

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF MAY, 2003

Original Application No.1282 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Lalta Prasad, Son of Mathura  
Prasad, resident of Baghoi,  
Post office Janghai Newada  
Tehsil Handia, district Allahabad

... Applicant

(By Adv: Shri Pankaj Srivastava)

Versus

1. Union of India through  
General Manager, Central  
Railway, Mumbai C.S.T.
2. Divisional Railway Manager,  
Jabalpur.

... Respondents

(By Adv: Shri K.P.Singh)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

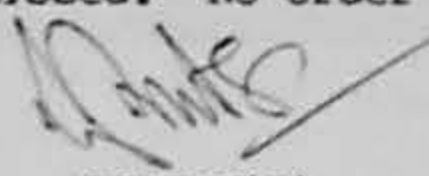
By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to pay all arrears of salary and other benefits due to applicant treating him in service continuously.


The facts of the case are that applicant was appointed in Chheoki Loco running room Central railway on 27.8.1964. It is stated that his services were regularised in 1966. It has been <sup>further</sup> stated in the application that applicant fell ill on account of mental disorder in 1975 and he could not attend the duty. The disciplinary proceedings were initiated against the applicant and he was removed from service in 1981. No appeal or revision was filed against <sup>the</sup> ~~such~~ order. The applicant filed OA No.1299/01 which was disposed of on 21.11.01 directing respondents to decide the representation dated 20.12.01.

The representation has been rejected by order dated 15.2.02. From the facts narrated in the order it is clear that applicant remained absent from duty for long period and he was removed from service from 17.3.1981. No appeal or revision was filed against the aforesaid order. It was not even challenged in any court. The applicant's date of birth was 12.7.1940 and he attained the age of superannuation in July 2000.

In these facts and circumstances as the order of removal from service remained unchallenged for over 15 years applicant cannot be treated in service and he is not entitled for any relief.

The OA is dismissed. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 22nd May, 2003

Uv/