

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A.1144 of 1997

Present : Hon'ble Dr.B.C.Sarma, Administrative Member.  
Hon'ble Mr.D.Purkayastha, Judicial Member.

MAHESH S/o Munna Lal  
415, G.T.Road, Pilkhana,  
3rd Lane, P.O.Tandail  
Bagan, Dist.Howrah.

... Applicant  
Vs.

1. The Union of India through the Secretary, The Indian Railways, New Delhi.
2. The General Manager, Eastern Railway, 1, Fairlie Place, Calcutta-1.
3. The DRB Howrah, Eastern Railway.
4. The Medical Superintendent, Howrah Maidan, DMO Officer, Howrah, Eastern Railway.
5. The Chief Health Inspector, Howrah Station, Eastern Railway.
6. The Asstt. Divisional Medical Officer, Eastern Railway, QPD Howrah.

... Respondents

For the applicant : Mr.R.B.Sharma, counsel.

For the respondents: Mr.C.Samadder, counsel.

Heard on : 6.3.1998

Order on : 6.3.1998

ORDER

B.C.Sarma, A.M.

The dispute raised in this application is about the order of termination of service served by the respondents on the applicant on 6.10.1986.

2. The applicant contends that he was a Safaiwala under the Assistant Divisional Medical Officer, Eastern Railway, QPD,

*of*

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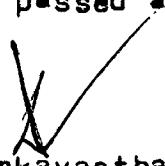
Howrah, and without drawing up any departmental proceedings against him, his services were terminated by the respondents. Hence the application.

3. We have heard the submissions of the 1d. counsel for both the parties and perused the records.

4. We find that in this case the cause of action had arisen about 12 years ago. No plausible explanation has been given by the applicant as to why he was so late in filing this application only on 30th September, 1997. The Hon'ble Supreme Court in the case of Baliram Prasad vs. UOI & Ors. (1997 (2) SCC 292) observed that sufficient cause for not making application within the statutory period has to be explained in respect of the period beyond limitation. In this case, the said statutory period expired in 1987 and there is no cause made out by the applicant for the delay. This is absolutely a stale claim and this application cannot be entertained. Moreover, the application is not maintainable in the present form since Union Of India has not been represented correctly.

5. In view of the above, we find no merit in this application. It is summarily dismissed at the stage of admission.

6. No order is passed as to costs.

  
(D.Purkayastha)  
Judicial Member

  
(B.C.Sarma)  
Administrative Member