

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 385 of 1989.

Date of decision : April 20, 1992.

N. Laxmu

...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. B. L. N. Swamy,
B. V. B. Das, Advocates.

For the respondents ...

Mr. Ashok Mohanty.
Standing Counsel (Railways)

...

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMN.)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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A N D

THE HONOURABLE MR. C. S. PANDEY, MEMBER (ADMN.)

J U D G M E N T

K. P. ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the order of reversion passed against the applicant and to order regularisation of the services of the applicant in the post of Mason and to direct Respondents 1 to 3 to pay to the applicant arrear salary of a Mason.

2. Shortly stated, the case of the applicant is that he was initially appointed as a Gangman in Rayagada Bridge under South Eastern Railway on 30.11.1964. He was then promoted to the post of a Mason Helper and then worked under Respondent No. 3 for about 6 months and thereafter promotion was given permanently to the post of Mason Helper. In the year 1981, the competent authority gave promotion to the

applicant to the post of Mason and the grievance of the applicant is that he has been reverted from the post of Mason which is under challenge.

3. No counter has been filed in this case for reasons best known to the respondents even though service was sufficient on the respondents.

4. We have heard Mr. A. K. Rath on behalf of Mr. B. L. N. Swamy, learned counsel for the applicant and Mr. Ashok Mohanty, learned Standing Counsel (Railways) for the respondents at some length. Even though no counter has been filed in this case yet heavy onus lies on the applicant to substantiate his case and ask for the redressal of his grievance.

In the present case, we find that the initial order of appointment of the applicant as Gangman under Rayagada Bridge on 30.11.1964 has not been filed. So also, the case of the applicant that he was promoted to the post of Mason Helper for 6 months and thereafter the applicant had been given promotion to the post of Mason does not stand corroborated by any documentary evidence, namely copies of such promotional orders have not been filed. Mr. Rath submitted that even though those documents have not been filed, in the absence of any contradiction given by the respondents by way of filing of counter, the case of the applicant should be accepted. Broadly stated this argument of Mr. Rath may be acceptable but it is the bounden duty of the applicant to substantiate his case by documentary evidence, copies of which are expected to be in possession of the applicant. Copy of the reversion order has not been filed thereby depriving the court ^{of} an opportunity

to look into the question of limitation. There is no indication in the application as to the date on which the applicant was promoted to the post of Mason Helper, if at all promoted. In view of the fact that the applicant has withheld the important documentary evidence from the Court ^{would} we ~~can~~ hold the applicant guilty of suppression of material facts.

5. It was next contended by Mr. Rath that by mistake those have not been filed. Law is well settled that equity helps the vigilant and not the indolent. If the applicant has been indolent and has not filed the documents required under the law to corroborate his oral statement, we do not feel inclined to place any reliance on the uncorroborated testimony of the applicant finding place in the averments of the application. Therefore, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

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Chanday
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MEMBER (ADMINISTRATIVE)

.....
Lalji Singh
20.4.92
.....
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 20, 1992/Sarangi.

