

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

Original Application No.412/89.

Shri Keshav Vishnu Gore.

... Applicant

V/s.

The Secretary,
Ministry of Railway,
Rail Bhavan,
Parliament Street,
New Delhi & Another.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri P.S.Shah,
Hon'ble Member(A), Shri M.Y.Priolkar.

Oral Judgment:

[Per Shri P.S.Shah, Vice-Chairman]

Dated: 25.7.1989.

This is a Misc. Petition for condonation of delay in filing the Original Application No.412/89. The impugned order of removing the applicant from service is admittedly passed in the year 1971. In the application for condonation of delay he has given three ^{reasons} ~~grievances~~ as to why he could not agitate the matter earlier. The first is that he was under the treatment of Psychiatrist for a number of years. In support of this averment he has produced a certificate of Dr.A.K.Iqbal, Consulting Psychiatrist dated 9.2.1989, the certificate states that the applicant was under his care ^{and on} ~~on and off~~ for anxiety with depression since 1.1.78 to 79. It is further stated in the certificate that the applicant is now recovered from his illness. Even earlier he was under the treatment of Dr.D.J.Wadadekar, who has issued this a certificate dated 12.12.1975. The certificate reads that the applicant was under his treatment ^{between} ~~since~~ 1973-75 and that he is ^{the applicant} ~~now~~ referring ~~this case~~ to Dr.A.K.Iqbal for further consultation. These two certificates explain the period of 3 or 4 years. There is no explanation as to why the applicant did not challenge the order from 1971 to 73 and again after February, 1979 for a period of 10 years. He

...2.

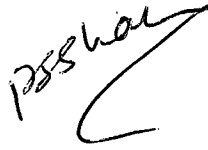
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has stated that he has approached the Union and nothing was done by the Union. This cannot be the reason for the applicant to remain silent all these years. The last ground urged is of poverty. However, we do not see why for 18 long years the applicant did not commence any legal proceedings. He could have sued as a pauper and also could have asked for legal aid. The delay of 18 years is too long a period for condonation on such grounds.

2. In the result the application fails. The application is rejected with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(P.S. SHAH)
VICE -CHAIRMAN