

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

original Application no. 197 of 2003.

this the 21st day of october' 2003.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MR. D.R. TIWARI, MEMBER (A)

Jhuri, S/o Sri Jawahar, S/o Village korariya, post Chandauli,  
District Chandauli (Varanasi.)

Applicant.

By Advocate : Sri S. Ram.

Versus.

1. Union of India through General Manager, N.R.,  
Baroda House, New Delhi.
2. D.R.M., N.R., Allahabad.
3. Divisional Superintending Engineer (Ist), N.R.,  
D.R.M. Office, Allahabad.
4. Asstt. Engineer, N.R., Chunar.

Respondents.

By Advocate : Sri A.K. Gaur.

ORDER

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

By this O.A., the applicant has challenged the order dated 4.1.1997 (Annexure A-1) and order dated 11.10.1998 by which he has been awarded punishment of removal from service on the conclusion of the disciplinary proceedings. The charge against the applicant was unauthorised absence from duty from 8.5.1994 to 4.1.1997, who was serving as CPC Gangman. The present O.A. has been filed on 27.2.2003. Thus, there is delay of more than 4 years. An application for condonation of delay has been filed by the applicant himself in which it has been stated that he was mentally disturbed, ~~but~~ however, he managed to submit an appeal against the aforesaid

order of removal from service. It is further stated that the said appeal is still pending for consideration. He further stated in his application that he was mentally disturbed and taken ~~for~~ treatment <sup>to</sup> the hospital and remained under treatment for several years and when he became fit, he filed the present O.A.

2. preliminary objections as well as Counter affidavit have been filed by the respondents. In para 7 of the Counter affidavit, it has been stated that the appeal has not been filed by the applicant as alleged and no such appeal is pending. It is submitted that without exhausting the departmental remedy, he approached the Tribunal directly, which is not maintainable.

3. we have considered the submissions made by the learned counsel for the parties. However, we do not find that inordinate and long delay has been explained by any material on record. The applicant has submitted that he was mentally disturbed and was taking treatment ~~in the~~ hospital, but no such document has been filed in support thereof. Thus, the main explanation of the long delay, in absence of any corroboration, ~~the~~ bald statement of the applicant, <sup>which</sup> cannot be accepted. The delay has, thus, not been explained. The application for condonation of delay is rejected. The O.A. is accordingly dismissed as barred by limitation, with no order as to costs.

*Dava*  
MEMBER (A)

*R*  
VICE CHAIRMAN

GIRISH/-