

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

MA. 22 of 1996
OA. 65 of 1996

Date of Order: 05.8.98.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. S. Dasgupta, Administrative Member.

RATNESWAR JADAV, son of Shri Nashib Lal Yadav, aged about 26 years, working as Bungalow Peon being attached to Senior Divisional Electrical Engineer/TRD/Eastern Railway, Howrah, residing at 24, Sanatan Mistry Lane, Salkia, Howrah.

.....Applicant.

-Versus-

1. UNION OF INDIA, through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Calcutta-1 having the same address for the purpose of office and service of notice.
2. SENIOR DIVISIONAL PERSONNEL OFFICER, Eastern Railway, Howrah, having the same address for the purpose of office and service of notice.
3. SENIOR DIVISIONAL ELECTRICAL ENGINEER/TRD/ Eastern Railway, Howrah, having the same address for the purpose of office and service of notice.
4. THE DIVISIONAL RAILWAY MANAGER, Eastern Railway Howrah, having the same address for the purpose of office and service of notice.
5. ASSISTANT PERSONNEL OFFICER, Eastern Railway, Howrah, having the same address for the purpose of office and service of notice.
6. CHIEF PERSONNEL OFFICER, Eastern Railway, 17, Netaji Subhas Road, Calcutta-1 having the same address for the purpose of office and service of notice.

.....Respondents.

For the petitioner: Mr. P.B. Misra, counsel/
Mr. S.K. Mitra, counsel.

For the respondents: Mr. P.K. Arora, counsel.

Heard on: 05.8.98.

O R D E R

S.N. Mallick, VC

We have heard the ld. counsel for both the parties

in respect of the Misc.Application no.22 of 1996 filed by the petitioner for condonation of delay of about 5 years in filing the Original Application. It is stated that after receipt of the termination order of his service, the petitioner became mentally unbalanced and was under the medical treatment of a doctor attached to Mankundu Mental Hospital. The petitioner has filed a Medical Certificate issued by the aforesaid doctor which states that the petitioner was suffering from mental disorder and was under his treatment from 15.9.88 till 15.7.95. In the Certificate it is ~~is~~ certified that he is ^{his} fit to resume/routine duties on and from 16.7.95 (Vide Annexure- A to the Condonation Application). He has already filed supporting medical papers along with the rejoinder given in respect of the reply filed on behalf of the respondents. It has been contended by the ld.counsel appearing for the respondents that even if the materials on record are taken on the face value, there is no explanation why after recovering w.e.f. 15.7.95 the O.A. could not be filed till 11.1.96. No cause has also been shown why the application could not be filed between 15.7.95 and 11.1.96 and there is no explanation for this delay of about 6 months.

It is submitted by the ld.counsel appearing for the petitioner that after 15.7.95, the petitioner submitted some representations to the authorities for consideration of his case. But no such averment has been made in the application ~~that~~ for condonation of delay.

Under the circumstances, we are not convinced that there was any sufficient cause on the part of the petitioner explaining as to why the Original Application could not be filed immediately after his alleged recovery from mental disorder w.e.f. 15.7.95 as per his doctor's certificate. The application is hopelessly time barred. The Miscellaneous Application stands rejected and the Original Application also stands rejected for