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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.359 of 2011

Cuttack this the 26th day of October, 2015

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Premraj Nial
Aged about 39 years
S/o. late Khirasndhu Nial
At-Khaliapali Railway Station
Salebhata
Bolangir
Dist-Bolangir

...Applicant

By the Advocate(s)-M/s.A.C.Behera

B.K.Barik

R.K.Das

S.P.Kar

-VERSUS-

Union of India represented through

1. The Secretary
Ministry of Railways
Government of India
Rail Bhawan
New Delhi
2. The General Manager
South Eastern Railway
Garden Reach
Kolkata (West Bengal)
3. The Divisional Railway Manager
Chakradharpur Railway Division
South Eastern Railway

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Chakradharpur
East Singhbhum
Jharkhand

4. The Senior Divisional Engineer(Mechanical)(Diesel)
Bondamunda
Sundargarh

...Respondents

By the Advocate(s)-Mr.S.K.Ojha

ORDER(Oral)

A.K.PATNAIK, MEMBER(I):

In this Original Application under Section 19 of the A.T.Act, 1985, applicant has sought for the following relief.

- i) ...to direct the respondents for reinstate to the applicant.
- ii) ...to direct the respondents to absorb the applicant in his post by providing facilities as he has been getting earlier.
- iii) ...to direct the respondents for regularization of service of the applicant by quashing the order of removal.

2. Shorn of unnecessary details, it would suffice to note that in this O.A. applicant has questioned the legality and validity of order dated 8.4.2002 removing him from service that has been imposed as a measure of punishment on account of disciplinary proceedings initiated against him on the ground that he had remained unauthorized absent. Since the applicant has approached this Tribunal in the year 2011 against a cause of action that had arisen out of order dated 8.4.2002, he has filed a Misc. Application

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No.680 of 2011 seeking condonation of delay. This Tribunal, vide order dated 26.08.2011, directed notice to respondents both on O.A. as well as M.A.No.690/11(condonation of delay petition). In view of this, before considering the matter on merit, the Tribunal deems it fit and proper to at first deal with the petition for condonation of delay.

3. The grounds urged by the applicant in the petition for condonation of delay are as under.

Since applicant's health condition was ruined from 12.10.1999 he made an application to the superior authority for leave and went to Prashanti for treatment and he remained under treatment there till 25.1.2002, which however, did not yield any result. In the meantime, respondents proceeded against him and removed him from service with effect from 8.4.2002. While the matter stood thus, **he became a schizophrenia patient and therefore, he was taken by his family members to Ranchi where Dr.Dodood treated him from 10.10.2002 to 20.5.2003 in his clinic at Burla.** Thereafter, he came to VSS Medical College on 15.3.2003 where Professor of Medicines assured him for his treatment and cure and therefore, he remained under treatment there and went to Ranchi on 20.5.2003 and received certificate from Dr.Sodood on the same date. Professor of Medicines took the responsibilities of cure of the applicant and treated him upto 9.8.2009 when he became physically and mentally fit. Thereafter, applicant submitted a review petition before the competent authority on 11.8.2009. He also filed an appeal before res.no.3 on 11.12.2010 praying for reconsideration of the order of removal followed by another application on 23.04.2011. Thereafter, he has moved this Tribunal in the present O.A.

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4. We have heard the learned counsel for both the sides and considered the petition for condonation of delay in the light of what has been mentioned above. We are at a loss to understand that after the applicant became a schizophrenia patient and taken by his family members to Ranchi, how could Dr. Dodood treated ^h him from 10.10.2002 to 20.5.2003 in his clinic at Burla ? This submission of the applicant is not ^{not} only ^R convincing but also incredible.

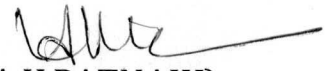
5. In view of the above, we are of the opinion that the applicant has not been able to convincingly explain delay of about nine years in approaching this Tribunal. In view of this, we are not inclined to condone delay in as prayed for in M.A.No.680 of 2011 and accordingly, the same is dismissed.

6. In view of the above, we hold that the instant O.A. filed by the applicant being grossly barred by limitation is not maintainable and therefore, the same is dismissed. No costs.

(R.C.MISRA)
MEMBER(A)



(A.K.PATNAIK)
MEMBER(J)



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