

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. 200 of 1996
OA 813 of 1996

Date of order : 23.7.2001

Present : Hon'ble Mr. D.Purkayastha, Judicial Member
Hon'ble Mr. L.R.K.Prasad, Administrative Member

Asim Kumar Ghosh,
Electrical Driver, Tatanagar,
S.E.Rly.
R/o 18, Kumar Para Lane,
P.O. Liluah, Dist. Howrah

VS

1. Union of India through the
General Manager, SE Rly.
Garden Reach, Calcutta
2. General Manager,
S.E.Rly. Garden Reach, Calcutta
3. Chief Operating Manager,
S.E.Rly. Garden Reach, Calcutta
4. Div. Railway Manager,
S.E.Railway, Chakradharpur.
5. Sr. Divl. Elec. Engineer (TRS/OP),
S.E.Rly. Chakradharpur.
6. Sr. Divl. Personnel Officer,
S.E.Rly. Chakradharpur.

.... Respondents.

For the applicant : Mr. S.N.Mitra, Counsel
Mr. B.P.Roy, Counsel

For the respondents : Mr. S.Chowdhury, Counsel

O R D E R

D.Purkayastha, J.M.:

In the OA the applicant has challenged the penalty order dated 25.9.92 imposed upon him on the basis of a disciplinary enquiry held against him as also appellate order dt. 27.11.92 and the order of the revisional authority dt. 29.10.92.

2. In MA 200 of 1996, the applicant has prayed for condonation of delay in filing the OA.

3. We have heard the learned counsel for both parties on the MA seeking condonation of delay in filing the OA on the grounds stated therein.

4. It is stated by the applicant that on 19.3.91 he was served with a major penalty charge-sheet. An enquiry was conducted and on the basis of the said enquiry, the Sr. Divl. Electrical Engineer (TRS/OP), Chakradharpur imposed a punishment on him as per order dated 25.9.92 reducing the pay of the applicant from Rs. 1950/- to Rs. 1900/- for three years. The applicant preferred an appeal on 22.10.92 to the Divisional Railway Manager, SE Railway, Chakradharpur against the said punishment order. By a letter dt. 27.11.92, the applicant was intimated that the appeal was rejected. Thereafter, the applicant filed another appeal on 8.2.93 to the General Manager which was treated as a revision petition and this was intimated to the applicant by a letter dt. 29.10.93. The said revision petition was rejected by the appropriate revisional authority i.e. COM as being time barred. Thereafter, the applicant made several representations and it is alleged that he was given to understand that his case was under consideration. Thereafter, the applicant was informed by a letter dt. 15.5.95 that the Chief Operating Manager (COM) had already decided his case and as such no further review was permissible. The applicant again made a representation on 10.7.95 and finally he has filed this OA on 9.7.96 along with this MA.

5. After hearing the submissions of both parties and on going through the records, we find that the applicant's original appeal was rejected on 27.11.92. Thereafter, the applicant made another appeal which was treated as a revision petition and the same was also rejected by the competent authority as being time barred and this was also intimated to the applicant on 29.10.93. The applicant did not apply for condonation of delay before the revisional authority. He went on making representations and finally filed the OA on 9.7.96 i.e. more than 2 years 9 months after the rejection of his revision petition on ground of limitation. In such circumstance we are of the opinion, that there is no sufficient cause to condone