

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.55/2007

This the 11th day of February 2009

HON'BLE MR. M. KANTHAIAH, MEMBER (J).

HON'BLE DR. A.K. MISHRA, MEMBER (A).

Jitendra Kumar Singh, Ex. T. No. 552 A/440 H, son of Sri Awdhesh Kumar Singh, R/o Village-Madan Pura, P.O. Ekma, District-Chhapra, presently residing in C/o R.A. Misra 551K/152, Naya Sardari Khera, Alambagh, Lucknow.

...Applicant.

By Advocate: None.

Versus.

1. Union of India, through General Manager, N.R., Baroda House, New Delhi.
2. General Manager (P) Eastern Railway Head Quarter Office, Fairly Palace, Calcutta.
3. D.R.M., Eastern Railway, Sealdah.
4. Chief Works Manager (W), N.R. Charbagh, Lucknow.
5. Dy. Chief Mechanical Engineer (W), Carriage and Wagon Work Shops, N.R. Alambagh, Lucknow.]

...Respondents.

By Advocate: Shri N.K. Agrawal.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed the OA with a prayer to quash the impugned termination order dt. 14.8.1999 (Ann-A-1) and also allow the applicant to work on his original post. He also claimed suspension allowance stating that his claim is similar to the employees in OA124/2000 dt. 17.10.2003 passed by this tribunal. He also filed M.P. 314/2007 for condonation of delay in

filing OA, on the ground that his appeal was pending and subsequently, 25.10.2003 this tribunal allowed similar claims of other employees and as such, he is filing the OA and thus, there was delay.

2. The respondents have filed preliminary objections on the ground that the applicant filed his OA after expiry of more than 7 years without sufficient reasons in his condonation of delay application and as such, the OA is liable to be rejected on that ground. They have also taken objection that OA is liable for dismissal for non-joinder for necessary parties and also that his claim of plural relief is hit by Rule 10 of CAT (Practice) Rules, 1987.

3. Heard.

4. Admittedly, the applicant by way of this OA challenged the impugned termination order dt. 14.8.1999 (Ann-A-1) passed by Respondent-3 and consequential relief thereon, and also another relief in respect of suspension allowance, which is entirely different and distant from the main claim. Rule 10 of CAT (Practice) Rules, 1987 clearly says that applicant is not entitled for plural reliefs and as such, the claim of the applicant questioning the validity of termination order dt. 14.8.1999 (Ann-A-1) and also claiming suspension allowance basing on the judgment in 124/2000 dt. 17.10.2003 on the file of this tribunal is not at all maintainable and thus, the objection raised on this ground is sustainable.

5. The respondents have taken objections that the officer, who has issued termination order of the applicant, has not been shown as party and as such,

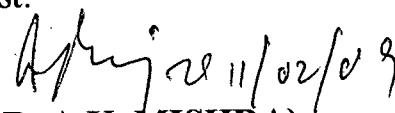
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OA is liable for dismissal on the ground of non-joinder of necessary parties. But, on perusal of Ann-A-1 order dt. 14.8.1999, it is seen that it has been issued from the officer of Respondent No.5 but not by any other officer and as such the objection raised by respondents on that point is not at all maintainable.

6. Admittedly, the applicant has filed this OA on 5.2.2007, questioning the impugned termination order dt. 14.8.1999 (Ann-A-1) i.e. after more than 7 years. Along with this application, the applicant also filed application for condonation of delay on the ground that there was delay in filing OA, but he has not given any valid and sufficient grounds for condonation of delay with such a long delay in filing the present OA. Further, he is filing this OA in view of the fact that this tribunal allowed OA filed by others in OA NO.124/2000 on 25.10.2003 is also not at all justified ground for condoning delay. Thus, his claim for condonation delay sought in M.P.No.314/2007 is dismissed.

7. In view of the above circumstances, the objections taken by the respondents in respect of plural relief's claimed in OA and also delay in filing OA are justified and as such, this OA is rejected at admission stage.

No cost.


(DR. A.K. MISHRA)

MEMBER (A)


(M. KANTHAIAH)

MEMBER (J)

11-02-09