

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.NO. 59 OF 1995.

Cuttack this the 8th day of March, 2000.

K. Simachalam.

....

Applicant.

Vrs.

Union of India & Others.

....

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 59 OF 1995

Cuttack, this the 8th day of March, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL);

K. Simachalam, S/o. S. Chalapati Rao,
BTM/LOCO-Shed Under L. F./Khurda,
Aged about 38 years,
EX-Peon, under CSTC/01/GRC, Office of the
Chief Personal Officer, GRCCalcutta,
South Eastern Railway, at present residing
at Under Care of T. Kuranna Guest House Road,
New Govt. Hospital, Po/Es. Paralakhemundi, in
Gajapati District.

: Applicant.

By legal practitioner: M/s. R. C. Das, P. K. Acharya, Advocate.

- Vrs.

1. Union of India represented through
General Manager, South Eastern Railway,
Garden Reach, Calcutta-43.
2. The Chief signal and Telecom Engineer,
South Eastern Railway, Garden Reach,
Calcutta, West Bengal.
3. The Divisional Personal Officer,
S. E. Railway, Khurda Road, Dist. Khurda,
Orissa.

: Respondents.

By legal practitioner: Mr. D. N. Mishra, Standing Counsel.

....

O R D E R

MR. G. NARASIMHAM, MEMBER (JUDICIAL) :

Mr. D. N. Mishra, learned Standing Counsel appearing for the Respondents present. None from the side of the applicant present. Case has been posted to this day for hearing and final disposal at the stage of admission. We have waited sufficiently long in anticipation of arrival of the learned counsel for the applicant. No use for waiting further. Hence heard Mr. Mishra, learned Standing Counsel appearing for the Respondents and have perused the records.

2. Applicant K. Simachalam, prays for declaring the termination of his service as void ab initio and that he shall be deemed to be continuing in service in his post as peon under the Respondent No. 2 with all consequential service benefits on the ground that the termination of service is grossly arbitrary and discriminatory and as a workman, the termination without one month's notice and pay and retrenchment u/s. 25(F) of ID Act is void.

3. Admittedly, termination was effected on 19.12.1980 (Annexure-2). He filed this Original Application on 3.1.95, i.e. after a gap of 15 years. While explaining the delay in the application itself it is stated that he has been making representations in the meanwhile without any response. Law is well settled that repeated representation will not save limitation. As per his own version his first representation was made on 30.3.1981 and he should have approached the Court within three years thereafter as per

the law prevailed then. This apart, the ground urged is that his retrenchment is against the law u/s. 25(F) of the ID Act. Whether the retrenchment is contrary to Sec. 25(F) of ID Act or not can be decided only by the authorities empowered under the ID Act to decide the same and not this Tribunal.

4. In the result, we do not see any merit in this Original application for admission. The application is dismissed as not admitted.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

G. Narasimham
(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.