

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

ORDER SHEET

Application No. 11029 of 1988 (F)

Applicant

M. N. Sevener - vs -

St. Div. Mechanical Engineer, S. C. Rly, & amr.

Advocate for Applicant

Advocate for Respondent

Sh. R. v. Coulay &
Sh. Chandra Kant Coulay.

Date

Office Notes

Orders of Tribunal

KSPVC/PSM(A)
11.8.98.

For certain misconduct, departmental inquiry was held against the applicant and charges levelled against him were held proved. By order dated 15-11-1983, punishment of removal from service was imposed and communicated to the applicant. In this application filed on 22-7-88, the applicant has prayed that the said order removing him from service be quashed.

Perused the office objections and heard Shri R.U. Goulay. He prays for two weeks time to file an application for condonation of delay. Prayer granted.

Call on 26.8.1988. *

0.1 11/8

$m(A)$

It appears that when the appeal of the applicant against the order removing him from service was pending before the appellate authority, there was a fresh order dated 12-4-1984 re-appointing him in the railways. In this application, the applicant is also seeking quashing of the said order of re-appointment dated 12-4-1984.

For the respondents. This case
is linked with A.R.O. 387 of 1983
(E).

(E)

At our discretion ~~8th~~ 11-6-2
takes notice of 42 respondents -
both sides ready for a
short adjournment. Not the
case on 29. 10. 1988. along with
1-7-89. 367 of 1988 for final hearing -
1-7-89. 367 of 1988 for final hearing -

It appears that after he was re-appointed, again for certain alleged misconduct, inquiry was held against the applicant and an order removing him from service was passed on 5-1-1987. That order was questioned before this Tribunal in application No.642/87. That application was disposed of by a Division Bench of this Tribunal directing the appellate authority before whom the order of removal was appealed to dispose of the appeal expeditiously. The appeal was heard and was disposed of confirming the order of removal. That order of removal is now challenged again before this Tribunal in application No.367/88 which is still pending.

As noted above in the first two paragraphs, the two orders that are questioned in this application are dated 15-11-1983 and 12-4-1984. Both these were passed before this Tribunal was established. According to section 21(2) of the Administrative Tribunals Act, 1985, the application ought to have been filed within one year from the respective dates.

Date	Office Notes	Orders of Tribunal
	<p>2 years 2 months</p> <p>or within six months from the date on which this Tribunal was established whichever is later. Thus, against the impugned order, the applicant ought to have filed the application on or before 1st May 1986. The application is filed on 22-7-1988. There is, thus, a delay of two years two months and 21 days in filing the application. The applicant has not filed any independent application, but in paragraph 6(e) of the application, the applicant had set out grounds and has pleaded for condonation of delay.</p> <p>The application is otherwise in order. It is directed to be registered. Application be posted before the Bench on 11-8-88, to hear the question of limitation, preliminary hearing and admission.</p> <p><i>VENKATESH RATTI</i> (VENKATESH RATTI) REGISTRAR</p> <p>J. P.O's are removed.</p> <p><u>IAI for Condonation of delay in filing</u></p> <p>The counsel for the Applicant has filed an IAI for Condonation of delay in filing Application for the reasons stated in the IAI it is prayed that this Hon'ble Tribunal may</p>	

In the Central Administrative
Tribunal Bangalore Bench,
Bangalore

A 1109/88

Order Sheet (contd)

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Date	Office Notes	Orders of Tribunal
	<p>Be pleased to condone the delay in filing the H.P.M.</p> <p>Post & get few orders before Bench.</p> <p>8/10/88</p>	
25/10/88	<p>Disposed of vide order in A 367/88</p> <p>P.D.D B C.O C.H.R</p> <p>Order dated 25-10-88 issued to all the parties concerned & a copy of the same added to the file.</p> <p>K. Rajan</p>	