

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~XXXXXX~~

SAT/3/12

O.A. No. 626 OF 1987 198
~~ExxxNox~~

DATE OF DECISION 25-3-1991

Doji Gokul, Petitioner

Mr. R.J. Oza Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s)

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *NO*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

Doji Gokul,
residing at Railway Colony
Quarter No.L/105/A,
Near Railway Running Room,
Palanpur, Dist:Banaskantha.

..... Applicant.

(Advocate: Mr. R.J. Oza)

Versus.

1) Union of India

(Notice to be served through:
The General Manager,
Western Railway, Churchgate,
Bombay - 400 001).

2) The Divisional Railway Manager,
Ajmer Division, Western Railway,
Ajmer.

3) The Divisional Mechanical Engineer(Loco)
Ajmer Division,
Western Railway, Ajmer. Respondents.

(Advocate: Mr. B.R.Kyada)

ORAL ORDER

O.A.No. 626/87

Date: 25-3-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

This Original Application under section 19 of the Administrative Tribunals Act 1985 challenges removal from service of the applicant ~~and~~ on account of his conviction by the Judicial Magistrate(F.C.) Palanpur on 10.5.1982 for an offence punishable under the Bombay Prohibition Act read with section 120-B of Indian Railway Act. The applicant submitted appeal before Divisional Railway Manager on 6.1.1984. ^{was by} The same ^{was by} decided on 27.4.1984 and the applicant has stated that the appellate order has not been served ^{by him to him} upon the petitioner but ~~the case~~ know about ^{only} the month of October 1987. Apparently this plea has been ^{to summarize} taken by the applicant ~~which amounts~~ the limitation obstacle. The application is patently barred by

limitation provisions contained in Section 21 of the above Act. However no condonation application has been filed. Limitation has to be counted from the date appeal was decided on 27.4.1984. Even if the applicant did not hear from the respondents about the decision of his appeal, he could not wait indefinitely ^h knew about it to take proper measures.

2. Apart from the above, the dismissal from service is based on a Court conviction. Even in his appeal application preferred to the Divisional Railway Manager, it is stated that the applicant was called from leave to handover the chargesheet for removal from service which he refused to accept. ^h This presumption in required papers being created about ^h that and the order of the disciplinary authority was deemed to have been served on him. Even this appeal application to the department ^{is filed late} being dated 6.1.1984 and the order of punishment of the disciplinary authority ^{is} being dated 10.5.1982, is filed late. Thus there is cascaded effects of delay the applicant has been showing.

3. When the matter is called out today, neither applicant nor counsel is present. By this Tribunal's order dated 25.2.1991 a final opportunity was given to the applicant and counsel.

4. In the matter with above legal substances, we see no grounds for any other ^{order} reason except passing the order, the application is dismissed with no order as to costs. We hereby do so.

M.A.St.214/91

in

O.A. 626/87

(A) (B)

Date	Office Report	ORDER
(13) 11.8.1992	Present: None for the applicant.	<p>The applicant has filed this M.A. for restoration of the O.A. Objections in the M.A. have not been removed. Issue notice to the learned counsel for the applicant to rectify the mistakes within 15 days. List before the Bench for further direction on 31st August, 1992.</p> <p><i>Neeru</i> <i>UV</i> (R.C.Bhatt) Member (J) (N.V.Krishnan) Vice Chairman</p>
31-8-92	<p>Rep. Submitted Notice issued and served on the Advocate</p> <p>11/8/92 S.O.</p>	<p>This application has been called twice. Neither the applicant nor his Counsel is present. M.A. ST. 214/91 is under consideration. There are objections which not have been still, removed. On 11-8-92, the order notice to be issued to the Counsel which is served. As the issue Report regarding service, awaited, put up xxx after 15 days with report on service. Call on 16-9-92.</p> <p><i>Neeru</i> <i>UV</i> (R.C.Bhatt) Member (J) (N.V.Krishnan) Vice Chairman.</p>
		<p>*AS.</p>

Date	Office Report	ORDER
22-10-92		<p>The applicant has filed review application ost. 214/91 in respect of which there are objections. Objections have not been removed. Notices were issued to the counsel & to remove the objections before 16-9-1992 and such notices have already been served. None appeared before us on the last two hearing on 16-9-1992 and 17-9-92 7-10-92. The learned counsel for the applicant xxxx has sent sick note. In the interest of justice he is given one more opportunity to have the objections rectified by him or by his client. No further time will be given xxxxxx for this purpose. Call on 19th November 1992.</p> <p><u>Re</u> <u>Ch</u> (R.C.Bhatt) (N.V.Krishnan) Member (J) Vice Chairman.</p> <p>*AS.</p>

D.O.
on 9-11-92

9
Co

M.A. St. 214/91 in
O.A. 626/87

Date	Office Report	Order
16-9-92 20		<p>The applicant's Counsel has filed a sick note. We would like to hear him in respect of the objections raised in the M.A., as he has made some prayer in that regard in the M.A. itself.</p> <p>Call on 7th October 1992.</p> <p><i>rcb</i> <i>nk</i> (R.C.Bhatt) (N.V.Krishnan) Member (J) Vice Chairman</p> <p>*AS.</p>
7-10-1992		<p>Shri R.J. Oza for the applicant, in R.A. St. 214/1992 has send a sick note. List for direction on 22nd October 1992.</p> <p><i>rcb</i> <i>nk</i> (R.C.Bhatt) (N.V.Krishnan) Member (J) Vice Chairman</p> <p>*AS.</p>

Date	Office Report	Order

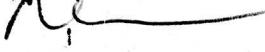
(10)

R.A. St. 214/91 in O.A. 1626/87

(10)

Mr. C. T.A. G.A.

1/199

Date	Office Report	ORDER
19-11-92 21		<p>Present : Neither the applicant nor his counsel is present today.</p> <p>The applicant has filed R.A.St.214/91 for a review, whether the applicant's contends representation which are not been promoted for the applicant's, and therefore this application is dismissed for want of prosecution.</p> <p> </p> <p>(R.C.BHATT) (N.V.KRISHNAN)</p> <p>MEMBER (J) VICE CHAIRMAN</p> <p>*SS</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCHOriginal Petition No. 626 of 1987
Miscellaneous Petition No. — of —Shri Daji Gokul Petitioner

Versus

Union of India & ors.

This application has been submitted to the Tribunal Shri R. J. Oza, Advocate Under section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunal (Procedure) Rules, 1985.

The application has been found in order and may be listed on 4.1.88 for admission.

OR

The application is not been found in order for the reasons indicated in the check list. The applicant may be advised to rectify the same within 10 days
—Draft letter is placed below for Signature.

The applicant has since removed the defects and the applicant may now be listed for admission.

Rm
23/11

OBG
ASST
24/11/88

As per checklist, objections may be conveyed to the concerned party

SD
DRB
DRB

M. Patel
24/11/88

No my issue objection here or per checklist

SD
DRB

OBG
ASST
24/11/88

M. Patel
24/11/88

Shri R.D.O. Adh has ~~made~~ some remarks in Col 5
of limitation so set up for return order of
objection

~~31/12/17~~ As per discussion with D.P.J. objection
reg. note supplying of impregnated
order & limitation we may not
issue objection letter - but place on
board with remarks.

~~DPL~~ This is a fresh matter
~~31/12/17~~ may be listed on 4-1-1987 for
admission with the above
remarks. Pre-admission notice may
~~not~~ also issue
04/12/18

~~04/12/18~~
By Registrar (J)