

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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O.A. No. 178/88

198

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DATE OF DECISION 25/4/1988

Shri Kamlakar Hari Kini. Petitioner

Shri H.J. Acharya. Advocate for the Petitioner(s)

Versus

Union of India, thr. the General Manager, Respondent  
Central Railway, Bombay V.T.

- Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. L.H.A. REGO, MEMBER(A)

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

*[Handwritten signature]*

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

D.A.178/88

Kamlaker Hari Kini,  
Ramratan Joshi Chawl,  
Near Post Office,  
Bhayander,  
Dist. Thane.

.. Applicant.

vs.

1. Union of India, through  
The General Manager,  
Central Railway,  
Bombay V.T.,  
BOMBAY.
2. Additional Chief Electric  
Engineer,  
Workshop,  
Central Railway,  
Matunga,  
BOMBAY.

.. Respondents.

Coram: Hon'ble Member(A) Shri L.H.A. Rego.  
Hon'ble Member(J) Shri M.B. Mujumdar.

Appearance :

Shri H.J. Acharya,  
Advocate for the  
applicant.

ORAL JUDGMENT

Date : 25/4/1988.

{ PER M.B. MUJUMDAR, MEMBER(J) }

Heard Shri Acharya, learned advocate for the applicant.

2. The applicant was appointed as a Khalasi on 1-1-1979. According to him on 1-12-1980 he was admitted at Nanavati Hospital and even after discharge from the hospital he was under treatment upto 8-12-1981. On the next date i.e. on 9-12-1981 when he went to the office for resuming his duties he was asked to bring a certificate about his sickness. He could not obtain that certificate. Though Shri Acharya stated that thereafter he was making representations both personally and through the Union he has not produced even a single copy of any of the representations. It appears that on 20th January, 1987 or there about he made a representation through Shri Madhu Deolekar, MLC, Maharashtra, to the Minister of State for Railways

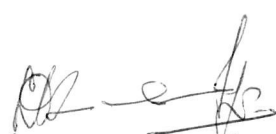
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for giving him reappointment. By his letter dtd. 12-3-1987 the Minister informed Shri Deolekar that the applicant was appointed as Temporary Khalasi on 5-1-1979 in Electrical Workshop, Matunga. After availing 13 days' leave from 1-12-1980 till 13-12-1980 he continued to remain absent in an unauthorised manner for another three months. As the applicant was a temporary employee with less than three years of service he was deemed to have resigned from railway service with effect from 4-6-1981 and hence it was difficult to consider the request of the applicant for reappointment.

3. The above letter shows that the applicant was deemed to have resigned from service with effect from 4-6-1981. In this application the applicant has challenged that order by which he is deemed to have resigned with effect from 4-6-1981.

4. After hearing Shri Acharya we think that the application is hopelessly time-barred because he is challenging an order which was passed in June, 1981 i.e. more than 4 years prior to the constitution of this Tribunal. The application is filed on 3-3-1988 i.e. more than six years after the impugned order was passed. We, therefore, reject the application summarily under section 19(3) of the Administrative Tribunals Act, 1985 read with Section 20 of the Act.

  
( L.H.A. REGO )  
MEMBER(A)

  
(M.B. MUJUMDAR )  
MEMBER(J)