

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

original Application No. 974 of 1995.

this the 10th day of December 2002.

HON'BLE MR. GOVINDAN S. TAMPI, MEMBER(A)

HON'BLE MR. A.K. BHATNAGAR, MEMBER(J)

Ram Ashrey, S/o Shri Shiv Mangal, working as Gangman in  
Gang No. 26 at Tarawan Railway Station, N.E. Railway,  
Ghazipur.

Applicant.

By Advocate : Sri C.P. Gupta.

Versus.

1. Union of India through General Manager, N.E.R., Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Varanasi.
3. Divisional Engineer, N.E.R., Varanasi.
4. Asstt. Engineer, N.E.R., Ballia.

Respondents.

By Advocate : Sri A.K. Gaur.

O R D E R (ORAL)

BY HON'BLE GOVINDAN S. TAMPI, MEMBER(A)

In this O.A., the relief sought for by the applicant is for quashing of the orders dated 29.12.86 and 19.1.90 under which the applicant has been penalised in terms of Railway Servants (Discipline & Appeal) Rules.

2. None appeared on behalf of the applicant even on the 4th call. We are, therefore, proceeding to dispose of the O.A. in terms of Rule 15 of C.A.T. (procedure) Rules after hearing Sri A.K. Gaur, learned counsel for the respondents.
3. The facts of the case are that the applicant who was a permanent Gangman was suspended on 12.2.1987 and proceeded against in terms of the chargesheet dated 12.2.1986 and on enquiry, the Enquiry Officer found the charges proved

against the applicant. After giving a reasonable opportunity to the applicant, the punishment order was passed on 29.12.86 reducing the applicant at the initial stage of Gangman in the scale of Rs.775-1025/- with the direction that he shall not commit such mistake in future. He filed an appeal against the punishment order, but he was issued a show-cause notice as to why the punishment of reduction at the initial stage may not be enhanced and after considering the reply of the applicant, the appellate authority has stated that a lenient view has already been taken and confirmed the penalty. The O.A. has, thereafter, been filed on 14.9.95 i.e. four and half years later. Sri A.K. Gaur, learned counsel for the respondents has pointed out that the present O.A. is hit by limitation.

4. We have considered the case, here the applicant has chosen to approach the Tribunal more than four years after the appellate decision. We have seen that the applicant has not filed any application for condonation of delay in filing the present O.A. We also find that keeping in view the charges, the punishment imposed upon the applicant is not unduly harsh and improper.

5. In the above view of the matter, we are totally convinced that the applicant has not brought-out any case for our interference. The O.A. , therefore, fails and is accordingly dismissed. No costs.

  
MEMBER (J)

GIRISH/-

  
MEMBER (A)