

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Original Application No.159/2004.

Lucknow; this the day of 17th August, 2004.

HON'BLE SMT. BHARTI RAY, MEMBER (J)

HON'BLE SHRI S.P. ARYA, MEMBER (A)

Abdul Ahmad Khan, aged about 54 years , son of Abdul Masbood Khan, resident of Ward No.5, Mailani, District Kheri, Ex Fitter Grade II (C&W), North Eastern Railway, Gonda.

... Applicant.

By Advocate: Shri R.K. Dwivadi.

Versus.

Union of India through its Secretary , Ministry of Railways , Rail Bhawan, New Delhi.

2. Divisional Railway Manager, North Eastern Railway, Lucknow.

3. Senior Divisional Mechanical Engineer (C&W), Lucknow Junction, North Eastern Railway, Lucknow.

4. Assistant Mechanical Engineer (C&W), North Eastern Railway, Gonda Junction.

... Respondents.

By Advocate: Shri S. Verma.

O R D E R ( ORAL )


BY HON'BLE SMT. BHARTI RAY, MEMBER (J)

Learned counsel for respondents raised Preliminary objection on the ground of limitation that O.A. is not maintainable on the <sup>point</sup> ~~question~~ of limitation.

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M.P.No.850/2004 has been filed on behalf of the applicant for condonation of delay in filing O.A.No.159/2004 wherein, the applicant has questioned the order of Disciplinary Authority dated 14.01.2000 whereby, the applicant was removed from service. It is admitted position that 45 days time was given to the applicant to file an appeal ~~with~~ can be seen from the order dated 14.01.2000 (Annexure 1) of the O.A. ~~but~~ the applicant preferred an appeal in 2002 and thereafter, he was waiting ~~up to~~ 2 years and preferred <sup>to file</sup> an O.A. <sup>and moved the Tribunal</sup> in 2004 by filing the present application alongwith M.P.No.850/2004. In the M.P. , it is stated that applicant has been waiting for a decision on his appeal, which is still lying pending with the respondents and as such he could not approach the Tribunal which is in our opinion, not satisfactory explanation for the delay of 4 years ~~and also~~ to approach this Tribunal. We, therefore, find that application is <sup>not</sup> ~~highly~~ barred by limitation and explanation given by the applicant is not satisfactory to condone the delay. In view of the above M.P.No.850/2004 is dismissed with <sup>no</sup> costs, consequently O.A.No.159/2004 stand ~~x~~ dismissed.

  
(S.P ARYA)

MEMBER (A)

  
(BHARTI RAY)

MEMBER (J)

Dated:17.8.2004.  
Lucknow.  
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