

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1077 of 2003.

Allahabad this the 16th day of September, 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member-A.

Sunil Rastogi
aged about 38 years,
son of Late Sri Sushil Kumar Rastogi,
Resident of House No.7-44-A, North Colony,
Bareilly at Present posted at D.R.M. Northern
Railway, Moradabad under T.I. Bareilly.

.....Applicant.

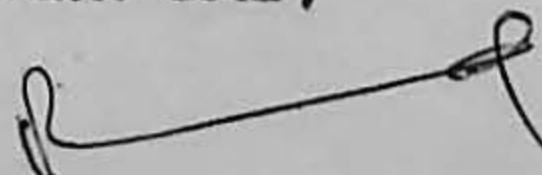
(By Advocate : Sri R Sam/Sri R.C. Singh)

Versus.

1. Union of India
through General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Chief Operating Manager,
Northern Railway,
Baroda House, New Delhi.
3. Addl. Divisional Operating Manager,
Northern Railway, Moradabad Division,
Moradabad.
4. Senior Divisional Operating Manager
Northern Railway, Moradabad, Division,
Moradabad.
5. Divisional Operating Manager,
Northern Railway, Moradabad Division,
Moradabad.
6. Divisional Railway Manager,
Northern Railway, Moradabad Division,
Moradabad.

....Respondents.

(By Advocate : Sri A.K. Gaur)



O_R_D_E_R_

(Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the order of punishment dated 24.01.2000 (Annexure 1), order dated 14.06.2000 (Annexure A-1) and order dated 14.08.2000 (Annexure 2). Against the order dated 14.08.2000, the applicant filed a revision which was dismissed as not maintainable by order dated 19.04.2001. Thus, the cause of action for filing the present O.A., arose to the applicant on 19.04.2001. The limitation under section 21 provides period of one year which expired on 19.04.2002. The O.A. has been filed on 02.06.2003. There is delay of ¹ year ~~1~~ months and 13 days. Applicant has filed M.A. No.3451 of 2001 for condonation of delay in filing the O.A. Applicant has filed affidavit in support of application, in para 12 whereof it has been stated that applicant met with an accident in the month of March 2002 as a result of which he got severe injuries in his teeth and was sick.

To corroborate the aforesaid fact, the applicant has filed medical certificate as Annexure 1 to the affidavit. From perusal of medical certificate, it appears that he was sick for only 13 days. There is no averment in the affidavit that applicant could not ~~not~~ ^{not} discharge ^{his} normal duties of Station Master in which capacity he was serving in the Railways. He was reinstated on 14.08.2001.



2. In these circumstances, the explanation given by the applicant that he could not file O.A. on account of alleged accident of March 2002, ~~is~~ cannot be accepted. This application seeking condonation of delay is liable to be rejected. Application is accordingly rejected. The O.A. is dismissed as time barred.

No order as to costs.

Dhan
Member-A.

R
Vice-Chairman.

Manish/-