

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No.367 of 2011

This the 27th day of September, 2011

Hon'ble Mr. Justice Alok Kumar Singh, Member-J

Hon'ble Mr. S.P. Singh, Member-A

Anjani Kumar Dubey, Aged about 55 years, S/o Sri Sunder Lal
Dubey, R/o Village & Post Kadipur, District Pratapgarh

..... Applicant

By Advocate : Sri Garav Mehrotra

Versus.

1. Union of India through its Secretary, Ministry of Railways, New Delhi.
2. G.M. (Personnel), N.R. Baroda House, New Delhi.
3. DRM, NR., Lucknow.
4. Sr. Divisional Mechanical Engineer (O&F), N.R., Lucknow.
5. Divisional Mechanical Engineer, (C&W), N.R., Lucknow.
6. Assstt. Divisional Mechanical Engineer (Power), N.R., Lucknow.

.....Respondents.

By Advocate : Sri S. Verma.

O R D E R (Oral)

By Justice Alok K Singh, Member-J

Heard the learned counsel for the parties and perused the material on record.

2. This O.A. has been filed for directing the respondents to decide the petition/appeal preferred by the applicant under Rule 31 of the Rules, 1968 as contained in Annexure A-10 to this O.A. within such reasonable time frame as this Tribunal deems just and proper.

3. On the request of learned counsel for the parties, this O.A. is being finally disposed of at admission stage itself.

4. Learned counsel for the applicant submits that unfortunately the services of the applicant were terminated in

At

the year 2005. He, then, filed a statutory appeal, which too was rejected. Thereafter, he preferred a Revision Petition, which was also rejected in the month of January, 2006. Then, he filed a Mercy petition before the Hon'ble President of India under Rule 31 of Railway Servants (Discipline & Appeal) Rules, 1968 in the month of August, 2008, which is still pending; hence, this O.A.

5. On the last date i.e. 22.9.2011, a preliminary objection was raised that the O.A. is barred by limitation as it has been filed after a gap of three years of the mercy petition to Hon'ble President of India. In this regard, learned counsel for the applicant draws attention of the Tribunal towards certain letters dated 12.5.2010 followed by reminder/letter dated 2.8.2011 which have been brought on record by means of a Supplementary Affidavit. Besides, attention is also drawn towards letter dated 14.8.2008 (Annexure A-11) followed by letter dated 19.9.2008 (Annexure A-12). From the perusal of these letters, it appears that after submission of the appeal addressed to Hon'ble President of India, several letters/reminders have been issued from the office of General Manager (Personnel) for and/or on his behalf asking for records as well as parawise comments on the matter from the respondents. It is submitted that the applicant could lay hands on these letters only after taking shelter under Right to Information Act, as would be evident from those letters itself. On account of this reason, after collecting of the relevant material and after taking legal advice in the matter, the applicant, who was a Group 'D' employee filed the present O.A.

6. Having regard to the aforesaid facts and circumstances and also taking humanitarian aspects of the matter and keeping in view the limited prayer which has been made in this O.A., we hereby condone the delay in filing this O.A.

7. As far as merit of this O.A. is concerned, as mentioned above, the only relief which has been claimed is for issuance of direction to the respondents to decide the petition/appeal preferred under Rule 31 of the Rules (Annexure A-10) within a *reasonable time*.



8. Learned counsel for the respondents fairly submits that atleast a month's time would be required for respondent no.3 to act upon in the matter. The prayer of the applicant appears to be most innocuous and having regard to the submissions made hereinabove, we finally dispose of this O.A. with a direction to the respondents to act upon in the matter within a period of one month from the date of receipt of a certified copy of this order. No order as to costs.

S.P. Singh
27.9.11
(S.P. Singh)
Member-A

Alok Kumar Singh
27.9.11
(Justice Alok K Singh)
Member-J

Girish/-