

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 8 SEP 1988

APPLICATION NO. 35 /88(F)

W.P. NO. _____

Applicant(s)

Shri M. Muniraju

To

1. Shri M. Muniraju
S/o Shri Munivenkatappa
Vengatala
Yelahanka Hobli
Bangalore - 560 064

2. Shri N.R. Naik
Advocate
No. 211, Sri Rama Road
2nd Block, Thyagarajanagar
Bangalore - 560 028

3. The General Manager
Southern Railway
Park Town
Madras - 600 003

4. The General Manager
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064

Respondent(s)

V/s The General Manager, Southern Railway, Madras
& 3 Ors

5. The Deputy Chief Executive Engineer (II)
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064

6. The Inspector of Works
Wheel & Axle Plant
Yelahanka
Bangalore - 560 064

7. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building
10th Cross, Cubbonpet
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 30-8-88.

*Recd
K. N. Raju Received copies
8.9.88 of copies*

Encl : As above

*CMR 8/88
S. J. S. O.C.
Advocate for applicant*

*for DEPUTY REGISTRAR
(JUDICIAL)*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE THIRTIETH DAY OF AUGUST, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN
HON'BLE SHRI L.H.A. REGO ... MEMBER (A)

APPLICATION NO. 35/88

M. Muniraju,
S/o. Munivenkatappa,
Hindu Major,
@ Vengatala,
Yelahanka Hobli,
Bangalore - 560 064.

Applicant

(Shri N.R. Naik.....Advocate)

Vs.

1. Union of India
represented by the
General Manager,
Southern Railway,
Park Town,
Madras.
2. The General Manager,
Wheel & Axle Plant,
Yelahanka,
Bangalore - 560 064.
3. The Deputy Chief Executive Engineer(II)
Wheel & Axle Plant,
Yelahanka,
Bangalore- 560 064.
4. The Inspector of Works,
Wheel & Axle Plant,
Yelahanka,
Bangalore - 560 064.

Respondents

(Shri M. Sreerangaiah.....Advocate)


This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, Vice-Chairman, made the following :-

O R D E R

This is an application made by the applicant

under Section 19 of the Administrative Tribunals Act, 1985(Act).

2. Shri M. Muniraju, the applicant before us, was working as a casual labour Khalasi from 1979 in the Project Construction of the Wheel and Axle Plant, Yelahanka(Plant) an unit of the Indian Railways. The applicant claims that he has been illegally terminated from 11.2.1984. On this basis, the applicant has approached this Tribunal on 5-1-1988 for appropriate directions.

3. In making this application, there is a delay more 1054 days, if limitation is computed from the date of his alleged termination.

4. In I.A. No.1 filed under section 21(3) of the Act, the applicant has sought for condoning the said delay.

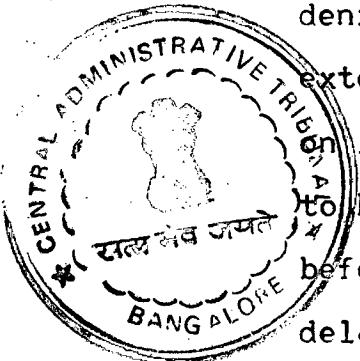
5. In their reply to the main application and I.A. No.1, the respondents have asserted that the applicant was arrested on or about 5-2-1984 for an alleged offence under the Railway Property (Unlawful Possession) Act, 1966 (1966 Act) and thereafter he had voluntarily ceased to work.

6. Shri N.R. Naik, learned counsel for the applicant, contends that the services of the applicant had been terminated by the respondents without a cause and without conforming to the requirements of the Railway Servants(Discipline and Appeal) Rules, 1968, and the principles of natural justice and, therefore, this is a fit in which we should allow

I.A.No.1, condone the delay and direct the respondents to reinstate the applicant to services with all the consequential relief. Flowing from the same.

7. Shri M. Sreerangaih, learned counsel for the respondents, refuting the contention of Shri Naik, contends that the applicant had not made out a sufficient cause for condoning the delay and even if the delay of 1054 days is condoned, then also there were not grounds to interfere with the action of the authorities at this belated stage.

8. In his application, the applicant has asserted that his service had been terminated from 11.2.1984. In one of his earliest representations also made as early as on 26-10-1984 (Annexure A) the applicant has stated that he had not been taken to duty from 11-2-1984. On this date from which the applicant had ceased to work either voluntarily or otherwise, there is no dispute between the parties. If that is so, then the limitation for this application under the Act should be computed from 11.2.1984. Any representations made by the applicant the receipt of which is denied by the respondents, will not in any way extend the period of limitation which had commenced on 11-2-1984. When so computed this application to be in time, should have been presented on or before 10-2-1985. From this it follows there is delay of 1054 days in filing this application.



9. We have carefully perused the averments made by the applicant in his affidavit in support of I.A.No.1. We notice that everyone of the reason set out in the affidavit are vague and general and not constitute a sufficient ground for condoning the delay of 1054 days. On this view, I.A.No.1 is liable to be rejected.

10. When once we hold that I.A.No.1 is liable to be rejected, then the main application is also liable to be rejected without examining the merits. But we do not propose to do so and proceed to examine the merits also.

11. In their reply, the respondents have stated that on his arrest for an alleged offence under the 1966 Act, the applicant had voluntarily failed to report for duty. The reply filed by the respondents has been verified by the Deputy Chief Engineer, a responsible officer of the Plant. We have no reason to disbelieve this statement of the respondents. Even otherwise, the records placed before us establish this plea of the respondents. From this it follows, that the applicant had voluntarily ceased to work from 11-2-1984. If that is so, then it is idle to contend that he had been illegally terminated by the respondents. We see no merit in the claim of the applicant. On this finding this is a fit case in which we should decline to assist the applicant.

11. On any view this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-

(K.S.PUTTASWAMY)
VICE-CHAIRMAN

Sd/-

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

TRUE COPY



[Signature]
for DEPUTY REGISTRAR (J.D.)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE