

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

DATE : ALLAHABAD THIS THE 5TH DAY OF JANUARY, 1996.

QUORUM : HON. MR. T. L. VERMA, JUDICIAL MEMBER
HON. MR. D. S. DAWRA, ADMIN. MEMBER.

ORIGINAL APPLICATION NO. 1106 of 1995.

H. D. Ram Yadav,
son of Sri Doma Ram Yadav
Ex. Head Clerk (Accident)
DRM Office, Allahabad
r/o. village Kasera Pokhra
P. O. Zanania,
District Ghazipur..... Applicant.
(BY ADVOCATE SHI K. S. SAXENA)
Versus

1. Union of India through General Manager, Northern Railway
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. The Divisional Safety Officer,
Northern Railway, Office of D.R.M
N. Railway, Allahabad.

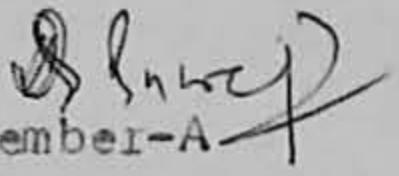
..... Respondents.

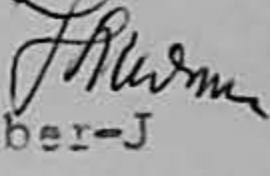
(By Hon. Mr. T. L. Verma, Member-J)
C.R.D. E.R. (Oral)

The applicant, it is stated, retired from the post of Head Clerk (Accident) Transportation Branch, D.R.M. Office Allahabad on 31.7.80 on attaining the age of superannuation. He received provisional pension from the month of December, 1980, for some time. Thereafter, the payment of pension was stopped. It appears that a disciplinary proceeding was initiated against the applicant. He challenged the same by filing Original Suit in competent Civil Court

which granted inter stay. In the appeal, stay order appears to have been vacated by the District Judge in Title Appeal No. 1856 of 1987. The applicant was finally removed from service in 1980. The contention of the learned counsel for the applicant is that he was not served with a copy of the punishment imposed as a result he could not file appeal before the appropriate authority. It has also been stated that the punishment order not come into force as the same has not been made available to him. From the certified copy of the judgment of the District Judge, passed in T.A. No.301 of 1980, it appears that the applicant had by then came to know of the fact that his services have been terminated. The respondents ~~then~~ ^{even if} ~~though~~ failed to supply the copy of the order of termination, ~~it~~ ^{it} ~~was~~ ^{was} ~~open~~ ^{open} to the ^{could} applicant ~~to~~ have moved appropriate forum for issuing necessary direction, in that regard, to the respondents. The applicant has done nothing for about 15 years and has filed this application for the aforesaid relief on 10.10.1995. The Administrative Tribunal Act, 1985, came into force w.e.f. 1.11.1985. The Administrative Tribunals Act, does not vest power on the Tribunal to take cognizance of a grievance arising out of an order passed prior to 1.11.1985, we are therefore, of the view that this Tribunal can not take cognizance of a cause of action which arose in 1980, ~~in 1985~~. There had been abnormal delay on the part of the applicant in pursuing the legal remedy available to him. It is settled law, that delay defeats the remedy as also the right.

2. In the facts and circumstances mentioned above, we find that this application is not only barred by limitation is also not maintainable before this Tribunal and is accordingly dismissed at the admission stage itself.


Member-A


Member-J

Pandey/-