop} the limitation from running. The OA is highly barred by limitation and is accordingly dismissed.


MEMBER(A)


VICE CHAIRMAN

Dated: September 11th, 1997

Uv/