

CENTRAL ADMINISTRATIVE TRIBUNAL

XXXXXXXXXXXXXX

AHMEDABAD BENCH

O.A No. 684 of 1993 ~~1988~~
~~XXAXX~~ with
M.A. No. 536 of 1993.

DATE OF DECISION 18th March, 1994.

Shri Mahijibhai Manilal Dodiya Petitioner

Shri R.K.Mishra Advocate for the Petitioner (s)

Versus

Union of India and ors. Respondent

Shri Anil S. Kathari _____ Advocate for the Respondent(s)

CORAM.

The Hon'ble Mr. N.B.Patel : Vice Chairman

The Hon'ble Mr. K.Ramamoorthy : Member (A)

JUDGMENT

: 2 :

Shri Mahijibhai Manilal Dodiya,
Ra~~s~~ulji-ni-Chawl,
Chhani Road,
Baroda.

...Applicant.

(Advocate : Mr.R.K.Mishra)

Versus

1. Union of India,
(Notice to be served through
DRM (E), Pratapnagar,
Western Railway,
Baroda.)

2. Assistant Engineer,
Pratapnagar,
Western Railway,
Baroda.

...Respondents.

(Advocate : Mr.Anil S.Kothari)

ORAL JUDGMENT

O.A.No. 684 OF 1993 with
M.A.No. 536 OF 1993.

Dated : 18th March, 1994.

Per : Hon'ble Mr.N.B.Patel : Vice Chairman

We do not find sufficient cause for condoning the delay in filing the O.A. because it is not specifically stated in the M.A. as to since when the applicant's mother was ailing and when she was discharged from the hospital, if at all ^{she was} ailing and hospitalised. Mr.R.K. Mishra, conceded that all through the period the applicant was attending the service which ^{out relevant} ~~fact creates~~ ~~also causes~~ a serious doubt about the applicant being unable to approach the Tribunal within the prescribed period. If the applicant was busy attending to his mother, he could not ~~also~~ have attended to his service.

2. Though we have taken the ~~above~~ view on the question of ~~condemnation~~ of delay, we have also gone into the merits of the case to some extent and we find that the conclusion of the ~~Disciplinary Authority~~ and confirmed by the Appellate Authority and ~~Revisionary Authority~~, that the applicant is guilty of rash and negligent driving and of having unauthorizedly allowed other persons to travel by Railway truck can not be faulted. We also find, ~~against~~ looking ~~into~~ to the gravity of the charge ~~of~~ the applicant, that there is nothing disproportionate about the punishment awarded to the applicant.

3. M.A./536/83, dismissed. Since delay is not condoned, the O.A. is ~~also~~ rejected as time-barred. No order as to costs.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

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