

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.570/99

Monday this the 21st day of June, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

C.S.Karthikeyan,
S/o Sankuru, aged 32 years,
residing at Chazhoopurakkal, Karayavattom PO,
Valappadu, Trissur. ...Applicant

(By Advocate Mr. M.R.Rajendran Nair (rep.))

Vs.

1. The Secretary, Departmental Canteen,
Telephone Exchange, Thrissur.
2. The General Manager,
Telecommunications, Trichur. ...Respondents

(By Advocate Mr. P.Vijayakumar, ACGSC (rep.))

The application having been heard on 21.6.99, the
Tribunal on the same day delivered the following:

O R D E R

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

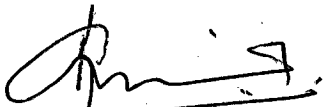
The applicant who claims to have been in casual service till the end of May, 1991 states that he was served with a Memo dated 29.5.91 proposing to terminate his services for unauthorised absence and giving him seven days time to give a reply. Alleging that he was suffering from mental disturbances since then and was under the treatment of a doctor who issued a medical certificate (Annexure.A2), the applicant made a representation seeking reengagement which was rejected by Annexure A6 order dated 11.3.99 of the second respondent informing him that his services have been terminated vide order dated 19.6.91 after observing all the usual formalities vide Assistant Engineer (Trunks)

letter No.G.45/8992/77 dated 19.6.91, a copy of which was endorsed to him. The applicant states that as the applicant was prevented from performing his duties, ^{by reasons beyond his control} the action of the respondents in terminating the services and not taking him back to service despite his producing a medical certificate is arbitrary, illegal and unjustified. The applicant, therefore, seeks to have the impugned order A6 set aside and for a direction to the respondents to re-engage him as a casual mazdoor with temporary status with effect from 1.10.89 with all consequential benefits declaring that he is entitled to be engaged as a casual mazdoor for conferment of temporary status.

2. After hearing the learned counsel for the applicant and the counsel for the respondents and on perusing the application and the materials placed along with it we find that the claim of the applicant is totally barred by limitation. The applicant has alleged that he was informed on 29.5.91 by a Memo that his services would be terminated and he was given seven days time to file an explanation. It is not stated whether the applicant did file an explanation or not. Alleging that the applicant was mentally disturbed and became alright only on 17.12.98 the applicant has filed this application. A perusal of the medical certificate (A2) would show that an Ayurvedic Doctor not being a mental specialist has stated that the applicant was having some mental disturbances for eight years and that he had been under the treatment of that doctor. It does not prove that the applicant was suffering ^{derangement} mental and was not in a position to either submit his explanation against the

proposed termination or to follow up the matter further. Under these circumstances, we are of the considered view that the impugned order dated ^{11.3.99} stating ~~that~~ the applicant's services have been terminated way back in the year 1991 and that it was not feasible to engage him at this distance of time cannot be faulted for any reason. The application is therefore, dismissed in limine. No costs.

Dated the 21st day of June, 1999



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

|ks|

List of annexures referred to in the order:

Annexure.A2: True copy of the medical certificate issued by Dr.P.Padmini, Government Ayurveda Dispensary.

Annexure.A6: True copy of the order No.E.5/,az/XIII/Part/6 dated 11.3.99 issued by the Assistant General Manager (Admn) for 2nd respondent.

...