

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

(X)

Review & Application 375 of 1991

In

Original Application No. 10 of 1990

Banwari Lal Applicant.

Versus

Union of India & Respondents.
Others

Hon'ble Mr. K. Obayya, A.M., M.C.
Hon'ble Mr. S.N. Prasad, Q.M.

(By Hon'ble Mr. K. Obayya, Member 'A')

The applicant who was working as Postman in the Postal Department, Lucknow, was proceeded departmentally resulting in his removal from service vide order dated 24.4.1968. His appeal against the punishment was rejected on 13.12.1968. Thereafter he took no further steps to agitate his case in proper forum, but represented the matter on 15.10.89. As no orders were passed on his representation, he approached the Tribunal for quashing the removal as also the appellate Orders. This was considered and the application was dismissed as barred by the time, in as much as the cause of action arose some time during 1968 and as representation dated 15.10.1989 does not save the limitation as there is no provision for any statutory Representation in disciplinary matter after the case has been disposed of under the relevant rules.

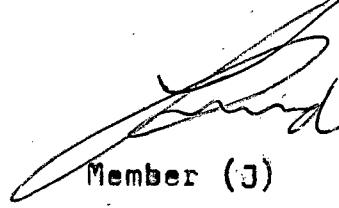
2. The learned counsel for the applicant urged before us today that the case was dismissed without an opportunity to hear the applicant and he also prays that the case deserves to be considered on mercy.

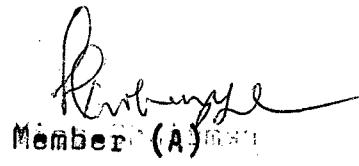
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3. We have considered his submissions. We are of the view that the scope of review is limited only for correction of errors of fact or law that are Patent without a deeper probe. The application has been dismissed on points of law in as much as the removal order was passed some time in 1968 and cannot be agitated after lapse of more than 12 years. We do not see that there is any error of fact or law in this Judgment.

4. Further the procedural rules laid down under the Act provide for consideration of the case, even in the absence of the applicant, the case can be dismissed for default or disposed of on merits. In this case, it was dismissed on point of law. The review application is therefore without any merit and accordingly it is rejected.


Member (J)


Member (A)

Lucknow, Dated 8th January, 1993

(M²)