



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. O.A. 1492 of 2004

Applicant(s) V. Laxmaiah Respondent(s) Union of India & others

Advocate
for Applicant(s)

M/S. A. Kanungo

Advocate
for Respondent(s)

S. K. Kar
M. K. Mishra

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

I. p.o of Rs 50/-
filed.

Copy not Served
Defects pointed
out in Scrivery
may kindly
be seen.

For favour of
Registration/consider-
ation Please.

H
S.O.(J)
31.12.04

Report on the Scrivery
format may be seen.
For order.

DR
31/12/04
S.O.(J)

REGISTER

Deputy
Dy. Registrar 31.12.04.

Order dated 1.2.05

Heard Mr. S. R. Mishra, Advocate (associate of Mr. A. Kanungo, I.d. Counsel for the Applicant) and Mr. O. N. Ghosh, I.d. Counsel for the Railways; on whom a copy of this O.A. had already been served.

Having faced compulsory retirement from services (with 2/3 of pensionary benefits) in a disciplinary proceeding, the applicant preferred an appeal under Annexure-10 dtd. 29.10.01. He also preferred a reminder under Annexure- 11 dtd. 3.7.02 and again under Annexure-12 dtd. 12.8.03. No bid having been paid to his case, the applicant has preferred this O.A. under Section 19 of the Administrative Tribuna- l's Act 1985. Under the rules governing the field,

Deputy
31.12.04

Orders of the Tribunal

Notes of the Registry

For Admision —
Copy Served.

Divin

31/1/05

On 29.1.2005

Copies of order
with copies of OA
sent to all respo-
ndents copies of
said order prepared
for counsel for
both sides. A copy
of order also sent to
DRM, Sambalpur

31/1/05

h g 12/05
2005

the applicant was available to approach the Tribunal within one year from expiry of six months from the date of preferring the appeal. He having not done so, his present O.A. is barred by limitation. Successive representations (filed after a lapse of ten months/13 months) certainly cannot cure the delay and latches caused at the instance of the applicant and, therefore, this O.A. is hereby dismissed being barred by limitation; especially when the applicant has taken no care to explain the delay neither in the O.A. nor by filing a separate application ^{with prayer} ~~answering~~ for condonation of delay.

However, the Respondents herein are free to pass orders (on the appeal of the applicant stated to have been filed under Annexure-10 dtd. 29.10.01) ~~expeditiously~~

Send copies of this order to the Respondents, along with copies of the O.A., and free copies of this order be given to the Counsel for both the parties. ~~and~~ A free copy of this order be also send to Divisional Railway Manager, East Coast Railways, at — Sambalpur.

Johant
01/02/05
Member (J)