

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

M.A.No.363/98 &

O.A.No.523/98

Thursday this the 2nd day of July,1998.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI S.K.GHOSAL, ADMINISTRATIVE MEMBER

K.A.Mukundan, Server,  
Vegetarian Refreshment Room,  
Southern Railway,  
Trivandrum.

..Applicant

(By Advocate Mr.P.K.Madhusoodhanan)

vs.

1. The Chief Commercial Manager, Southern Railway,  
Park Town, Madras -3.
2. The Chief Personnel Officer, Southern Railway,  
Park Town, Madras -3.
3. Union of India represented by its Secretary, Ministry  
of Railways, Rail Bhavan, New Delhi. ..Respondents

(By Advocate Mrs. Sumathi Dandapani)

The Application having been heard on 2.7.98, the Tribunal on 2.7.98 delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:


O.A.No.523/98 has been filed impugning A-3 order dated 3.6.96. The application was presented only on 18.3.98. The application obviously is not within time. Therefore, the applicant has filed M.A 363/98 for condonation of delay. The reason stated for condonation of delay is that as there has been certain discrepancies in A-3, the applicant had made a representation to Chief Personnel Officer, Southern Railway, Madras on 25.6.96 that the said representation has been pending for a decision before the Chief Personnel Officer. He has further stated that as the applicant felt that the Chief Personnel Officer would consider the representation and take appropriate decision on it, he did not deem it necessary to file O.A. earlier.

2. The prayer for condonation of delay is opposed by respondents.

3. Heard. Even if A-4 representation made by the applicant on 25.6.96 is treated as an appeal, the applicant should have filed this application within a year after expiry of 6 months from 25.6.96, i.e, before 25.12.97. As the application was presented only on 18.3.98, the claim is clearly barred by limitation. There is no explanation for this delay. Hence the M.A. for condonation of delay is rejected. As the M.A. for condonation of delay is rejected, the O.A. which is barred by limitation is also rejected.



S.K.GHOSAL  
ADMINISTRATIVE MEMBER



A.V.HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A3: Letter No.P(S)269/III/RR/QA/327/96  
dated 3.6.1996 of the first respondent.
2. Annexure A4: Representation dated 25.6.1996 submitted  
by the applicant to the second respondent.  
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