

Tribunal's Order

Dated: 23.11.1992

On 17.2.1989 he was dismissed from service. He preferred an appeal which was rejected on 28.3.1989. Again on 4.4.1989 he preferred another appeal. It was also disposed of on 17.7.1989 stating that his appeal was already disposed of and if he chooses he may file a revision application. Then he preferred a review on 19.7.1989 which was disposed of on 22.2.90. Again he preferred a mercy appeal on 17.4.90 which was rejected on 29.1.1991. On 29.1.91 he addressed another letter filing a second mercy appeal which was also rejected on 30.11.1991.

2. The learned counsel has not placed before us any material to show that a mercy petition and a mercy appeal lie as a statutory remedy. Taking the dismissal of the revision petition as the final order which is dated 22.2.90 within the meaning of Section 20 of Act 13 of 85 there is a delay of about 2 years in filing the main OA.

3. If the mercy appeal is also taken into consideration the delay is about one year.

4. However, we are not satisfied with the reasoning given by the applicant that he is illiterate and could not file an appeal within time. This Tribunal cannot be indulgent when a person dismissed from service chooses to keep silent almost two years to come to the Tribunal while he is capable of writing so many petitions to the Railway authorities. Obviously, we are not impressed by the reasons given in the delay condonation petition. We are not inclined to condone the delay.

The petition for condonation of delay is dismissed with no order as to costs.

U. Savara
(MS. USHA SAVARA)
MEMBER (A)

23.11.92