

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 1012 of 2002.

this the 13th day of September'2002.

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

Bijay Bahadur Yadav, S/o Ganga, R/o Naibazar, P.O.
Naibazar, District Chandauli.

Applicant.

By Advocate : Sri S.K. Dey.

Versus.

1. Union of India through the General Manager,
E. Rly; Calcutta.
2. The Divisional Railway Manager, E. Rly;
Mughalsarai.
3. The Divisional Mechanical Engineer (P), E. Rly;
Mughalsarai.
4. The Asstt. Mechanical Engineer (P), E. Rly;
Mughalsarai.

Respondents.

By Advocate : Sri K.P. Singh.

ORDER (ORAL)

BY HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that the impugned removal order dated 17.2.1989, appellate order dated 28.7.1989 and revisional order dated 28.8.1989 be quashed with all consequential benefits.

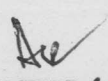
2. The facts of the case, in brief, are that the applicant joined Railway on 2.7.1980. It is stated that his father was ill and he expired on 17.1.1989. Being shocked due to the death of his father, the applicant became mentally im-balanced and did not report for

duty. During his absence, a major penalty chargesheet was issued, enquiry was conducted ⁱⁿ ex-parte ⁱⁿ and the penalty of removal was passed on 17.2.1989. The applicant ⁱⁿ had filed an appeal against the punishment order to the next higher authority i.e. D.M.E.(P), E. Railway, Mughalsarai, which was rejected vide order dated 28.7.1989. The applicant, thereafter, filed revision before the D.R.M., E. Railway, Mughalsarai and the same was also rejected vide order dated 28.8.1989.

3. Sri S.K. Dey, learned counsel for the applicant submitted that since the applicant had become mentally im-balanced ^{due} due to the shock caused ^{due} to the death of his father, the applicant was not in ^{his senses} ~~in~~ ⁱⁿ ~~sense~~. He ^{is} ~~was~~ ^{is} became ^{all right} ~~all right~~ and is fit to resume his duty as would be seen from the certificate given by the Gram Pradhan, Gram Panchayat - Mahesuha, Sakaldiha, District Chandauli (Annexure-6 to the O.A.). The learned counsel for the applicant ^{has} ~~has~~ further submitted that the applicant is a poor person and his case deserves to be considered on ^{humanitarian} ~~humanitarian~~ grounds.

4. Sri Vinod Kumar holding brief of Sri K.P. Singh, learned counsel for the respondents has submitted that the present application is highly barred by time and the applicant has not even submitted any ^{proof} ~~proof~~ of his mentally ^{imbalance} ~~imbalance~~ by an authorised medical practitioner.

5. We have perused the record and have considered the submissions of the counsel for the parties. The applicant is agitating the issue after more than 13 years, ^{therefore} ~~therefore~~, the O.A. is grossly time-barred and is accordingly dismissed. No costs.


MEMBER (J)

GIRISH/-


MEMBER (A)