

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Original Application No. 122/111

This, the 16th day of November, 2011

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

Hon'ble Sri S.P.Singh, Member (A)

Ganesh Prasad Verma aged about 42 years son of Jeet Lal Verma, resident of Village Sandawa Somvansiganj, Post Sahabganj, District- Pratapgarh.

Applicant.

By Advocate: Sri Rishabh Tripathi for Sri S.P.Tripathi

Versus

1. Union of India through the Secretary, Department of Railway, Govt. of India, Rail Bhawan, New Delhi.
2. General Manager, Western Region, Ahmedabad, Gujarat
3. Divisional Personnel Officer, Western Railway, Badodra, Gujarat.

Respondents.

By Advocate: Sri Rajendra Singh

ORDER (Dictated in Open Court)

By Hon'ble Mr. Justice Alok Kumar Singh , Member (J)

Heard and perused the material on record.

2. This O.A. has been filed along with condonation of delay application supported by an affidavit.

3. Applicant's case is that he was engaged as casual labour to work as Khalasi in the Western Railway at Badodra w.e.f. 23.8.1997 and worked up to 27.10.2003. Then he fell ill and also suffered some mental problem. It is further said that on 8.2.2008, when the applicant approached the opposite party No.3, he was orally told that the services of the applicant has been orally terminated.

4. As far as the point of limitation is concerned, the O.A. has been filed on 16.3.2011 i.e. after several years. The only ground is said to be illness of the applicant. In respect of illness, photo copy of a medical certificate issued by a private doctor i.e. Dr. S.R.



Yadav, MD, Consultant Physician dated 27.12.2010 has been filed. Firstly, this certificate does not disclose the district. On the top of the letter head pad, Kalpana Maternity and General Hospital, Laxmi Narayan Bhawan, Opp. Ram Sundar Yadav Vidyalyaya, Sagra Sunderpur (U.P) is mentioned. Even the registration number of the practitioner has not been authentically indicated. As far as nature of illness is concerned, it is said to be Hypertension. This certificate has been given for 21st months. Firstly, hypertension is not a serious ailment and secondly this certificate for 21 months w.e.f. 12.3.2009 to 27.12.2010 has been issued ex-post facto i.e. on 27.12.2010, which also does not appear to be genuine and bonafide. Moreover, it does not cover the entire period of limitation. It is only in respect of 21 months whereas the delay is of several years. There is no other thing on record to show any serious illness of the applicant. It is also worthwhile to mention that the alleged engagement as casual labour to work as Khalasi was at a place out side the territorial jurisdiction of this Tribunal i.e. at Badodra. It is said that the applicant resides in Pratapgarh (U.P). But the benefit of Rule 6(ii) of CAT (Procedure) Rules, 1987 is not available to him because he was only engaged as casual labour. It is not a case where one's service is so ceased by reason of retirement, dismissal or termination. Be that as it may. But as discussed above, in our opinion, there is no bonafide and genuine material on record to justify the condonation of such an inordinate delay of several years. In view of the above, M.P. No. 678/2011 for condonation of delay in filing O.A. is rejected and therefore, the O.A. is dismissed without admission. No order as to costs.

S.P. Singh
16.11.11
(S.P. Singh)
Member (A)

Alok Kumar Singh
16.11.11
(Justice Alok Kumar Singh)
Member (J)

HLS/-