

(12)

OPEN COURT

Central Administrative Tribunal Allahabad Bench
Allahabad.

Allahabad This The 14th Day Of October, 2008.

ORIGINAL APPLICATION NO. 867 OF 2006.

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)
Abdullah S/o Shri Sahab Ali, R/o Village Chai Kala,
District Basti.

.....Applicant

By Advocate : Shri Rajesh Kumar Dubey.

Versus

1. Union of India through its General Manager,
N.E Railway, Gorakhpur.
2. Chief Workshop Manager, Mechanical
Workshop, N.E. Railway, Gorakhpur.
3. Chief Workshop Manager (P), N.E. Railway,
Gorakhpur.

.....Respondents

By Advocate: Shri P.N Rai

ORDER

Heard Shri R.K. Dubey, Advocate, appearing
for the Applicant and Shri P.N Rai, Standing
Counsel (Railways) on behalf of the respondents.

2. The Application has prayed for Condonation of
Delay vide Misc Application NO.2492/06.
According to the applicant, he was sick and applied
for leave. Instead the respondents have arbitrarily
terminated his services vide impugned order dated
30.5.2000. He alleges that copy of termination
order was not supplied to him.

3. On the other hand, the respondents contend
that the applicant was not receiving letter/s and
deliberately avoided orders and letters sent to him.

Signature

After enquiry, services of the applicant has been terminated vide order dated 30.5.2000 which was served upon him by sending through registered post and by affixation on notice board.

4. It is clear from the pleadings on record that impugned order dated 30.5.2000 was duly sent to the applicant, who failed to accept said order. Impugned order cannot be said to be not available to him.

5. Departmental letter dated 27.12.2001 (copy filed as Annexure 1 to the supplementary counter reply), shows that the applicant was complaining for non-availability of certain documents and it shows applicant was fully alive to the situation and aware of disciplinary proceedings.

6. Evidently, the applicant did not avail himself of the opportunity to challenge termination order by filing appeal (as noted above) and instead the Applicant approached presented this O.A. in the Registry of this Tribunal on 17.8.2006.

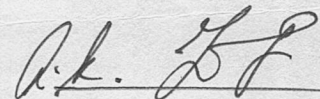
7. The applicant has not miserably failed to explain the period from 2000 till filing of the O.A. Cryptic averment on the basis of illness seeking regarding leave or condonation of delay of about six years, is insufficient and in consequential.

8. Documents filed alongwith supplementary counter affidavit show that an enquiry Officer was

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appointed, notice was given to the applicant within time and he was aware of the disciplinary proceedings pending against him. There is inordinate delay on the part of the applicant in filing present O.A. There is no good ground to condone the delay in filing O.A. Otherwise also, the applicant did not exhaust 'departmental remedy of appeal', and hence this Tribunal should not entertain it as contemplated under A.T. Act, 1985. No case for interference made out . O.A. is accordingly dismissed.

9. No costs.



(Justice A.K. Yog)

Member (J)

Manish/-