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OA 482/2006

Order dated 26th June 2009

Coram:

Hon'ble Shri Justice K.Thankappan, Membe(J)

Hon'ble Shri C.R.Mohapatra, Member (A)

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Heard the learned counsel for the parties.

2. In this application the applicant has challenged the order dated 25.9.1998 as per Annexure A/8 removing him from service.
3. It reveals from the record that while working as Jr. Gangman, the applicant has been charge-sheeted for unauthorized absence from duty for different periods. Annexure A/1 series show that after issuance of the charge-sheet, an enquiry has been conducted in which the applicant has admitted the charge levelled against him. On the basis of the enquiry report holding the applicant guilty of the charge, the disciplinary authority issued the order of removal from service as per Annexure A/8 dated 25.9.1998, against which the applicant preferred an appeal dated 2.11.1998. It appears from record that the Respondents have not passed any order on the appeal preferred by the applicant and in the circumstances the applicant went on preferring representation after representation as per Annexure A/10 series, A/11, A/12, dated 4.5.2000, 11.9.2001, 14.8.2003, 24.6.2005, which having not yielded any fruitful




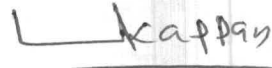
result, he has approached the Tribunal for quashing the impugned punishment order as per Annexure A/8.

4. We have considered the submissions made by the learned counsel for the parties and perused the materials on record.

5. We are not inclined to interfere with the order of punishment in as much as the applicant has not given any convincing reason as to what prevented him from approaching the Tribunal within the limitation period prescribed under the A.T. Act after he had filed the appeal dated 2.11.1998 (Annexure A/9) against the order of punishment. His successive representations, in view of the settled position of law, would not save the limitation. Be that as it may, we see no legal flaw in the conduct of the disciplinary proceedings in as much as the applicant in spite of having been afforded reasonable opportunity to defend himself, has not been able to establish that his absence was not unauthorized, rather the charge of unauthorized absence is corroborated by his own admission.

6. In the above view of the matter, we see no merit in this O.A. which is accordingly dismissed. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(K. THANKAPPAN)
JUDICIAL MEMBER