



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original Application No. 440 of 2004
Applicant (s) M. Purnayya Respondent (s) Union of India
Advocate for Applicant (s) M. B. S. Toppalay Advocate for Respondent(s)
M. K. Rath
J. Pati

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

I.P.O. 26501 filed.

For Registration.

On course

Jh
2/7/04

Shrikant
02.07.04

2/7/04

For Admission - Copy served
with Counterpart.

Jh
2/7/04

Bm

REGISTER

2/7/04
Registrar

2. ORDER DATED 02-07-2004.

In a disciplinary proceedings, the Applicant faced a punishment and as against the said punishment, he preferred an appeal, which was dismissed on 03.06.1988. During following year, he was again proceeded with in another disciplinary proceedings and was placed under suspension, from April, 1989 to terminated and ultimately, November, 1998. Later, he was reinstated during 2000. Upon his reinstatement, the Applicant has

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raised a grievance pertaining to the punishment imposed on him in the previous disciplinary proceedings and, in order to further his grievance, he has made a representation under Annexure-A/6 dated 02.06.2004. By raising grievances against the punishment that was confirmed in appeal during June, 1988, the Applicant has filed this Original Application u/s.19 of the Administrative Tribunals Act, 1985; which ~~xx~~ ²⁰⁰² prima facie suffers from limitation. But for the reasons of the explanations given inbuilt in the O.A. (i.e. that he was placed under suspension between April, 1989 to November, 1998 and faced a termination thereafter ~~xx~~ and that he was reinstated during ~~2002~~ ¹⁹⁹² question of limitation stands explained and, therefore, the question of limitation is hereby condoned.

In the case of HARI SANKAR DIKSHIT v. DHARANIDHAR DIKSHIT, (reported in I.L.R. 1971 Cutt.1387) the Hon'ble High Court of ^{also} Orissa held that in absence of an application, if sufficient evidence is available in the case record to condone the delay and the Court is satisfied with it, delay can be condoned.

In the aforesaid premises, without entering into the merits of this case, this O.A. is disposed of, at this admission stage, with direction to the Respondents to consider the grievances of the Applicant (as raised in his representation under Annexure-A/6 dated ¹⁹⁹²)

Copy of order dt. 2/2/04
issued to the counsel
for both side.

DL
9.7.04.
S.O.
M
8/2/04

Copied 2 copies
with copy 4 OA
sent to all respondents

J
20/7/04
S.O.D

AIR

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02.06.2004 and in the present O.A.) and pass necessary orders thereon within a period of 120 days from the date of receipt of a copy of this order.

With the aforesaid observations and directions, this O.A. is disposed of. No costs.

Send copies of this order, alongwith copies of this O.A., to the Respondents and free copies of this order be given to learned counsel for the Applicant and Mr. R.C. Rath, learned Standing Counsel for the Railways; on whom a copy of this O.A. has already been served.

AFR *02/07/04*
MEMBER (JUDICIAL)