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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

O.A.No. 441
T.A.No. xxx

1987
198 x

DATE OF DECISION 7-8-1987

Bhairiah Ramiah Applicant/s.

Mr.A.L.Kasturey Advocate for the Applicant/s.

Versus

Union of India Respondent/s.

- Advocate for the Respondent(s).

CORAM:

The Hon'ble Member(A) Birbal Nath
The Hon'ble Member(J) M.B.Mujumdar

1. Whether Reporters of local newspapers may be allowed to see the Judgment?
 2. To be referred to the Reporter or not ? No
 3. Whether to be circulated to all Benches? No
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

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O.A. 441/87

Bhairiah Ramiah,
Boat Builder,
College of Military Engineering,
Pune - 411 031.

... Applicant

v/s.

1. Colonel Administration,
College of Military
Engineering, P.O.
Pune - 411 031.

2. Union of India, through
The Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.

... Respondents.

Coram: Hon'ble Member(A) Birbal Nath
Hon'ble Member(J) M.B. Mujumdar

Appearance:

Mr. A.L. Kasturey
Advocate for
the applicant.

ORAL JUDGMENT

Date: 7-8-1987

(Per M.B. Mujumdar, Member(J))

Heard Mr. Kasturey, the learned Advocate,
for the applicant. The following facts are sufficient
to show why we are rejecting this application summarily.

The applicant was working as a Carpenter.
He has studied upto 5th Standard. He remained absent
from duty from 27-2-1980. Hence a departmental proceeding
was held against him. As he could not be served personally
a notice was published in some newspaper. On 16-8-1982
after obtaining a certificate from a Doctor he went to
join his duties and according to the applicant he then
learnt that his services were terminated. The Doctor's certi-
ficate which is attached as Ex. 'A' to the application

....2/-


shows that the applicant was suffering from Emotional Disturbances and mental depression, urinary Colic and Calculus since 27-2-1980 and he was advised rest upto 14-8-1982. According to the certificate the applicant was fit to join his duties from the next date i.e. 15-8-1982. Thereafter on 15-9-1982 he preferred an appeal against the order by which he was removed from service. That appeal was rejected on 4-11-1982. Against that order he did not prefer any revision. But he made representation to the President but that representation was rejected on 2-12-1983. He made second representation to the President on 23-7-1984 but that was also rejected on 22-12-1985. On 26-6-1987 the applicant has filed the present application for quashing and setting aside the order by which he was removed from service.

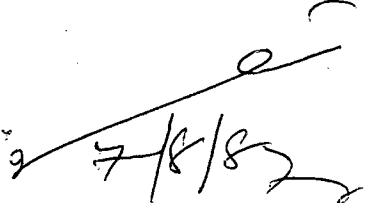
It is obvious that the applicant did not approach any Court within a reasonable time after his appeal was rejected on 4-11-1982. As already pointed out he did not prefer any revision application against that order as provided by the rules, but he made a representation to the President which was rejected on 23-7-1984. Even thereafter he did not think it proper to approach the appropriate forum. Neither the first representation nor the second representation was made according to the rules as such. Hence we are inclined to hold that the application made on 26-6-1987 is barred by limitation in view of Section 21 of the Administrative Tribunals Act, 1985.

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Moreover the applicant was not on service duty for more than 2½ years. He has not produced any papers to show that he was taking any treatment during that period. It was infact on that ground that his first representation was rejected by the President. We, therefore, reject this application summarily under Section 19(3) of the Administrative Tribunals Act, 1985.


(M.B. MUJUMDAR)
Member(J)


(BIRBAL NATH)
Member(A)